

# New Sample Policy

File: GCFA\*

*NOTE: While Colorado school districts are not required by law to adopt a policy 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.*

*DUE TO THE COMPLEXITY OF THIS ISSUE, THE DISTRICT MUST CONSULT WITH ITS OWN LEGAL COUNSEL TO DETERMINE APPROPRIATE LANGUAGE THAT MEETS LOCAL CIRCUMSTANCES AND NEEDS.*

## Hiring of Instructional Staff/Portability of Nonprobationary Status

The Board believes that all students enrolled in the district's schools should have effective teachers in their classrooms. In accordance with this belief and the Board's authority to employ personnel, the Board adopts this policy to address when a teacher requests "portability" of his or her nonprobationary status.

In accordance with state law, a teacher who has obtained nonprobationary status in another Colorado school district is not automatically granted nonprobationary status when he or she is hired by the district. Rather, a teacher may be granted portability by the district only if the teacher meets the requirements of this policy, as determined by the district.

A teacher who does not request portability in accordance with this policy shall be considered a probationary teacher by the district.

### Definitions

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

1. "Portability" means a teacher's request that his or her nonprobationary status obtained in another Colorado school district be recognized by the district.
2. "Teacher" means a person who holds a teacher's license issued pursuant to the Colorado Educator Licensing Act of 1991, 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 a school district.
3. "Nonprobationary status" means the teacher has completed three consecutive years of demonstrated effectiveness in a Colorado school district and has been re-employed for the succeeding school year or has otherwise attained nonprobationary status in accordance with the Teacher Employment, Compensation, and Dismissal Act of 1990, C.R.S. 22-63-101 *et seq.*

4. "Effectiveness rating" means a rating of highly effective or effective on the teacher's written evaluation conducted pursuant to the applicable Colorado school district's licensed personnel performance evaluation system.
5. "Prior two consecutive years" means the current school year and the school year immediately preceding the current school year.

#### **Teacher's request for portability**

During the district's hiring process and prior to an offer of employment from the district, a teacher may request portability. The teacher shall provide the following documentation to the district when he or she requests portability:

1. Performance evaluations for the prior two consecutive years that show the teacher received effectiveness ratings; and
2. Evidence of the teacher's student academic growth data for the prior two consecutive years.

#### **Determination of nonprobationary status**

If the teacher requests portability and provides the documentation required by this policy during the district's hiring process and prior to an offer of an employment from the district, the district shall determine, in its sole discretion, whether the documentation shows evidence of teacher effectiveness and student academic growth. The district shall make its determination of teacher effectiveness and student academic growth based upon the district's licensed personnel performance evaluation system and the district's measures of student academic growth.

If the district determines the documentation shows the required teacher effectiveness and student academic growth, the district shall grant nonprobationary status to the teacher.

The superintendent or designee may waive this policy's requirement that the teacher provide the required documentation during the district's hiring process and prior to an offer of employment from the district if the superintendent or designee determines exceptional circumstances exist and that it is in the best interests of the district to do so.

If the district determines that the teacher misrepresented or omitted any of the documentation required by this policy and/or misrepresented his or her nonprobationary status or any other matter concerning the teacher's employment history, the district may take action in accordance with applicable law, including but not be limited to revocation of the teacher's nonprobationary status and other appropriate disciplinary action.

All employment decisions remain within the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by Colorado law. Any dismissal or other employment action shall be in accordance with applicable state law, Board policy and the teacher's employment contract with the district.

(Adoption date)

**LEGAL REFS.:** C.R.S. 22-9-101 *et seq.* (Licensed Personnel Performance Evaluation Act)  
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. 22-63-203.5 (nonprobationary portability)  
1 CCR 301-87 (State Board of Education rules for administration of a system to evaluate the effectiveness of licensed personnel)

**CROSS REFS.:** GCE/GCF, Professional Staff Recruiting/Hiring  
GCO, Evaluation of Licensed Personnel  
GCQF, Discipline, Suspension and Dismissal of Professional Staff