

Instructional Staff Reduction in Force

A justifiable reduction in the number of teaching positions occurs when the Board determines that a fiscal exigency exists and/or program change is to be made that requires cancellation of one or more teacher contracts. In the event of a potential reduction in force, the following policy and accompanying regulation shall apply and any cancellation of a teacher's employment contract shall be in accordance with this policy and accompanying regulation. This policy and accompanying regulation shall not apply to teacher dismissals, nonrenewals or other personnel actions that do not result in a reduction in the number of teaching positions in the district.

Definitions

For purposes of the policy and accompanying regulation, the following definitions shall apply.

1. "Cancellation of employment" means the cessation of employment of a teacher during the term of the teacher's contract when there is a justifiable reduction in the number of teaching positions in the school district for reasons of fiscal exigency and/or program change.
2. "Teacher" means any person who is defined as a teacher under the Teacher Employment, Compensation, and Dismissal Act of 1990, C.R.S. 22-63-101 et seq. "Teacher" means any person who is regularly certified or licensed by the teacher certifying authority for the state of Colorado and who is employed to instruct, direct or supervise the instructional program, except those persons holding letters of authorization.
3. "Fiscal exigency" means any significant decline in the Board of Education's ability to fund the operations of the district. as a result of a decline in student enrollment, restrictions on revenues, increased costs or any other action, event or condition that may cause the district's current or projected budget to be insufficient to adequately meet the district's current or projected needs. A fiscal exigency may exist based solely upon current revenue and expenditure projections.
4. "Program change" means any elimination, curtailment or reorganization of curriculum, program or school operation, or a reorganization of curriculum, program or operation, or a reorganization or consolidation of two or more individual schools. A program change need not be caused by fiscal exigency.
5. "Day" means each calendar day; provided, however, that if the deadline for any action under this policy or accompanying regulation falls on a Saturday, Sunday or official school holiday, the next following day that is not a Saturday, Sunday or official school holiday shall be the deadline for such action. every day including Saturdays, Sundays and teacher workdays, but it does not include official school holidays such as Thanksgiving and Christmas.

Board of Education's Preliminary determination and statement

If the Board determines a fiscal exigency exists and/or program change is to be made and such determination may require the cancellation of employment of one or more teachers, it shall adopt a statement that reasonably identifies the fiscal exigency and/or program change and reasons therefor. This statement shall be transmitted to the superintendent and made available to district faculty. The Board shall establish the actual number of teacher contracts to be canceled or the amount of teacher salaries and benefits to be reduced consistent with the Board's authority to establish educational programs within the district

Superintendent's Action.

Within 20 days after receiving the statement from the Board, the superintendent shall submit to the Board recommendations for cancelling the employment of particular teachers. In making this recommendations, the superintendent shall not be limited to considering only the teachers in the areas or program designated by the Board in its adopted initial statements.

The superintendent may shall consider the following as significant factors in recommending a teacher for cancellation of employment:

1. The needs of the district.
2. Merit, meaning teacher performance as determined by the teacher's performance rating over the previous three year period as assigned pursuant to the school district's performance evaluation system. If the teacher does not have three years of performance ratings from the school district, then the superintendent shall consider only those available performance ratings. Nothing in this policy requires consideration of evaluations conducted in other school districts.

After considering the factors above, the superintendent shall also consider the following factors in recommending a teacher for cancellation of employment:

1. Professional experience including experience as an administrator.
2. Education, licensing endorsements and other professional qualifications.
3. Length of service in the school district.
4. Probationary and nonprobationary status.

In the event all factors are equal, cancellation of employment shall be accomplished in a manner that best supports the interests of the school district.

Notice and Board action

Notice to individual teachers and any resulting cancellation of employment by the Board shall be in accordance with this policy's accompanying regulation.

Adopted: December 12, 1991

Revised: October 5, 1993

Revised: May 16, 1995

Revised: 11-14-2017

Revised: 2-18-2020

LEGAL REFS.: C.R.S. 22-60.5-101 et seq. (teacher licensure law)

C.R.S. 22-63-101 et seq. (Teacher Employment, Compensation, and
Dismissal Act of 1990)

C.R.S. 22-63-103 (11) (definition of teacher)

C.R.S. 22-63-202 (3) (cancellation of employment contracts-reduction
in force)

Lone Star School District 101, Otis, Colorado