**REDUCTION IN FORCE** *Policy Code:* **7920**

The purpose of this policy is to establish an orderly procedure for a reduction in force. This policy applies to teachers and school administrators, as defined in the relevant statutes, during the terms of their contracts. A reduction in force among any other employees will be accomplished in accordance with policy 7921, Classified Personnel Reduction, or, as applicable, in accordance with any conflicting terms of an individual employee’s contract.

1. **Grounds for Reduction in Force**

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions held by employees to whom this policy applies.

* 1. Reorganization

Reorganization is defined as the elimination, curtailment, or reorganization of a curriculum offering or program.

* 1. Declining Enrollment

Declining enrollment exists (a) when 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 (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

* 1. Financial Exigency

Financial exigency means (a) any significant decline in the board’s financial resources that compels a reduction in the school’s current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

1. **Preliminary Determination**
2. The executive director shall determine whether or not a reduction in force for employees subject to this policy is necessary, appropriate, or in the best interests of the school.
3. If the executive director decides to recommend to the board a reduction in force, he or she shall first determine which positions shall be subject to the reduction. In making that determination, the executive director shall account for both:
4. structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (1) less essential, duplicative, or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations, or other services; and
5. organizational considerations, such as anticipated organizational needs of the school and program/school enrollment.
6. The executive director shall then present a recommendation to the board. The recommendation must include:
   1. the grounds for a reduction in force;
   2. the positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and
   3. the background information, data, and rationale for the recommendation.
7. The board will review the executive director’s recommendation and will determine whether to reduce the number of employees or to reduce their terms of employment.
8. If the board, after exploring, considering, and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of employees subject to this policy is necessary, the executive director shall recommend to the board which individuals are to be dismissed, demoted, or reduced to part-time employment, based on the criteria set forth below.
9. **Criteria**

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school. The executive director shall consider a variety of factors in determining which employees will be included in the reduction in force, including the following:

1. work performance and evaluation ratings;
2. areas of licensure;
3. highly qualified status;
4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school; and
7. degree level.

The executive director shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

1. **Procedure for Termination**

The board will consider the executive director’s recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325.6 will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any teacher or administrator (as defined in G.S. 115C-325.1) is terminated, demoted, or reduced to part-time employment due to a reduction in force.

1. **Nonrenewal of an Employee**

The board, upon recommendation of the executive director, may refuse to renew the contract of a teacher; to offer a new, renewed, or extended contract to a school administrator; or to reemploy any teacher who is not under contract for any cause it deems sufficient (see policy 7950, Non-Career Status Teachers: Nonrenewal). A decision (1) not to renew a teacher’s contract, (2) not to renew, extend, or offer a new contract to a school administrator, or (3) to not reemploy any teacher who is not under contract is not considered a “termination” under this policy. In such circumstances the procedures set forth in this policy are not required to be followed before the board’s decision.

Legal References: G.S. 115C-287.1, -325 (applicable to career status teachers), -325.4, -325.6 to -325.9 (applicable to non-career status teachers)

Cross References: Non-Career Status Teachers: Nonrenewal (policy 7950)

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