

## **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 their nonprobationary status.

Colorado law provides that a teacher who has achieved nonprobationary status in one school district shall be awarded nonprobationary status by a different school district if the teacher submits student academic growth data and performance evaluations for the prior two years, can show two consecutive performance evaluations with effectiveness ratings in good standing, and is subsequently hired by the district in accordance with this policy.

### **Definitions**

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

1. **"Portability"** means a teacher's request that their 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, special service provider licenses, 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 in the same Colorado school district. The teacher must not have had two consecutive years of demonstrated ineffectiveness.
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.

The Board's hiring decision is guided by many factors including, but not limited to, the applicant's experience, credentials, employment background, and the terms upon which the teacher is seeking employment including but not limited to whether

the teacher is seeking nonprobationary status. The decision as to whether a teacher wishes to be considered for employment as a nonprobationary teacher rests solely with the teacher. Therefore, it is the responsibility of a teacher seeking nonprobationary status to comply with the requirements of this policy.

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

Upon applying for a position with the district, a teacher may request portability of their nonprobationary status. The teacher shall complete the following when submitting an application for employment with the district:

1. Clearly indicate on the application that the teacher is seeking nonprobationary status;
2. Include performance evaluations for the prior two consecutive years that show the teacher received effectiveness ratings; and
3. Provide evidence of the teacher's student academic growth data for the prior two consecutive years.

If a teacher indicates on the application that they are seeking nonprobationary employment but fail to include or provide the documentation required in 2 and 3 above, the application shall be deemed incomplete and will not be considered.

If a teacher does not indicate on the application that they are seeking nonprobationary employment, the teacher will be eligible only for an offer of employment pursuant to a probationary teacher contract regardless of whether the teacher has appended, or the district has solicited, evaluations from the teacher's prior school district(s).

### **Determination of nonprobationary status**

If the teacher requests portability of nonprobationary status and provides the documentation required by this policy upon applying for a position with 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, and offers the teacher the position, then the district shall grant nonprobationary status to the teacher.

If the district determines that the teacher misrepresented or omitted any of the documentation required by this policy and/or misrepresented their 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 limited to

revocation of the teacher's nonprobationary status and other appropriate disciplinary action, up to and including termination, dismissal action, and/or nonrenewal.

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: 6/26/23

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