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**AURORA PUBLIC SCHOOLS**

**APS Code: GDQ**

**Adopted January 1978**

**Recorded May 1995**

**Revised November 2007**

**Revised October 2021**

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## **SUPPORT STAFF TERMINATION OF EMPLOYMENT**

Separation shall mean an employee's services are terminated by reason of resignation, dismissal or retirement.

The Superintendent shall establish a procedure for the orderly separation of support staff employees from service to the District.

If an employee resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, which is supported by a preponderance of evidence, the superintendent is delegated the responsibility for notifying the Colorado Department of Education (CDE) as soon as possible but no later than 10 business days after the employee's resignation.

The superintendent must provide any information requested by the department concerning the circumstances of the resignation. The district also must notify the employee that information concerning the resignation is being forwarded to CDE

CROSS REFS.:       GCCAH, Staff Paid Leave  
                          GCQB, Administrative Staff Reduction in Force  
                          GDQD, Discipline, Suspension and Dismissal of Support Staff

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If the board in its judgment determines that there should be a reduction in force (RIF) of classified staff (meaning cancellation of employment as a classified employee) by reason of financial consideration, declining enrollment, program change or for other reasons, the district will follow the process outlined below.

1. The district will make every effort to minimize a reduction in force by placement of employees in available vacancies for which they are qualified.
2. The board of education shall prepare a statement explaining the justification for the reduction in force.
3. The employee job classification(s) subject to reduction will be identified by the superintendent of schools, with the consultation of such others as the superintendent deems appropriate.
4. After considering known resignations, retirements, terminations for cause and voluntary reassignments, the superintendent of schools will, with the consultation of others, as the superintendent deems appropriate, determine the total employees in the job classification to be reduced, and those to be recommended for retention in the district. Retention may be based on past evaluations, demonstrated additional skills not required by the current position, contributions to the district, least number of total years of service and such other criteria as deemed appropriate by the superintendent in the best interest of the district. If the employee under consideration for reduction has not received a formal evaluation in the past year, an off-cycle evaluation may be warranted.
5. The superintendent shall submit to the board of education the recommendations for those classified employees which should be reduced and the board shall make the final decision.
6. The reduced classified employee shall be given written notice of the reduction and the notice shall include a statement of the conditions requiring the reduction, a general description of the process followed in making the decision, and a statement of the pertinent financial or other data on which the decision was based. In the event that the employee is to be reduced, every effort shall be made to give written notice to the employee at least 60 calendar days prior to the effective date of the reduction, unless placement is coordinated at the time of notification.

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7. All reasonable efforts will be made to ensure that the determination of reductions is made in a timely fashion and that the need or desire of reduced employees to seek other employment is recognized. Use of the Employee Assistance Program will be available through the term of employment with the district.
8. The reduced employee has the right to be considered for and granted an interview for any classified openings for which s/he is qualified for one year.
9. The employee's health insurance eligibility shall continue for 18 months, in accordance with COBRA regulations.
10. Within 14 calendar days after receiving the notice of being reduced, a classified employee may request a review of the action by the board of education. The request must be in writing and addressed to the president of the board of education. It must specify the grounds on which it is contended that the decision was improper under this regulation and must include a short, plain statement of facts that the employee believes support the contention. Submission of the request constitutes a representation on the part of the employee that s/he can support the contention with factual proof. If the employee will be represented by an attorney, the employee must notify the administration, in writing, through the superintendent, of his/her intention to have an attorney represent her/him at the hearing, at least seven calendar days prior to the scheduled date of the hearing. If s/he does not give timely notice to the superintendent, s/he will be barred from having an attorney represent her/him at the hearing.

The board may delegate the responsibility for conducting the hearing to a hearing officer selected by the board. When appropriate, more than one case may be heard at the same time.

Review may be had solely to determine the following:

- a. Was there a rational basis for the determination that a reduction in the number of classified positions was appropriate because of financial considerations or for other reasons; or
- b. Was the reduction process arbitrary or capricious; or

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- c. Was the decision to cancel the employment of the specific classified employee arbitrary or capricious.
11. The hearing shall be conducted pursuant to the board policy on “Board Hearings/Appeal Proceedings,” (Policy GBK-3-E) except that the employee shall have the obligation to present his/her evidence first and then the superintendent or representative shall give evidence.