

EXECUTIVE/PROFESSIONAL EMPLOYEE ASSIGNMENTS AND TRANSFERS

Definition

For purposes of this policy, the term, “lateral transfer,” means the reassignment of an employee from one position to a substantially equivalent position as determined by the Superintendent or his or her designee.

Voluntary transfers

Any employee may apply for a transfer to an Executive/Professional position for which he or she is qualified. Requests for transfer shall be made in writing to the Human Resources Department and shall include a statement of reasons and qualifications for requesting the transfer.

Any employee, who applies for, but is denied a transfer, may seek feedback from the Colorado Springs School District 11’s (the District) Human Resources Department as to the reasons the transfer request was denied.

If an employee voluntarily transfers to a position with a lower salary than the employee is receiving in his or her current position, the employee shall receive the salary applicable to the position to which he or she is transferring.

Involuntary transfers

The District shall strive to provide an employee with notice of an involuntary transfer, not to include involuntary transfers due to misconduct or poor performance (See Board Policy GCPB), at least 10 working days prior to the effective date of the transfer. An employee served such notice may request a conference with the Superintendent. The request must be received within 5 working days to discuss the transfer and should be granted a conference with the Superintendent or designee no later than 5 working days after the request is received by the Superintendent. The employee may be accompanied to and assisted at the conference by a representative from the Colorado Springs Association of School Executives or the Colorado Springs Principals Association.

Beginning on the effective date of the transfer (i.e.: the first day of the new position), the employee shall be paid at the salary applicable to the position to which he or she is transferring, except in cases where the District involuntarily transfers an employee pursuant to a “restructuring,” in which case the employee’s previous salary shall be continued for a period of 60 days following the effective date of his or her transfer. The determination as to whether an employee’s involuntary transfer is the result of a “restructuring” for purposes of this policy shall be made by the Colorado Springs School District 11 Board of Education (the Board) in its sole discretion.

Nondiscrimination

The District is subject to the following laws: Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age

Discrimination in Employment Act of 1967, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act of 2008, and the Colorado Anti-Discrimination Act. Accordingly, the District is committed to prohibiting discrimination on the basis of disability, need for special education services (whether actual or perceived), race, creed, color, sex, marital status, sexual orientation, transgender status, gender identity, gender expression, national origin, religion, ancestry, age, genetic information, or protected activity, in admissions, access to, treatment, or employment in the educational programs or activities which it operates.

Unemployment compensation

The transfer of an employee under this policy shall not constitute an admission of liability for purposes of the employee's eligibility for unemployment benefits.

Other

An Executive/Professional employee, whose position is eliminated and who is not assigned to another position in the District, may seek from the Human Resources Department information regarding any vacant Executive/Professional level position within the District.

In accordance with applicable law, a teacher holding an Executive/Professional position may be assigned to a teaching position for which he or she is qualified if a vacancy exists in such position. To the extent required by the current Board-approved Executive/Professional Handbook, the District shall consider the years accumulated by the teacher while he or she was occupying the Executive/Professional position when determining where to place the teacher on the salary schedule for the new position.

The three school years of continuous employment required by state law for a teacher's probationary period shall not be deemed to be interrupted if a probationary teacher accepts the Superintendent position, but the period of time in which the teacher serves in such capacity shall not be included in computing the probationary period.

THIS POLICY IS NOT INTENDED TO CREATE NOR SHOULD IT BE INTERPRETED AS CREATING AN EXPRESS OR IMPLIED CONTRACT, INCLUDING A CONTRACT OF EMPLOYMENT OR ANY PROPERTY RIGHT, RIGHT TO DUE PROCESS, OR OTHER CONTRACTUAL OR CONSTITUTIONAL RIGHT. EMPLOYEES HAVE NEITHER THE RIGHT TO BE EMPLOYED NOR THE RIGHT TO REMAIN IN ANY EXECUTIVE/PROFESSIONAL POSITION WITH THE DISTRICT. FURTHER, THIS POLICY IS NOT INTENDED TO NOR DOES IT ESTABLISH ANY RIGHT NOT EXPLICITLY ESTABLISHED BY STATUTE, AND THEREFORE, EXCEPT AS PROVIDED BY LAW, THE AUTHORITY TO ASSIGN OR TRANSFER AN EXECUTIVE/PROFESSIONAL EMPLOYEE REMAINS WITHIN THE SOLE DISCRETION OF THE BOARD.

Current practice codified 1980
Revised March 10, 1982
Revised September 28, 1983
Revised March 30, 1988
Revised April 26, 1989
Revised June, 2010

Revised November 11, 2015

Revised May 29, 2019

LEGAL REFS.: Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681
34 C.F.R. Part 104
34 C.F.R. Part 106
Fair Labor Standards Act, 29 U.S.C. §201
Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C.
§ 621
Individuals with Disabilities Education Act, 20 U.S.C. §1400, et seq.
Exceptional Children's Education Act, C.R.S. 22-2-101, et seq.
Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701
Americans with Disabilities Act of 1990, 42 U.S.C. § 12101
Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d
Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e
42 U.S.C. §2000ff et seq. (Genetic Information Nondiscrimination Act of
2008)
C.R.S. 2-4-401
C.R.S. 18-9-121
C.R.S. 22-32-109(1)(II)
C.R.S. 22-32-109.1(2)(a)(X)(B)
C.R.S. 22-32-110(1)(k)
C.R.S. 22-33-105(2)(c)
C.R.S. 22-61-101
C.R.S. 22-93-101, et seq.
C.R.S. 24-34-301 through 24-34-308
C.R.S. 24-34-401 through 24-34-406
3 CCR 708-1

CROSS-REFS.: AC, Nondiscrimination/Equal Opportunity
AC-R, Regulation to Policy AC, Nondiscrimination/Equal Opportunity
GBEE, Technology Resources and Internet Safety Responsible Use for
Staff Policy
GBA, Open Hiring/Equal Employment Opportunity and Affirmative Action
GBAA, Employee Sexual and Racial Harassment/Discrimination
GBEA, Staff Ethics/Conflict of Interest/Employment of Relatives
GCPB, Demotion and Reclassification of Executive/Professional
Employees
Executive/Professional Meet and Confer Handbook