

## Instructional Staff Reduction in Force

Consistent with the procedures below, the superintendent may cancel an employment contract with any teacher without penalty to the district when the board determines that there has been a justifiable decrease in the number of teaching positions within a particular assignment, endorsement or qualification area. Justifiable decreases in teaching positions will be determined by enrollment of students, present or projected, the student/teacher ratio, and the ratio needed in each area and level. Funding will be another consideration as presented to the Board by the administration.

The superintendent shall establish the actual number of licensed staff to be reduced consistent with the Board's authority to establish educational programs within the district. The superintendent shall determine the specific positions to be affected.

When a justifiable reduction in the number of teaching positions within a particular assignment, endorsement or qualification area occurs, normal attrition, retirement and resignations shall be considered prior to any teacher reductions.

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 canceled first.

If further reductions are necessary cancellation of contracts of second and third year probationary 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. Non-probationary teachers will have a statement placed in their file stating that the contract was terminated because of a reduction in force, and not failure to perform.

Recommendations for specific reduction in force shall be made by the superintendent. Factors listed in order of priority shall be:

1. Endorsement, assignment or qualification areas (this shall be district-wide)
2. Longevity within the district (*The longevity list will be posted, corrected, updated, and used to make longevity decisions. Every time a longevity list is updated, the updated list will go to each school and the most recent one will be used at the time of a reduction in force decision. The official longevity list will be posted in the Superintendent's office by May 1 each year.*)
3. Recommendation of current immediate supervisor

If, after considering these factors, two or more teachers are equally qualified for a

particular position which is to be retained, each teacher shall be interviewed by the superintendent and the administrator who will supervise the position and a recommendation shall be made to the Board on the basis of the considered professional judgment of the superintendent and immediate supervisor.

Non-probationary teachers whose contracts are to be canceled under this Section, and probationary teachers whose contracts are to be canceled during instead of at the end of a school year, shall be given notice in writing at least thirty days in advance of such action. Such notice shall be served upon the teacher personally or by certified or registered mail.

Every teacher whose contract is to be canceled under this policy shall be granted the opportunity for a hearing before the Board to determine whether there is sufficient reason or reasons for the cancellation of their contract. If such a hearing is desired, the teacher must request it in writing and file the request with the president or secretary of the Board or superintendent within ten days of receiving notice of cancellation of the contract. The failure of a teacher to request the hearing within such period shall be considered a waiver of the teacher's right to the hearing.

At the hearing, teachers may be represented by an attorney or other representative of their choice at their expense.

The last to leave will be the first to be recalled in the endorsement area of the position needed. That means the last teacher who is "rified" from an elementary assignment who has an elementary endorsement will be recalled first when there is an opening in elementary. If a person who has multiple endorsements is "rified" from a subject matter area after the person "rified" in elementary, the subject matter teacher would be the first to be recalled for the elementary position if one of the endorsements is elementary, even though this person had previously taught in another endorsement area. If there are several people on the recall list who have the same longevity and endorsement, each person will go through the interview process for the selection. Two of the main additional considerations will be number of endorsements and the amount of course work in the assigned area. Recall will take place for one year after a reduction in force. If a teacher is recalled to the District, and this teacher is under contract to another school district, the teacher will be able to accept the position effective the beginning of the next school year and a substitute will fill that spot until that time.

A teacher shall be recalled to work in the following manner:

1. The last teacher involved in a reduction in force will be the first to be recalled according to endorsement, assignment or qualification area.
2. Any teacher recalled will have ten days to respond in writing to the Board or Superintendent and indicate whether the teacher accepts the position. The

failure of the teacher to timely indicate an acceptance of the position shall be deemed to be a rejection of the position.

3. Recall will take place for up to one year from the final contract date after a reduction in force.
4. Any person recalled to the District shall come back with the status they had prior to leaving, including non-probationary positions on the salary plan, sick leave days accumulated prior to the reduction in force and any other benefits that are available.

The recommendation of immediate supervisor will be used whenever two or more people have the same endorsement and longevity. Two factors of equal weight in making this consideration will be the amount of course work in the assigned areas and the number of additional endorsements.

August, 2000

LEGAL REFS.: C.R.S. 22-60-105  
C.R.S. 22-60.5-403  
C.R.S. 22-63-202 (3)

CROSS REF.:

*Board Policy:*

EL-4, Staff Treatment

**[Revised June, 2003]**

Lake County School District R-1, Leadville, Colorado