

## ***Board File: GCQA***

### **INSTRUCTIONAL STAFF REDUCTION IN FORCE**

This policy shall apply when the Board determines that a fiscal exigency exists and/or program change is to be made that requires the cancellation of one or more teacher contracts through a reduction in force. 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 this 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 reason(s) 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.*
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 the elimination, curtailment or reorganization of curriculum, programs or operations, or a reorganization or consolidation of two or more individual schools. A program change may or may not be related to a fiscal exigency.

#### **Board of Education's Preliminary Determination and Statement**

If the Board determines that 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, the Board shall adopt a statement that identifies the fiscal exigency and/or program change and the reasons therefor.

#### **Superintendent's action**

Following the adoption of the Board's statement, the superintendent or his/her designee shall submit to the Board recommendations for the cancellation of employment of particular teachers.

The superintendent or his/her designee shall cause that the following significant factors be considered 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 district's performance evaluation system. If the teacher does not have three years of performance ratings from the 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 above factors, the superintendent or his/her designee shall also cause that the following factors be considered 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 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 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 by the Board: June 9, 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)

C.R.S. 22-44-115.5 (fiscal emergency – effect on budget)