

Policy on Critical Shortage Positions and PERA Retiree Employment

Declaration of Critical Shortage

The Board of Education of Sargent School District RE-33J declares a critical shortage of the following positions:

- Principals
- Teachers
- Substitute Teachers
- School Bus Drivers
- School Food Services Cooks
- School Nurses
- Paraprofessionals

This declaration allows the District to expand its pool of qualified candidates to include PERA service retirees for these positions, in accordance with C.R.S. § 24-51-1101 (as amended by SB24-099).

Employment of PERA Retirees

1. PERA service retirees may be hired for specified critical shortage positions without a reduction in PERA benefits and for any length of employment in a calendar year.
2. Retired teachers may be employed under a critical shortage designation for a maximum of six years, as per Colorado Revised Statutes § 24-51-1101 and PERA policies.

Critical Shortage Licensed Teacher Contract

1. The Board employs Service Retirees in specified positions for the academic year. Service Retirees are subject to administrative transfers and must perform duties competently and professionally.
2. Contracts are for a specified period and may be cancelled or discontinued in accordance with the Teacher Employment, Compensation, and Dismissal Act of 1990 (TECDA) and applicable law.
3. Service Retirees are placed on the Board-approved salary schedule. Salaries are payable in twelve equal installments, with prorating for partial months.
4. Fringe benefits and leave accrue according to District policies. Service Retirees on critical shortage contracts are not eligible to carry over or receive compensation for unused leave at the end of their contract term.
5. Service Retirees must hold a valid Colorado teacher's license.
6. Service Retirees must comply with all applicable laws, policies, and regulations.
7. Service Retirees are responsible for ensuring their employment complies with PERA requirements and agree to indemnify the District against any claims related to PERA benefits.
8. Service Retirees agree to pay damages for abandonment or breach of contract, unless proper notice is given.
9. Assignment to a particular school requires consent of the hiring principal, with input from at least two teachers at the school.
10. Service Retirees must accept the contract within 30 days of receipt, unless an alternative deadline is mutually agreed upon.

Continuation of Employment Beyond Six Years Critical Shortage Designation

Eligibility Requirements

1. Maintain a valid, unrestricted teaching license/certification
2. Consistently receive satisfactory or above ratings on annual performance evaluations
3. Demonstrate continued commitment and positive impact within the school community
4. The teaching area must remain classified as a critical shortage area by the Colorado Department of Education

Procedure

1. 12 months prior to the six-year limit expiration, the teacher will be notified and referred to this policy.
2. The District will open designated critical shortage positions for public application, adhering to normal hiring practices.
3. The retiree must revoke their retirement status and return to active PERA membership if they wish to continue employment.
4. The unretired individual must apply like any other candidate and be selected based on merit.
5. If selected, the individual will begin contributing to PERA again as a standard employee.

Extended Employment Options After Six-Year Critical Shortage Period

110-Day/720-Hour Contract

1. Retirees may work up to 110 days or 720 hours per calendar year without a reduction in their PERA benefits.
2. This option is available to all PERA retirees, regardless of their previous employment status.
3. The 110-day limit applies across all PERA employers if working for multiple districts.

140-Day/916-Hour Contract

1. Some retirees may be eligible for an extended 140-day or 916-hour contract.
2. This option is limited to 10 designations per school district per year.
3. Employers must submit the designation to PERA by March 31 of the applicable calendar year.
4. Retirees should confirm their 140-day designation with their employer before exceeding the standard 110-day limit.

Important Considerations

1. Retirees are responsible for tracking their days worked under PERA rules.
2. The per diem rate for 110 or 140-day contracts may be reduced to account for required PERA contributions and Medicare.
3. Retirees on these contracts must continue to pay the employee's share of PERA contributions.
4. These options do not provide additional PERA service credit.

Annual Contracts and Future Employment

1. All positions filled under critical shortage are subject to annual contracts.
2. The issuance of a contract for any given school year does not guarantee employment or a similar position in subsequent years.
3. Renewal of contracts is contingent upon factors including, but not limited to:
 - Continued designation of the position as a critical shortage area
 - Satisfactory performance evaluations
 - District staffing needs and budget considerations
 - Compliance with all applicable state and federal laws
4. The District reserves the right to make employment decisions on a year-to-year basis, in accordance with the best interests of the students, staff, and community.

Compliance and Review

This policy will be reviewed annually to ensure compliance with applicable state and federal laws. The Superintendent or their designee is responsible for implementing and executing this policy.

Legal Sources

- Title 24, Article 34, Part 4 of the Colorado Revised Statutes (C.R.S. § 24-34-402)
- Title 24, Article 51, Part 11 of the Colorado Revised Statutes (C.R.S. § 24-51-1101)
- Title VII of the Civil Rights Acts of 1964
- Senate Bill 24-099
- Teacher Employment, Compensation, and Dismissal Act of 1990 (TECDA)

Adopted: 05/27/25