GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2015

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

Short Title: Po	erformance-Based RIF	School Policy.	(Public)	
Sponsors: Senators Barefoot and Soucek (Primary Sponsors).				
Referred to:				
	A BII	LL TO BE ENTITLED		
	-	LOCAL BOARDS OF EDUCAT	TON ADOPT	
PERFORMANCE-BASED REDUCTION IN FORCE POLICIES. The General Assembly of North Carolina enacts:				
SECTION 1. G.S. 115C-325.4 is amended by adding a new subsection to read:				
"(c) Local boards of education shall adopt a policy for implementing a reduction in force				
pursuant to subd	vision (a)(15) of this s	ection that includes the following criteria	<u>:</u>	
<u>(1)</u>	In determining which	h positions shall be subject to a reduction	, a local school	
	administrative unit shall consider the following:			
		nsiderations, such as identifying position	•	
		rams, operations, and other areas where the		
		plicative, or excess personnel; (ii) job res		
	-	fficiencies; (iii) opportunities for co		
	<u>functions;</u> a		demands for	
	<u>-</u>	orograms, operations, or other services.	1	
		al considerations, such as anticipated		
(2)	· · · · · · · · · · · · · · · · · · ·	school system and program or school enro		
<u>(2)</u>		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 tead		zonsider work	
SEC'	-	25(e)(2) reads as rewritten:		
"(2)	Reduction in Force.			
()		d of education shall adopt a policy for i	mplementing a	
		force pursuant to sub-subdivision (e)(1)l.		
		the following criteria:	_	
	1. In det	ermining which positions shall be subject	to a reduction,	
	<u>a loc</u>	cal school administrative unit shall	consider the	
	following:			
	<u>I.</u>	Structural considerations, such a	s identifying	
		positions, departments, courses, program		
		and other areas where there are (i)		
		duplicative, or excess personnel; (ii) jol		
		and position inefficiencies; (iii) op	-	
		combined work functions; and (iv) dec	creased student	



1		or other demands for curriculum, programs,
2		operations, or other services.
3		II. Organizational considerations, such as anticipated
4		organizational needs of the school system and
5		program or school enrollment.
6	<u>2.</u>	In identifying which teachers in similar positions shall be
7		subject to a dismissal, demotion, or reduction to employment
8		on a part-time basis under the policy, a local school
9		administrative unit shall consider work performance and
10		teacher evaluations.
11	<u>b.</u> Befo	ore recommending to a board the dismissal or demotion of the
12	care	_
13		erintendent shall give written notice to the career employee by
14	1	ified mail or personal delivery of his intention to make such
15		ommendation and shall set forth as part of his or her
16		ommendation the grounds upon which he or she believes such
17		nissal or demotion is justified. The notice shall include a
18		ement to the effect that if the career employee within 15 days
19		r receipt of the notice requests a review, he or she shall be
20		tled to have the proposed recommendations of the superintendent
21		lewed by the board. Within the 15-day period after receipt of the
22		ice, the career employee may file with the superintendent a
23		tten request for a hearing before the board within 10 days. If the
24		eer employee requests a hearing before the board, the hearing
25		cedures provided in G.S. 115C-325(j3) shall be followed. If no
26	<u>-</u>	uest is made within the 15-day period, the superintendent may file
27	-	or her recommendation with the board. If, after considering the
28		ommendation of the superintendent and the evidence adduced at
29		hearing if there is one, the board concludes that the grounds for
30		recommendation are true and substantiated by a preponderance of
31		evidence, the board, if it sees fit, may by resolution order such
32		nissal. Provisions of this section which permit a hearing by a
33		ring officer shall not apply to a dismissal or demotion
34		ommended pursuant to G.S. 115C-325(e)(1)l.
35		a career employee is dismissed pursuant to G.S. 115C-325(e)(1)l.,
36		or her name shall be placed on a list of available career employees
37		ained by the board."
38		fective June 30, 2018, G.S. 115C-325(e)(2), as amended by this
39	act, is repealed.	
40		s act is effective when it becomes law.