

## **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.

### **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.
  
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.

### **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 30 days after receiving the Board's statement, the superintendent shall submit to the Board recommendations for the cancellation of employment of particular teachers. In making these recommendations, the superintendent shall not be limited to considering only the teachers in the area(s) or program(s) designated by the Board in its adopted statements.

When cancellation of a teaching position occurs within any particular endorsement area, the contracts of first-year probationary teachers who are occupying such positions shall be cancelled first. If further reductions are necessary, cancellation of contracts of second and third year probationary teachers and nonprobationary teachers shall be considered as a group. In accordance with state law, this provision shall not create any express or implied property right or contract right for second- and third-year probationary teachers.

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

1. The needs of the district
2. Professional experience including experience as an administrator
3. Education

4. Length of service.

5. Merit.

**Board action**

The Board shall either accept or reject the superintendent's recommendations for cancellation of employment of particular teachers. Notice to individual teachers and any resulting cancellation of employment shall then be in accordance with this policy's accompanying regulation.

Adopted: February 9, 1993

Revised: April 11, 1995

Revised: October 12, 2010

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)

Swink School District #33, Swink, Colorado