

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 18-1214.01 Megan Waples x4348

SENATE BILL 18-264

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SENATE SPONSORSHIP

Gardner,

HOUSE SPONSORSHIP

Lundeen,

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Senate Committees

State, Veterans, & Military Affairs

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE PROHIBITION OF STRIKES BY PUBLIC SCHOOL  
102 TEACHERS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill prohibits public school teachers and teacher organizations from directly or indirectly inducing, instigating, encouraging, authorizing, ratifying, or participating in a strike against any public school employer. Public school employers are prohibited from consenting to or condoning a strike and from paying a public school teacher for any day during which the public school teacher participates in a strike.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

In the event of a strike or the imminent threat of a strike in violation of the bill, the public school employer is authorized to seek an injunction from the district court. Failure by a public school teacher or teacher organization to comply with the injunction constitutes contempt of court and may be punished with fines or up to 6 months in county jail, or both.

If a public school teacher is found in contempt of court for failure to comply with an injunction, the bill directs the public school employer to immediately terminate his or her employment, without a hearing. If a teacher organization is found in contempt, any collective bargaining agreement negotiated by the organization is rendered null and void. The organization cannot represent public school teachers or collect dues from them for one year, and a public school employer is prohibited from negotiating with the organization during that time. These penalties may be suspended or modified by the court if the public school employer so requests and the court finds it is in the public interest to do so.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-61-102.5 as  
3 follows:

4 **22-61-102.5. Strikes by public school teachers prohibited -**  
5 **injunctive relief - penalties - definitions.** (1) AS USED IN THIS SECTION,  
6 UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS PROVIDED IN  
8 SECTION 22-1-101, INCLUDING A CHARTER SCHOOL AUTHORIZED BY A  
9 SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22  
10 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER  
11 SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE  
12 22.

13 (b) "PUBLIC SCHOOL EMPLOYER" MEANS THE BOARD OF  
14 EDUCATION OF A SCHOOL DISTRICT, SCHOOL DISTRICT, PUBLIC SCHOOL, OR  
15 OTHER ORGANIZATION OR ENTITY THAT EMPLOYS A PUBLIC SCHOOL  
16 TEACHER.

1 (c) "PUBLIC SCHOOL TEACHER" MEANS A PERSON EMPLOYED TO  
2 INSTRUCT STUDENTS IN A PUBLIC SCHOOL IN THE STATE.

3 (d) "TEACHER ORGANIZATION" MEANS AN ORGANIZATION IN  
4 WHICH PUBLIC SCHOOL TEACHERS MAY PARTICIPATE AND THAT EXISTS FOR  
5 THE PURPOSE OF INTERACTING WITH A PUBLIC SCHOOL EMPLOYER  
6 CONCERNING ISSUES OF MUTUAL CONCERN BETWEEN PUBLIC SCHOOL  
7 TEACHERS AND PUBLIC SCHOOL EMPLOYERS.

8 (2) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EVERY  
9 PUBLIC SCHOOL TEACHER AND EVERY TEACHER ORGANIZATION IS  
10 PROHIBITED FROM DIRECTLY OR INDIRECTLY INDUCING, INSTIGATING,  
11 ENCOURAGING, AUTHORIZING, RATIFYING, OR PARTICIPATING IN A STRIKE  
12 AGAINST ANY PUBLIC SCHOOL EMPLOYER.

13 (b) A PUBLIC SCHOOL EMPLOYER SHALL NOT AUTHORIZE, CONSENT  
14 TO, OR CONDONE A STRIKE OR PAY OR AGREE TO PAY ANY PUBLIC SCHOOL  
15 TEACHER FOR ANY DAY DURING WHICH A PUBLIC SCHOOL TEACHER  
16 PARTICIPATES IN A STRIKE.

