

This Reduction in Force Plan relates to teachers and school counselors and is recommended pursuant to Board of Education Policy 3 – 21 and authorized under North Carolina General Statutes 115C-325 (e)(2). This document provides the reason that a RIF is required and the criteria to use in eliminating positions.

### **Statutory and Policy Authority for Reductions in Force (RIF)**

#### **§ 115C-325. System of employment for public school teachers.**

NCGS 115C-325(e)(2) provides as follows “*Reduction in Force. – Before recommending to a board the dismissal or demotion of the career employee pursuant to G.S. 115C-325(e)(1)l., the superintendent shall give written notice to the career employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the career employee within 15 days after receipt of the notice requests a review, he shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career employee may file with the superintendent a written request for a hearing before the board within 10 days. If the career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit a hearing by a case manager shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l...*”

#### **Board of Education Policy 3-21 Reduction in Force**

**Policy 3 – 21** requires that with respect to certified, professional employees (which includes, but is not limited to teachers with career status, probationary teachers during the terms of their contracts, School Counselors and Principals and Assistant Principals during the terms of their contracts), the Superintendent make a recommendation to the Board regarding the need for a reduction in force and the criteria to be used in the reduction.

### **Basis for a Reduction in Force**

A reduction in force of teachers and school counselors is necessary due to the reduction in funding, both from the State and County, for the 2009 – 2010 academic year. Board of Education Policy 3 – 21 A.4. provides as follows:

*“Decreased funding shall mean any significant decline in the Board's financial resources that is brought about by the 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 program; or any insufficiency in funding that would render the Board unable to continue existing programs at current levels.”*

As addressed in my communication to the Board of Education, dated June 11, 2009, other cost saving efforts have been and will continue to be explored and implemented, where appropriate. Such efforts have included the reduction in non-instructional staff at all levels, including Cabinet staff, and in all divisions. Additionally, we have eliminated positions through attrition. That being said, it may be inevitable that teaching and school counseling positions will need to be eliminated.

**Proposed Criteria for Career and  
Non-Career (during a contract term) Teacher  
and School Counselor Reductions**

While I do not have an estimate on the number of teaching or school counseling positions that will need to be eliminated, based on current funding projections, as soon as more information becomes available I will provide updated information to the Board. Therefore, staff that is not reduced under this plan initially, may be considered for reduction as the economic conditions develop. Additionally, the current procedures for termination pursuant to N.C.G.S. 115C-325(e)(1) remain in full force and effect and will be exercised where appropriate.

Except as indicated in the special categories set forth below, any Career teacher, Non-Career teacher (1 - 4 years teaching and under a current contract) or School Counselor will be reduced if that staff member has received a summative evaluation for the 2008 - 2009 academic year with any below standard rating. If that criteria does not sufficiently reduce positions, any staff member who has received more than one below standard rating on any function during multiple observations in the 2008 - 2009 academic year will be reduced. The Superintendent, after consulting with the Assistant Superintendent for Human Resources, reserves the right to reject a particular evaluative document if the document, or process used in the development of the document, is not compliant with state law or Board of Education Policy.

If at either stage, the number of staff identified for RIF exceeds the number of positions that need to be eliminated, the eligible staff will be reduced according to seniority. Seniority shall be based on length of most recent continuous, full-time service as a teacher or school counselor beginning with the most recent first day of work with UCPS. Approved leaves of absence are not considered a break in service.

Subject Area teachers, including special area teachers and Middle and High School teachers, will be identified for dismissal as subject areas have been identified. For example, if, after review of projections, there is an excess of Middle School Math teachers, the above enumerated process will be completed for teachers so certified. An exception will be made providing that dually licensed staff will be considered for placement in another licensure area, where spaces are available.

Additionally, staff members who have been identified by the Superintendent, after consultation with the Assistant Superintendent for Human Resources, as having a particular skill, expertise or duty which is not readily available in the general population of teachers or counselors and is necessary for the efficient operation of a program or school, will be exempted for the above identified criteria for reduction.

**Eligibility for Rehire**

N.C.G.S. 115C-325(e)(2) continues to say, the following:

*When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l. above, his name shall be placed on a list of available career employees to be maintained by the board. Career employees whose names are placed on such a list shall have a priority on all positions in which they acquired career status and for which they are qualified which become available in that system for the three consecutive years succeeding their dismissal. However, if the local school administrative unit offers the dismissed career employee a position for which he is certified and he refuses it, his name shall be removed from the priority list.”*

The Assistant Superintendent for Human Resources shall maintain a list of career employees reduced under this plan for three (3) years. As positions become available, for which the former employee is qualified, an opportunity to return to UCPS will be provided. If the former employee declines said offer, his/her name will be removed from the list.

This plan is respectfully submitted for the review and approval by the Union County Board of Education on the 23<sup>rd</sup> day of June, 2009.

By:



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Dr. Ed Davis, Superintendent