

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0272.01 Brita Darling x2241

SENATE BILL 19-003

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE EDUCATOR LOAN FORGIVENESS PROGRAM TO**
102 **ADDRESS EDUCATOR SHORTAGES.**

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 makes changes to the teacher loan forgiveness program, renaming it the educator loan forgiveness program (program) and revising the eligibility criteria for the program.

The program:

- ! Repays up to \$5,000 of qualified educational loans for up to 5 years for teachers and other educators employed in

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.

qualified positions under the program; and
! Targets teachers and other educators employed in
hard-to-fill positions due to geography or content area.

The department of education (department) is required to annually identify the content shortage areas that qualify for the program.

Subject to available appropriations, the Colorado commission on higher education (commission) shall approve up to 100 new participants in the program each year, and the bill specifies the criteria the commission shall use to prioritize applicants, if necessary.

The program includes the educator loan forgiveness fund, and the commission shall adopt policies that ensure that loan repayment is made only on qualified loans for educators in qualified positions.

The commission shall prepare an annual report for the general assembly that includes information concerning the content shortage areas identified by the department and information concerning the program participants.

The bill extends the repeal date of the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-3.9-100.2 as
3 follows:

4 **23-3.9-100.2. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS THAT:

6 (a) COLORADO SUFFERS FROM A SHORTAGE OF TEACHERS AND
7 OTHER EDUCATORS DUE TO VARIOUS FACTORS AFFECTING THE TEACHING
8 PROFESSION, WHICH INCLUDE BUT ARE NOT LIMITED TO DECLINING
9 ENROLLMENT AND COMPLETION OF EDUCATOR PREPARATION PROGRAMS,
10 LOW EDUCATOR COMPENSATION AND BENEFITS, AN INSUFFICIENT NUMBER
11 OF EDUCATORS IN CERTAIN CONTENT AREAS, AND DIFFICULTY IN FILLING
12 EDUCATOR POSITIONS IN RURAL OR ISOLATED AREAS OF THE STATE;

13 (b) PURSUANT TO HOUSE BILL 17-1003, ENACTED IN 2017, THE
14 DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF
15 EDUCATION, WITH INPUT FROM EDUCATION AND COMMUNITY
16 STAKEHOLDERS, ANALYZED TEACHER AND OTHER EDUCATOR SHORTAGES

1 AND ISSUED A REPORT INCLUDING RECOMMENDATIONS FOR ADDRESSING
2 THESE SHORTAGES;

3 (c) AS PART OF THEIR FINDINGS, THE DEPARTMENT OF HIGHER
4 EDUCATION AND THE DEPARTMENT OF EDUCATION DETERMINED THAT THE
5 STATE HAS EDUCATOR SHORTAGES IN EARLY CHILDHOOD EDUCATION;
6 SCIENCE; MATHEMATICS; WORLD LANGUAGES; SPECIAL EDUCATION; AND
7 ART, MUSIC, AND DRAMA;

8 (d) FURTHER, SHORTAGES IN THESE CONTENT AREAS ARE MORE
9 PRONOUNCED IN RURAL AND REMOTE RURAL AREAS WHERE SCHOOL
10 DISTRICTS AND RURAL SCHOOLS FACE ADDITIONAL CHALLENGES,
11 INCLUDING INADEQUATE TEACHER COMPENSATION, LACK OF AFFORDABLE
12 HOUSING, AND AN INABILITY TO ATTRACT NEW TEACHERS TO RURAL
13 COMMUNITIES; AND

14 (e) THE DEPARTMENT OF HIGHER EDUCATION AND THE
15 DEPARTMENT OF EDUCATION FOUND THAT ONE STRATEGY FOR
16 ADDRESSING TEACHER AND OTHER EDUCATOR SHORTAGES IN
17 HARD-TO-FILL POSITIONS DUE TO TEACHING CONTENT AREA OR
18 GEOGRAPHIC LOCATION IS TO OFFER LOAN REPAYMENT OF EDUCATIONAL
19 LOANS FOR EDUCATORS WHO SERVE IN THESE HARD-TO-FILL POSITIONS IN
20 THE STATE.

21 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
22 IMPLEMENTING A LOAN FORGIVENESS PROGRAM FOR EDUCATORS
23 EMPLOYED IN QUALIFIED POSITIONS IN THE STATE IS NECESSARY TO
24 ENSURE THAT THE NEEDS OF STUDENTS ARE MET IN ALL COLORADO PUBLIC
25 SCHOOLS.

