

## **Cancellation of Employment**

### **Definitions**

1. "Cancellation of employment" means the cessation of employment of a teacher when there is a justifiable reduction in the number of teaching positions in the school district for reasons of fiscal exigency or program change.
2. "Teacher" means any person who is regularly licensed by the teacher certifying authority for the state of Colorado and who is employed full-time 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 operation of the district.
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 every day including Saturdays, Sundays and teacher work days, but it does not include official school holidays such as Thanksgiving and Christmas.

### **General grounds for cancellation of employment**

The Board may declare a cancellation of employment when there is a justifiable reduction in the number of teaching positions in the school district for reasons of fiscal exigency, program change or a decline in enrollment. The Board, upon recommendation of the superintendent, may cancel the employment contracts of teachers or other employees without penalty to the district. Such a decision may be made and any resulting termination may be effected only in accordance with this policy and the accompanying procedures.

### **Board of Education's preliminary determination and statement**

If the Board decides that cancellation of employment of one or more teachers may be required, it shall prepare a statement that identifies with reasonable particularity

the reasons for the decision. This statement shall be transmitted to the superintendent of schools and school district faculty. The Board shall establish the actual number of professional staff 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 canceling the employment of particular teachers. In making this recommendation, the superintendent shall not be limited to considering only the teachers in the areas or program designated by the Board in its initial statements. The superintendent shall, insofar as possible, meet the reduction in force by normal attrition such as layoffs, retirements, leaves of absence or transfer of assignments.

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 and nonprobationary teachers then 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 (service to the district, evaluations, etc.)
6. Affirmative action considerations

Nothing in this policy shall be construed as infringing upon the Board's right to non-renew a probationary teacher or other employee. A probationary employee may be non-renewed in accordance with this policy and with the laws of Colorado.

Adopted: July 13, 1993  
Revised: June 26, 2001  
Revised: December 12, 2006  
Reviewed: February 26, 2019

LEGAL REFS.: C.R.S. 22-60.5-101 *et seq.* (teacher licensure law)  
C.R.S. 22-63-202 (3) (cancellation of employment contracts-reduction in force)

Garfield School District No. Re-2, Rifle, Colorado