

Guilford County Board of Education  
Policy

Descriptor Term: <b>REDUCTION IN FORCE - LICENSED EMPLOYEES</b>		Descriptor Code: <b>GBKAA</b>
Presented to Board: <b>June 30, 1994</b> January 28, 2010 (Revisions) Second Reading March 9, 2010	Adopted by Board: <b>July 13, 1994</b>	Revised by Board: <b>December 12, 1995</b>

The Guilford County Board of Education recognizes that circumstances can occur that may necessitate a reduction in the number of licensed employees who are employed either via the Teacher Tenure Act (G.S. 115C-325) or related statutes. The Superintendent has the responsibility by contract and statute to organize personnel. When fiscal, organizational or other considerations make it advisable to reduce the positions or hours of employment of licensed personnel, the Superintendent shall follow this policy and related procedure to do so.

**I. Basis for Reduction in Force.**

In accordance with the requirements and procedures of G.S. 115C-325, a reduction in force may be implemented for "career employees" as defined by G.S. 115C-325 when the Superintendent, upon approval of the Board, determines that circumstances exist such that a decrease in the number of employee positions should occur as a result of district reorganization, decreased enrollment or decreased funding.

- a. The term "career employee" for purposes of this policy means:(1) an employee who has obtained career status with the Board as a teacher as provided in G.S.115-325(c); (2) an employee who has obtained career status with the Board in an administrative position as provided in G.S. 115C-325(d)(2); (3) a probationary teacher during the term of his/her contract as provided in G.S. 115C-325(m) and (4) a school administrator during the term of his/her school administrator contract as provided in G.S. 115C-287.1(c).

The term "district reorganization" for purposes of this policy includes:

- a. Declining enrollment, financial exigency, or other cause(s) warrant closing, consolidation or reorganization of schools, school buildings or facilities, departments and/or offices and the number of existing career employees exceeds the number required to staff the school, school buildings or facility, department or office as reorganized; or
- b. Any elimination, curtailment, or reorganization of a curriculum offering, program or school operation or a reorganization or consolidation of two or more individual school districts that is unrelated to financial exigency.

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- c. "Decreased enrollment" for purposes of this policy includes situations where the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the state or any other funding source; or when the enrollment or projected enrollment for the next succeeding school year of a curriculum offering, program or school operation is inadequate to justify continuation of the course, program or operation.
- d. "Decreased funding" for purposes of this policy includes any significant decline in the Board of Education's financial resources that is brought about by a decline in enrollment or by other actions or events that compel a change in the school system's current operational budget; or any significant decrease or elimination in funding for a particular curricular offering, program or school operation; or any insufficiency in funding that would render the Board unable to continue existing courses, programs or operations at current levels.

**II. Reduction in Force Determination.**

The Superintendent shall determine whether or not a reduction in force is necessary, appropriate and in the best interests of the school system. The proposed reduction may occur on a system-wide, department, program, service or school basis, or otherwise.

When the Superintendent believes that grounds exist for a reduction in force, the Superintendent shall present a general recommendation to the Board of Education. The recommendation shall include:

- a. The general basis for a proposed reduction in force;
- b. The number or estimated number of career employees to be reduced by area(s) of certification and/or program responsibility; and
- c. The applicable general background information and rationale for the recommendation.

The Board of Education shall review and act on the Superintendent's recommendation. In addition, if the Board determines that the total number of career employees is to be reduced, the Board, upon the Superintendent's recommendation, shall review and authorize the criteria to be utilized by the Superintendent and his/her designees in selecting career employees for termination as part of an involuntary reduction in the Board of Education's workforce.

The Superintendent shall select the specific individuals to be terminated, demoted and/or reclassified in connection with the reduction in force utilizing the criteria approved by the Board; provided, however, the Superintendent may determine that special or

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exceptional circumstances exist that would warrant limited exceptions to the application of such criteria to specific individuals, consistent with Board Policy, state and federal law (i.e., such as the desire to retain employees specifically qualified and/or necessary to complete or continue a program/project or to sponsor or coach an extracurricular activity, or other special circumstances).

**III. General Criteria for Selection.**

As a general rule, the selection of career employees for reduction will be made taking into account the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. In addition, any one or more of the following criteria may be considered in selecting career employees for termination as part of an involuntary reduction:

- a. Structural considerations, such as identifying positions, departments, courses, programs, operations and other areas where there are: (i) less-essential, duplicative or excess personnel; (ii) job responsibility and/or position inefficiencies; (iii) opportunities for combined work functions; and/or (iv) decreased student or other demands for curriculum, programs, operations or other services.
- b. Organizational considerations, such as future organizational needs of the school system and program/school enrollment.
- c. Performance considerations, such as management's determination as to an employee's recent performance, employee performance ratings and/or evaluations over the last three (3) years, and any other performance related documentation and/or disciplinary action over the last three (3) years.
- d. Skill/ability considerations, such as leadership, future potential, flexibility, job history, job related skills, experience, education, service in extra duty positions and ability to fill such positions, training, cross-training, degree level, licensure status, and joint certifications/licensure.
- e. Length of service (with higher priority given to service with the Board of Education). Approved leaves of absence will not be considered as a break in service; however, the leave time is not counted as part of total continuous service.
- f. Such other criteria as determined by the Board, including criteria based on recommendations and advice from the Superintendent.

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**IV. Procedure for Termination/Demotion/Reclassification.**

The procedure for termination, demotion or reclassification to part-time status of any career employee due to a reduction in force shall be governed by the requirements of G.S. 115C-325, if and as applicable.

**V. Termination/Reemployment of a Career Employee.**

When a career employee is dismissed in accordance with this policy, his/her name shall be placed on a list of available employees to be maintained by the Board. Career employees whose names are placed on such a list shall have priority on all positions for which they are qualified that become available in the school district for the three consecutive years succeeding their dismissal. If the Board offers the dismissed career employee a position for which he/she is certified and he/she refuses it, his/her name shall be removed from the priority list.

**VI. Nonrenewal of an Employee.**

The Board, upon recommendation of the Superintendent, may refuse to renew the contract of a school administrator or probationary teacher or to reemploy any school administrator or teacher who is not under contract for any cause it deems sufficient, subject to the requirements of G.S. 115C-287.1 and 115C-325(m)(2). In such cases, the procedures set forth in this policy shall not apply and need not be followed before the Board's decision not to renew or reemploy such employee.

The above reduction in force guidelines and procedures are not intended to be, nor do they constitute, an express or implied contract of any kind in favor of employees, nor shall any employee or applicant for employment have any contractual rights, claims or privileges against the Board of Education by virtue of this policy. Nothing in this policy shall be interpreted to provide any employee with a right to continuing employment for any fixed period of time, and nothing in this policy is intended to create any type of agreement for employment or continued employment or guarantee of compensation or hours of work.

Legal Reference: G.S. 115C-325