17 (3) IN THE EVENT THAT A VIOLATION OR AN IMMINENTLY  
18 THREATENED VIOLATION OF SUBSECTION (2) OF THIS SECTION OCCURS, THE  
19 PUBLIC SCHOOL EMPLOYER WHOSE PUBLIC SCHOOL TEACHERS ARE  
20 INVOLVED IN THE STRIKE OR IMMINENTLY THREATENED STRIKE MAY  
21 APPLY TO THE DISTRICT COURT IN THE COUNTY IN WHICH THE VIOLATION  
22 OCCURS OR IS IMMINENTLY THREATENED TO OCCUR FOR AN ORDER TO  
23 ENJOIN THE STRIKE OR IMMINENTLY THREATENED STRIKE. THE  
24 APPLICATION TO THE COURT SHALL ESTABLISH THE FACTS CONSTITUTING  
25 THE STRIKE OR IMMINENTLY THREATENED STRIKE. IF THE COURT FINDS  
26 THAT AN ILLEGAL STRIKE HAS OCCURRED OR UNLESS ENJOINED IS LIKELY  
27 TO OCCUR, THE COURT SHALL ISSUE AN ORDER TO ENJOIN THE

1 CONTINUANCE OR THE COMMENCEMENT OF THE STRIKE IN THE MANNER  
2 PROVIDED IN THE COLORADO RULES OF CIVIL PROCEDURE.

3 (4) FAILURE TO COMPLY WITH AN INJUNCTION GRANTED IN  
4 ACCORDANCE WITH SUBSECTION (3) OF THIS SECTION CONSTITUTES  
5 CONTEMPT OF COURT. PUNISHMENT FOR CONTEMPT OF COURT UNDER THIS  
6 SECTION MAY, IN THE COURT'S DISCRETION, INCLUDE:

7 (a) FOR AN INDIVIDUAL PUBLIC SCHOOL TEACHER OR AN OFFICER  
8 OF A TEACHER ORGANIZATION WHO IS WHOLLY OR PARTLY RESPONSIBLE  
9 FOR THE VIOLATION, A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS  
10 FOR EACH DAY DURING WHICH THE FAILURE TO COMPLY CONTINUES OR  
11 IMPRISONMENT IN A COUNTY JAIL NOT TO EXCEED SIX MONTHS, OR BOTH;  
12 AND

13 (b) FOR A TEACHER ORGANIZATION, A FINE OF NOT MORE THAN TEN  
14 THOUSAND DOLLARS FOR EACH DAY DURING WHICH THE FAILURE TO  
15 COMPLY CONTINUES.

16 (5) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 63 OF THIS  
17 TITLE 22, IF A PUBLIC SCHOOL TEACHER IS FOUND BY A COURT TO BE IN  
18 CONTEMPT OF COURT FOR FAILURE TO COMPLY WITH AN INJUNCTION IN  
19 ACCORDANCE WITH THIS SECTION OR IS CONVICTED OF VIOLATING THIS  
20 SECTION, THE PUBLIC SCHOOL EMPLOYER SHALL IMMEDIATELY TERMINATE  
21 THE PUBLIC SCHOOL TEACHER'S EMPLOYMENT, UNLESS THE COURT  
22 REQUESTS THAT THE PUBLIC SCHOOL EMPLOYER STAY THE TERMINATION  
23 TO PERMIT FURTHER JUDICIAL PROCEEDINGS. A PUBLIC SCHOOL TEACHER  
24 TERMINATED UNDER THIS SECTION IS NOT ENTITLED TO A HEARING OR TO  
25 FILE A SEPARATE ACTION FOR JUDICIAL REVIEW PURSUANT TO SECTION  
26 22-63-302 AND IS INELIGIBLE FOR EMPLOYMENT WITH ANY PUBLIC SCHOOL  
27 EMPLOYER FOR ONE YEAR FROM THE DATE OF TERMINATION OF

