

NOTE: Colorado school districts are required by law to adopt a policy regarding the assignment of displaced teachers and the law contains some specific direction as to the content or language. The policy must be developed in coordination with the local teachers' association. If no teachers' association exists, the district must create an eight-person committee consisting of four teachers and four additional school district members to develop policy for the Board's consideration. The Board should consider the recommendations and also consult with its own legal counsel to determine appropriate language that meets local circumstances and needs. The Board retains ultimate authority regarding policy content.

Teacher Displacement

Consistent with the Board's authority to direct the district's educational programs, the Board may take action pursuant to a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation or reconstitution. Displacement occurs when such Board action results in the removal of a nonprobationary teacher from the teacher's assigned school. This policy and accompanying regulation shall apply to the designation and reassignment of a displaced teacher.

This policy and accompanying regulation shall not apply to teacher dismissals, nonrenewals, reductions in force or other personnel actions that do not result in displacement of teachers.

Definitions

For purposes of this policy and accompanying regulation, the following definitions shall apply:

1. "Teacher" means a person who holds a teacher's license issued pursuant to the Colorado Educator Licensing Act, C.R.S. 22-60.5-101 et seq. and who is employed to instruct, direct or supervise the instructional program. "Teacher" does not include those persons holding authorizations or administrative positions within the school district.
2. "Displaced teacher" means any nonprobationary teacher who is removed from the teacher's assigned school as a result of Board action pursuant to a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building, including closure, consolidation or reconstitution.
3. "Mutual consent placement" occurs when a displaced teacher applies for a position under the supervision of another principal and the hiring principal consents. The hiring principal's consent must consider input from at least two teachers employed at the school and chosen by the teaching faculty at the school to represent them in the hiring process.
4. "Priority candidate" is a displaced teacher who was actively employed and deemed satisfactory or effective in their performance evaluation preceding their displacement and who has not secured a mutual consent placement. Priority candidates shall receive the first opportunity to interview for available positions for which they are qualified within the district.

NOTE: The Board must define hiring cycle consistent with its practice (either current or as revised) and any contracts or collective bargaining agreements. As a starting point, CASB suggests the following possible definition.

5. "Hiring cycle" means the period of time during which the Board reviews the staffing needs of the district and acts to fill vacant positions, if any.
6. "Transfer" means the reassignment of a teacher from one school, position or grade level to another in the district. Transfers that do not result from displacement will be addressed in accordance with the Board's transfer policy (GCKA).

Board of Education's determination and statement

If the Board determines a drop in enrollment; turnaround; phase-out; reduction in program; or reduction in building necessitates action that may require the displacement of one or more teachers, it shall adopt a statement that reasonably identifies the action and the reasons for that action. This statement shall be transmitted to the superintendent and made available to district faculty.

To the extent possible, the Board shall establish the actual number of teacher positions to be displaced consistent with the Board's authority to establish educational programs within the district. If it is not possible at the time the Board issues its initial statement for the Board to address personnel implications, the Board shall issue a revised statement of action after receiving additional input from the superintendent.

Superintendent's action

After receiving the Board's statement, the superintendent shall prepare recommendations for appropriate personnel action, which may include teacher displacement, consistent with Board policy and state and federal law. As necessary and appropriate, the superintendent shall submit to the Board such recommendations and the Board may revise as necessary its statement of action.

The superintendent shall cause written notice of displacement to be provided to all displaced teachers. Notice shall be in writing and delivered personally or via mail to a displaced teacher's address of record. The superintendent shall immediately cause a displaced teacher to receive an initial list of all vacant positions for which the teacher is qualified, as well as a list of vacancies in any area identified by the school district to be an area of critical need.

Mutual consent placement

Displaced teachers shall have the right to pursue a mutual consent placement in the district. Any displaced teacher remains solely responsible for identifying available positions within the district and pursuing any and all vacancies for which the teacher is qualified. Displaced teachers who were deemed satisfactory or effective in their performance evaluation preceding their displacement shall be considered priority candidates.

During the period in which the teacher is attempting to secure a mutual consent

placement, the district may place a displaced teacher in a twelve-month assignment or other limited-term assignments, including, but not limited to, a teaching assignment, substitute assignment or instructional support role. Such assignment by the district is not a mutual consent placement.

If a displaced teacher is unable to secure a mutual consent placement in a school of the district during the hiring cycle, the district may place the displaced teacher on unpaid leave until such time as the displaced teacher is able to secure an assignment.

Adopted: 08/09/12

LEGAL REFS.: C.R.S. 22-60.5-101 *et seq.* (Colorado Educator Licensing Act of 1991)
C.R.S. 22-63-101 *et seq.* (Teacher Employment, Compensation, and Dismissal Act of 1990)
C.R.S. 22-63-202 (2)(c.5) (displacement and mutual consent provisions)
C.R.S. 22-63-202 (2)(c.5)(II)(B) (requirement to develop policies for Board adoption addressing displacement and mutual consent provisions)
C.R.S. 22-63-206 (permitting transfer of teachers from one school, position or grade level to another)

CROSS REFS.: GCE/GCF, Professional Staff Recruiting/Hiring
GCKA, Instructional Staff Assignments and Transfers
GCKB, Administrative Staff Assignments and Transfers

Monte Vista School District No. C-8, Monte Vista, Colorado