

Hiring of Instructional Staff/Portability of Non-Probationary Status

The Board adopts this policy to address when a teacher requests “portability” of his or her current non-probationary status in another Colorado school district.

In accordance with state law, a teacher who has obtained non-probationary status in another Colorado school district is not automatically granted non-probationary status when he or she is hired by our district. Rather, a teacher may be granted portability by our district only if our district posts an opening for a non-probationary teaching position and the newly hired teacher meets the requirements of this policy, as determined by our district and approved by the Board of Education.

A teacher who does not request portability in accordance with this policy when hired for an open teaching position posted as non-probationary, shall be a probationary teacher. A teacher who is denied a request for portability in accordance with this policy shall be a probationary teacher. A teacher hired for an open position posted as probationary shall be a probationary teacher.

Definitions

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

1. **“Portability”** means a teacher’s request that his or her current non-probationary status obtained in another Colorado school district be recognized by our 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. **“Non-probationary status”** means the teacher has completed three consecutive years of demonstrated effectiveness in a Colorado school district and been re-employed for the succeeding school year in the same Colorado school district. The teacher must not have two consecutive years of demonstrated ineffectiveness. The teacher may otherwise attain non-probationary 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 our district's hiring process, upon submission of an application, a teacher who is currently employed in another Colorado school district and holds non-probationary status in that district may request portability. The teacher shall provide the following documentation to our district when he or she requests portability:

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

Determination of non-probationary status

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

If our district determines the documentation shows the required teacher effectiveness and student academic growth, the district shall grant non-probationary status to the teacher.

If our district determines that the teacher misrepresented or omitted any of the documentation required by this policy and/or misrepresented his or her non-probationary 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 non-probationary status and other appropriate disciplinary action, up to and including termination, dismissal action and/or non-renewal.

All employment decisions remain within the sole and continuing discretion of the Board of Education, subject only to the conditions and limitations prescribed by the Colorado Constitution and applicable 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 our district.

Adoption: November 11, 2015

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. 22-62-203.5 (non-probationary 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

St. Vrain Valley School District RE-1J, Longmont, Colorado