1 EMPLOYMENT PURSUANT TO THIS SUBSECTION (5).

2 (6) IF A TEACHER ORGANIZATION OR AN OFFICER OF THE  
3 ORGANIZATION IS HELD TO BE IN CONTEMPT OF COURT FOR FAILURE TO  
4 COMPLY WITH AN INJUNCTION PURSUANT TO THIS SECTION OR IS  
5 CONVICTED OF VIOLATING THIS SECTION, THE TEACHER ORGANIZATION  
6 SHALL CEASE TO REPRESENT OR RECEIVE DUES FROM ANY PUBLIC SCHOOL  
7 TEACHERS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE  
8 CONVICTION OR FINDING OF CONTEMPT. ANY COLLECTIVE BARGAINING  
9 AGREEMENT NEGOTIATED BY THE TEACHER ORGANIZATION IS RENDERED  
10 NULL AND VOID AS OF THE DATE OF THE CONVICTION OR FINDING OF  
11 CONTEMPT. A PUBLIC SCHOOL EMPLOYER SHALL NOT NEGOTIATE WITH THE  
12 TEACHER ORGANIZATION FOR A PERIOD OF ONE YEAR FROM THE DATE OF  
13 THE CONVICTION OR FINDING OF CONTEMPT.

14 (7) THE PENALTIES SPECIFIED IN THIS SECTION MAY BE SUSPENDED  
15 OR MODIFIED BY THE COURT UPON REQUEST OF THE PUBLIC SCHOOL  
16 EMPLOYER AND IF THE COURT DETERMINES THAT THE SUSPENSION OR  
17 MODIFICATION IS IN THE PUBLIC INTEREST.

18 (8) A PUBLIC SCHOOL TEACHER OR TEACHER ORGANIZATION THAT  
19 MAKES AN ACTIVE GOOD-FAITH EFFORT TO COMPLY WITH AN INJUNCTION  
20 ORDERED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED TO BE IN  
21 CONTEMPT OF COURT.

22 (9) A TEACHER ORGANIZATION AND PUBLIC SCHOOL EMPLOYER  
23 SHALL NOT BARGAIN WITH EACH OTHER AT ANY TIME REGARDING THE  
24 SUSPENSION OR MODIFICATION OF ANY PENALTY AUTHORIZED PURSUANT  
25 TO THIS SECTION OR REGARDING A REQUEST BY THE PUBLIC SCHOOL  
26 EMPLOYER TO A COURT FOR SUCH SUSPENSION OR MODIFICATION.

27 **SECTION 2.** In Colorado Revised Statutes, 22-63-302, **amend**

1 (11)(b); and **add** (11)(a.5) as follows:

2 **22-63-302. Procedure for dismissal - judicial review.**

3 (11)(a.5) IN ADDITION TO THE CIRCUMSTANCES SPECIFIED IN SUBSECTION  
4 (11)(a) OF THIS SECTION, THE BOARD SHALL TAKE IMMEDIATE ACTION TO  
5 DISMISS A TEACHER IN ACCORDANCE WITH SECTION 22-61-102.5 (5),  
6 WITHOUT A HEARING, NOTWITHSTANDING SUBSECTIONS (2) TO (10) OF  
7 THIS SECTION, WHEN THE TEACHER IS FOUND TO BE IN CONTEMPT OF  
8 COURT FOR FAILURE TO COMPLY WITH AN ORDER TO ENJOIN THE  
9 CONTINUANCE OR COMMENCEMENT OF A STRIKE PURSUANT TO SECTION  
10 22-61-102.5 (4); EXCEPT THAT THE BOARD IS NOT REQUIRED TO TAKE  
11 IMMEDIATE ACTION TO DISMISS A TEACHER IF THE COURT REQUESTS THAT  
12 THE BOARD STAY THE TERMINATION TO PERMIT FURTHER JUDICIAL  
13 PROCEEDINGS.

14 (b) A certified copy of the judgment of a court of competent  
15 jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo  
16 contendere, ~~or~~ a deferred sentence, OR AN ORDER OF CONTEMPT shall be  
17 conclusive evidence for the purposes of this subsection (11).

18 **SECTION 3. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.