

Substitute, Temporary and Part-Time Education Support Professionals

Introduction

From time to time, the District employs Education Support Professional (“ESP”) employees on a substitute, temporary or part-time basis to fill vacancies resulting from employee illness or injury, leaves of absence, resignations, or terminations, or temporary positions, including those supported with out-of-District funds. This policy is intended to provide guidance to the Superintendent and his/her designee(s) in connection with the employment of substitute, temporary and part-time ESP employees.

Substitute Employment

- **General**

A substitute employee (“Guest Staff”) is an employee hired by the District to temporarily replace a regular employee who is absent from work as a result of illness or injury, a leave of absence, resignation, termination and the like. Guest Staff may include individuals substituting for employees in ESP positions.

- **Substitute Employment**

In carrying out his/her responsibilities under this policy, the Superintendent or his/her designee shall develop and maintain a list of authorized individuals who may be employed by the District as substitute ESP employees. The Board of Education (the “Board”) authorizes the Superintendent, his/her designee and principals to notify and direct individuals on the list to perform services as substitute ESP employees for the District, as may be required on a temporary basis. The substitute employee shall be notified that the assignment is temporary and that his/her employment may be terminated by the District at any time.

Temporary Employment

A temporary employee is an ESP employee hired by the District to fill a position that is temporary in nature, including a position that is supported with out-of-District funds. The employee may be assigned a specific position and may work a varied number of hours and is not eligible for all available benefits.

Temporary employees may be considered with other applicants for employment for the succeeding school year. In the event of termination of funds from out-of-District funding sources or in the event a temporary ESP employee works continuously in a single position for at least one school year, priority may be given to the temporary employee over new applicants for openings for which they qualify in the same position of the previous year’s employment (primary, intermediate, junior high or senior high). The temporary employee shall be notified that the assignment is temporary and that his/her employment may be terminated by the District at any time.

Part-Time Employment

A part-time ESP employee is an ESP employee who works less than six hours during each regular school day. The part time employee shall be notified that the assignment is part-time and that his/her employment may be terminated by the District at any time.

Delegation of Authority Regarding Substitute and Temporary ESP Employees

Subject to the conditions described below, the Board hereby delegates to the Superintendent and his/her designee(s), the ability to employ and terminate the employment of any substitute or temporary ESP employee in the District without obtaining approval from the Board. This delegation shall apply only to substitute or temporary ESP employees who work on one continuous assignment in the District for a period equal to or less than one school year (typically, August through May) as determined by the District's annual school year calendar. The Superintendent or his/her designee must obtain Board approval before employing or terminating the employment of all other substitute or temporary ESP employees. Further, the Superintendent or his/her designee(s) may not create any new position in the District without the prior approval of the Board.

- **Conditions**

Prior to employing any temporary or substitute ESP employee, the Superintendent or his/her designee shall:

1. Conduct a background check on the individual in accordance with applicable law;
2. Ensure that the individual is otherwise qualified for the position (only qualified paraprofessionals, as defined in the No Child Left Behind Act of 2001, shall be hired to provide instructional support for students in the Title I Schoolwide and Targeted Assistance Programs.);
3. Check employment references; and
4. Confirm within the Human Resources Department whether the individual was previously employed by the District, and if so, whether the individual is eligible for re-hire with the District.

Disclaimer

THIS POLICY IS NOT INTENDED TO CREATE, AND SHOULD NOT BE INTERPRETED AS CREATING, AN EXPRESS OR IMPLIED CONTRACT, INCLUDING A CONTRACT OF EMPLOYMENT. THIS POLICY IS ALSO NOT INTENDED TO CREATE, AND SHOULD NOT BE INTERPRETED AS CREATING, PROPERTY RIGHTS, PRIVACY RIGHTS, RIGHTS TO DUE PROCESS, OR OTHER CONTRACTUAL OR CONSTITUTIONAL RIGHTS.

EXCEPT FOR EMPLOYEES WHO ARE SUBJECT TO THE COLORADO TEACHER EMPLOYMENT, COMPENSATION AND DISMISSAL ACT ("TECDA"), ALL EMPLOYEES OF THE DISTRICT ARE AT-WILL EMPLOYEES. THIS MEANS THAT EITHER THE EMPLOYEE OR THE DISTRICT MAY TERMINATE EMPLOYMENT AT ANY TIME, WITH OR WITHOUT ADVANCE NOTICE, AND WITH OR WITHOUT CAUSE.

Adopted June 29, 1994
Reviewed May 1995
Revised November 9, 2011
Revised October 5, 2012
Revised April 11, 2018

LEGAL REFS.: 20 U.S.C. 6319
 C.R.S. § 22-9-106 (1)(b)
 C.R.S. § 22-32-109.7
 C.R.S. § 22-32-109.8

CROSS REFS.: GDE/GDF, Support Staff Recruiting/Hiring
 GCG-GCGA, Substitute, Temporary and Part-Time Teachers and
 Executive/Professional Employees
 Education Support Professionals Meet and Confer Handbook