

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35033-MK-35A (01/13)

Short Title: Performance-Based RIF/School Policy. (Public)

Sponsors: Senators Barefoot and Soucek (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT LOCAL BOARDS OF EDUCATION ADOPT
3 PERFORMANCE-BASED REDUCTION IN FORCE POLICIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 115C-325.4 is amended by adding a new subsection to read:

6 "(c) Local boards of education shall adopt a policy for implementing a reduction in force
7 pursuant to subdivision (a)(15) of this section that includes the following criteria:

8 (1) In determining which positions shall be subject to a reduction, a local school
9 administrative unit shall consider the following:

10 a. Structural considerations, such as identifying positions, departments,
11 courses, programs, operations, and other areas where there are (i) less
12 essential, duplicative, or excess personnel; (ii) job responsibility and
13 position inefficiencies; (iii) opportunities for combined work
14 functions; and (iv) decreased student or other demands for
15 curriculum, programs, operations, or other services.

16 b. Organizational considerations, such as anticipated organizational
17 needs of the school system and program or school enrollment.

18 (2) In identifying which teachers in similar positions shall be subject to a
19 dismissal, demotion, or reduction to employment on a part-time basis under
20 the policy, a local school administrative unit shall consider work
21 performance and teacher evaluations."

22 **SECTION 2.** G.S. 115C-325(e)(2) reads as rewritten:

23 "(2) Reduction in Force. –

24 a. A local board of education shall adopt a policy for implementing a
25 reduction in force pursuant to sub-subdivision (e)(1)l. of this section
26 that includes the following criteria:

27 1. In determining which positions shall be subject to a reduction,
28 a local school administrative unit shall consider the
29 following:

30 I. Structural considerations, such as identifying
31 positions, departments, courses, programs, operations,
32 and other areas where there are (i) less essential,
33 duplicative, or excess personnel; (ii) job responsibility
34 and position inefficiencies; (iii) opportunities for
35 combined work functions; and (iv) decreased student



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or other demands for curriculum, programs, operations, or other services.

II. Organizational considerations, such as anticipated organizational needs of the school system and program or school enrollment.

2. In identifying which teachers in similar positions shall be subject to a dismissal, demotion, or reduction to employment on a part-time basis under the policy, a local school administrative unit shall consider work performance and teacher evaluations.

b. 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 or her recommendation the grounds upon which he or she 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 or she 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 or her 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 hearing officer shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)l.

When a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l., above, his or her name shall be placed on a list of available career employees to be maintained by the board."

SECTION 3. Effective June 30, 2018, G.S. 115C-325(e)(2), as amended by this act, is repealed.

SECTION 4. This act is effective when it becomes law.