

SUPREME COURT OF COLORADO

Johnson v. School District No. 1 in the City and County of Denver

Johnson, 2018 CO 17 (Colo. 2018) · No. 15SA281 · Decided March 12, 2018

SUMMARY

The Colorado Supreme Court answered two certified questions from the Tenth Circuit concerning Colorado's teacher employment statutes. It held that the unpaid-leave provisions of section 22-63-202(2)(c.5) apply to all displaced nonprobationary teachers, not only those displaced for the reasons listed in subsection (VII). The court also held that a nonprobationary teacher placed on unpaid leave has no vested property interest in salary and benefits.

CASE DETAILS

COURT	Supreme Court of Colorado
WRITING FOR THE COURT	Justice Boatright; Justice Gabriel; Justice Hood; Justice Hart
JURISDICTION	Colorado
DECIDED	March 12, 2018
DOCKET	15SA281
DISPOSITION	other
PROCEDURAL POSTURE	The Colorado Supreme Court answered two questions of Colorado law certified by the United States Court of Appeals for the Tenth Circuit under C.A.R. 21.1.
STANDARD OF REVIEW	De novo review of statutory-construction issues.
PRECEDENTIAL VALUE	Published, precedential Colorado Supreme Court opinion; certified questions answered en banc.
PARTIES	Lisa M. Johnson v. School District No. 1 in the County of Denver and State of Colorado, Board of Education of School District No. 1 in the County of Denver and State of Colorado

TOPICS

employment law employment contracts statutory interpretation legislative history due process

PRACTICE AREAS

employment law public employment education law constitutional law

QUESTIONS PRESENTED

1. Whether section 22-63-202(2)(c.5), C.R.S. (2017), applies to all displaced nonprobationary teachers who cannot obtain a mutual-consent placement or only to teachers displaced for the reasons listed in section 22-63-202(2)(c.5)(VII).
2. Whether a nonprobationary teacher placed on unpaid leave under section 22-63-202(2)(c.5)(IV) has a vested state-law property interest in salary and benefits protected by due process.

HOLDINGS

1. Section 22-63-202(2)(c.5) applies to all displaced nonprobationary teachers who cannot obtain a mutual-consent assignment, not only to teachers displaced for the enrollment-, program-, or building-related reasons listed in subparagraph (VII).
2. A nonprobationary teacher placed on unpaid leave under section 22-63-202(2)(c.5)(IV) has no vested property interest in salary and benefits and therefore is not deprived of a state property interest.

KEY QUOTATIONS

“Reading that section as a whole, we hold that section 22-63-202(c.5) applies to all displaced nonprobationary teachers, not merely to those displaced for the reasons enumerated in section 22-63-202(c.5)(VII).” (¶ 21)

“We therefore hold that nonprobationary teachers who are placed on unpaid leave have no vested property interest in salary and benefits, meaning a nonprobationary teacher who is placed on unpaid leave under subparagraph (IV) is not deprived of a state property interest.” (¶ 24)

FACTUAL BACKGROUND

Lisa Johnson was a nonprobationary teacher who had taught for the Denver school district since 1991. After an unsuccessful effort to dismiss her for performance-related reasons, she held several temporary teaching assignments and was unable to obtain a long-term mutual-consent placement. In 2012, the district placed her on unpaid leave under section 22-63-202(2)(c.5)(IV).

PROCEDURAL HISTORY

Lisa Johnson sued the Denver school district and its board, alleging that placing her on unpaid leave breached her contract under TECDA and violated due process. The United States District Court for the District of Colorado dismissed her claims, concluding that the district could place her on unpaid leave and that she had not been deprived of a property interest. Johnson appealed to the Tenth Circuit, which certified two statutory and property-interest questions to the Colorado Supreme Court. After answering both questions, the Colorado Supreme Court returned the case to the Tenth Circuit.

DISPOSITION

other

REMAND INSTRUCTIONS

The certified questions were answered, and the case was returned to the United States Court of Appeals for the Tenth Circuit.

CASES CITED

- City & County of Denver School District No. 1 v. Denver Classroom Teachers Ass'n, 2017 CO 30, ¶ 11, 407 P.3d 1220, 1222
- People v. Hoskin, 2016 CO 63, ¶ 7, 380 P.3d 130, 133
- Beeghly v. Mack, 20 P.3d 610, 613 (Colo. 2001)
- Sheely v. People, 54 Colo. 136, 129 P. 201, 202 (1913)
- Pineda-Liberato v. People, 2017 CO 95, ¶ 39, 403 P.3d 160, 166
- Frazier v. People, 90 P.3d 807, 811 (Colo. 2004)
- Kinder Morgan CO2 Co. v. Montezuma County Board of Commissioners, 2017 CO 72, ¶ 24, 396 P.3d 657, 664
- Cleveland Board of Education v. Loudermill, 470 U.S. 532, 538 (1985)
- Dove Valley Business Park Associates v. Board of County Commissioners, 945 P.2d 395, 401 (Colo. 1997)
- Webb's Fabulous Pharmacies, Inc. v. Beckwith, 449 U.S. 155, 161 (1980)
- Phillips v. Washington Legal Foundation, 524 U.S. 156, 163-64 (1998)
- Howell v. Woodlin School District R-104, 596 P.2d 56, 60 (Colo. 1979)
- deKoevend v. Board of Education, 688 P.2d 219 (Colo. 1984)