

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. CASB strongly recommends the district consult with its own legal counsel to determine appropriate language that meets local circumstances and needs.

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:

1. A copy of the Board's statement adopted pursuant to the accompanying policy;
2. 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
3. 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. **would** the decision to cancel the employment of the teacher **be** 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.

The Board shall act on the cancellation of employment of any teachers who are provided proper notice and do not timely request a hearing at the Board's next regular meeting or at a special meeting called for that purpose.

3. **Conduct of hearing**

The hearing shall be conducted **by the Board, or its designated hearing officer**, 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 **or hearing officer** shall consider the matter. **When the matter is considered by the Board, it may convene in an executive session to review and discuss the evidence. However, the final decision will be made in public session.** 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 **and take action with regard to**

cancellation of the teacher's contract at its next regular meeting or a special meeting called for the purpose.

If the Board determines that the teacher's contention has been established, it shall **provide written notice to** the teacher and the superintendent **that** the teacher's contract **will not be cancelled.**

5. Exclusive procedure

This procedure is the only procedure that may be used in a reduction in force of teachers.

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Revised: 03/11/10, 11/10/11