

## **Instructional Staff Reduction in Force**

The following procedures shall be followed in effecting a reduction in the instructional staff work force.

### **1. Notice to individual teacher**

If, after receiving the superintendent's recommendations, the Board intends to consider the cancellation of employment of any teacher, it shall cause written notice to be given to each teacher whose contract might be considered by the Board for cancellation. The Board shall not be limited to considering only those teachers listed in the superintendent's recommendations. The written notice shall include a copy of the Board's statement adopted pursuant to the accompanying policy, a copy of that portion of the superintendent's recommendations for cancellation of teacher contracts that pertains to the teacher receiving the notice (if applicable), and a copy of the accompanying policy and this regulation. Notice shall be served upon the teacher personally or by certified or registered mail to the teacher's address as it appears in the school district's records. It shall be the teacher's responsibility to ensure that the district has the teacher's current address on file.

### **2. Review of individual cancellations**

Within 10 days after receiving such notice, a teacher may request a hearing. The request must be in writing, addressed to the president of the Board. The request for a hearing must specify the grounds on which the teacher relies and a short statement of facts that the teacher believes support the contention. When appropriate, more than one case may be heard at the same time. The hearing may be held by the Board or by a hearing officer selected by the Board.

The hearing shall be limited to the following issues:

- a. Was there a rational basis for the Board's determination that a fiscal exigency exists and/or program change was necessary or appropriate?
- b. Was the cancellation procedure arbitrary or capricious?
- c. Was the decision to cancel the employment of the teacher arbitrary or capricious?

The Board shall consider the teacher's request for hearing and shall schedule a hearing to be held within 14 days after the request is received. The teacher shall be given at least seven days' notice of the hearing.

### **3. Conduct of hearing**

The hearing shall be conducted informally and, upon request of either party, in private. The teacher may be represented by counsel. The district will have no obligation to pay for the service of counsel representing the teacher. A recorded transcription of the proceedings shall be made and maintained, and copies of the transcript shall be made available at the expense of the party who makes the request.

Unless otherwise mutually agreed, the hearing shall begin with the teacher's presentation, limited to those grounds specified in the request for a hearing and supported by testimonial and documentary evidence. The superintendent, superintendent's designee or the district's counsel may then present testimonial and documentary evidence in rebuttal of the teacher's contentions or in support of the decision to cancel the teacher's employment contract. The Board or hearing officer may establish other procedural rules as appropriate.

After the district completes its presentation, the Board shall consider the matter. When there is a hearing officer, the hearing officer may take the matter under advisement. The hearing officer shall make written findings of fact and conclusions as to the issues raised and shall forward these findings and conclusions to the teacher and to the Board within 15 days after the close of the hearing.

#### 4. **Procedure after hearing**

If the hearing was conducted by a hearing officer, the Board will be bound by the hearing officer's findings of fact as long as there is support in the record for such findings. However, any conclusions drawn from those findings will not be binding upon the Board.

The Board shall act on the hearing officer's findings and conclusions at its next regular meeting following receipt of the findings and conclusions or at a special meeting called for that purpose.

If the Board determines that the teacher's contention has not been established, it will notify the teacher and the superintendent in writing. Such a determination constitutes the official action of the Board to cancel the teacher's employment contract effective immediately or at a later date, if such later date is specified in the Board's action.

If the Board determines that the teacher's contention has been established, it shall notify the teacher and the superintendent by written notice and may include a decision not to cancel the teacher's contract.

#### 5. **Exclusive procedure**

This procedure is the only procedure that may be used in a reduction in force of teachers. Any existing procedure for review or examination of an employee discharge, nonrenewal or grievance is not available for consideration of an issue that arises from a reduction in force. Similarly, no other personnel action other than reduction in force shall be considered under this procedure.

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Swink School District #33, Swink, Colorado