

7.4400 EMPLOYEE TERMINATION

Legal References: G.S. 90 art. 5,143 art. 60
 G.S. 115C-287.1, -307, -325
 16 N.C.A.C. 6C .0502

Cross References: 7.3900 EMPLOYEE EVALUATION

The Board recognizes that an effective professional and classified staff is critical to the smooth operations of the school and to creating a learning environment where students are able to succeed. When an employee is unable or unwilling to meet performance expectations, the Board shall consider whether or not termination is appropriate.

I. EMPLOYMENT STATUS

All Falls Lake Academy staff members are employees of Falls Lake Academy, Inc. Falls Lake Academy, Inc. is an "at-will" employer. As such, either Falls Lake Academy, Inc. or the employee may terminate the employment relationship at any time for any reason. Acceptance and signing of employment contracts in no way abrogates or modifies this at-will nature of the employee's employment status with Falls Lake Academy, Inc.

II. REASONS FOR TERMINATION

A. Statutory: All legal procedures and contractual provisions, including those prescribed in G.S. 115C-325(e)(1), shall be followed in the termination of employees. This section of the statute specifies that employees may be terminated for the following reasons:

- Inadequate performance.
- Immorality.
- Physical or mental incapacity.
- Habitual or excessive use of alcohol or non-medical use of a controlled substance.
- Conviction of a felony or crime involving moral turpitude.
- Advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means.
- Failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes. [As applicable to FLA teachers, as defined by the Board.]
- Failure to comply with such reasonable requirements as the Board may prescribe.
- Any cause that constitutes grounds for the revocation of a teacher's teaching certificate. [Licensed personnel only.]
- A justifiable decrease in the number of positions due to school reorganization or decreased enrollment.
- Failure to maintain one's certificate in current status. [Licensed personnel only.]
- Failure to repay money owed to the state in accordance with the provisions of GS Art 60 ch 143.
- Providing false information or knowingly omitting a material fact on an employment application or in response to a pre-employment inquiry.
- Insubordination.
- Neglect of duty.

B. Inadequate Performance: All supervising evaluators shall comply with policy 7.3900 EMPLOYEE EVALUATION. They shall provide the FLA chief administrator with carefully-documented evidence concerning a staff member's inadequacies and/or lack of competencies when such deficiencies and/or lack of competencies have led to the recommendation of termination. These documents shall also show

ways in which the supervising evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, termination may be pursued regardless of whether the supervising evaluator has met these expectations, so long as the legal grounds for seeking such termination can be sufficiently demonstrated.

C. Other Reasons: In keeping with all employees' "at-will" employment status, any employee may be dismissed at any time by action of the Board, for any reason(s) the Board can agree upon.

III. TERMINATION PROCEDURES

All termination actions against FLA employees shall require specific Board action according to the following steps:

1. Recommendation of the FLA chief administrator or one or more members of the Board to consider termination of a specific employee for a reason or reasons to be discussed with and considered by the full Board.
2. Convening of the full FLA Board of Directors in a regular or called meeting.
3. Board vote to move into closed session for the purpose of considering personnel matters.
4. Thorough confidential discussion of the recommendation brought by the FLA chief administrator and/or one or more members of the Board to terminate an employee.
5. Board vote to move back into open session.

If the closed-session discussion yields no consensus to move for termination, no further steps are to be taken. If, however, the closed-session discussion yields a consensus among Board members to move for termination, or if one or more Board members maintain a strong conviction that such action is still necessary, even in the absence of consensus, then the following additional steps shall be taken once the Board returns to open session:

6. The Board chair shall entertain a motion to terminate.
7. If/when such a motion is properly made and seconded, the Board shall vote.

Termination of an employee shall require a two-thirds majority vote of the Board. If the motion fails, no further action shall be taken. If, however, the motion to terminate passes, these final additional steps shall be taken:

8. The Board Secretary shall draft a letter to the employee stating the Board's decision and outlining in as brief and concise a manner as possible the reason(s) for such action and the timeline in which the employee's termination is to become effective. The letter shall be signed by the Board Chair.
9. The letter shall be delivered personally to the terminated employee by the FLA chief administrator if the employee is still physically present. [In the case of the terminated employee being the FLA chief administrator, the letter shall be delivered personally by the Board Chair.] If not, it shall be mailed via certified mail.