26 **SECTION 2.** In Colorado Revised Statutes, 23-3.9-101, **amend**
27 (4) and (5); **repeal** (3.5); and **add** (2.5), (3.7), and (6) as follows:

1 **23-3.9-101. Definitions.** As used in this part 1, unless the context
2 otherwise requires:

3 (2.5) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR SPECIAL
4 SERVICES PROVIDER, AS THOSE TERMS ARE DEFINED IN SECTION
5 22-60.5-102; EXCEPT THAT A SPECIAL SERVICES PROVIDER NEED NOT BE
6 EMPLOYED BY A SCHOOL DISTRICT.

7 (3.5) ~~"High-poverty school" means a public school at which the~~
8 ~~number of pupils enrolled who are eligible for free lunch pursuant to the~~
9 ~~provisions of the federal "Richard B. Russell National School Lunch~~
10 ~~Act", 42 U.S.C. sec. 1751 et seq., is at least equal to or greater than~~
11 ~~twenty-eight percent of the school's student enrollment.~~

12 (3.7) "QUALIFIED LOAN" MEANS AN EDUCATIONAL LOAN INCURRED
13 WHILE COMPLETING AN APPROVED EDUCATOR PREPARATION PROGRAM, AS
14 DEFINED IN SECTION 23-1-121, OR A BACHELOR'S OR MASTER'S DEGREE IN
15 THE AREA IN WHICH THE EDUCATOR IS EMPLOYED IN A QUALIFIED
16 POSITION. THE COMMISSION SHALL DETERMINE IF A LOAN IS A QUALIFIED
17 LOAN FOR PURPOSES OF THE EDUCATOR LOAN FORGIVENESS PROGRAM
18 CREATED IN SECTION 23-3.9-102.

19 (4) "Qualified position" means:

20 (a) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in a
21 ~~high-poverty school that is a Colorado elementary public school in a~~
22 ~~RURAL SCHOOL OR rural school district or in a facility school that is in a~~
23 ~~rural school district IDENTIFIED BY THE DEPARTMENT OF EDUCATION~~
24 ~~PURSUANT TO SECTION 23-3.9-102 (6); or~~

25 (b) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in ~~math,~~
26 ~~science, special education, or linguistically diverse education in a~~
27 Colorado public school, A SCHOOL OPERATED BY A BOARD OF

1 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22,
2 or a facility school IN A CONTENT SHORTAGE AREA IDENTIFIED PURSUANT
3 TO SECTION 23-3.9-102 (6).

4 (5) "Rural school" OR "RURAL SCHOOL district" means a PUBLIC
5 school OR SCHOOL district ~~that does not include within its geographic~~
6 ~~boundaries a municipality exceeding five thousand persons and that is~~
7 ~~characterized by sparse, widespread populations~~ IDENTIFIED BY THE
8 DEPARTMENT OF EDUCATION PURSUANT TO SECTION 23-3.9-102 (6).

9 (6) "SCHOOL" OR "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS
10 PROVIDED IN SECTION 22-1-101, INCLUDING A CHARTER SCHOOL
11 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
12 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
13 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
14 TITLE 22, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES
15 CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22.

16 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-3.9-102
17 as follows:

18 **23-3.9-102. Educator loan forgiveness program -**
19 **administration - fund - eligibility.** (1) (a) The general assembly ~~hereby~~
20 authorizes the commission to develop and maintain ~~a teacher~~ AN
21 EDUCATOR loan forgiveness ~~pilot~~ program for implementation beginning
22 in the ~~2001-02~~ 2019-20 academic year for payment of all or part of the
23 principal and interest of the ~~educational~~ QUALIFIED loans of ~~a first-year~~
24 ~~teacher~~ AN EDUCATOR who is hired for a qualified position. ~~Beginning in~~
25 ~~the 2004-05 academic year, the commission is authorized to extend the~~
26 ~~teacher loan forgiveness pilot program to include payment of all or part~~
27 ~~of the principal and interest of the educational loans of a teacher who is~~

1 ~~hired to teach in a qualified position after the teacher's first year of~~
2 ~~teaching.~~ MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND, CREATED
3 IN SUBSECTION (1)(b) OF THIS SECTION, MAY BE USED ONLY FOR repayment
4 of QUALIFIED loans through the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~
5 program. ~~may be made using moneys in the teacher loan forgiveness~~
6 ~~fund, created in paragraph (b) of this subsection (1), or moneys allocated~~
7 ~~to the program by collegeinvest.~~ The commission is authorized to receive
8 SEEK, ACCEPT, and expend gifts, grants, and donations for the ~~teacher~~
9 EDUCATOR loan forgiveness ~~pilot~~ program. ~~Only graduates of institutions~~
10 ~~of higher education whose loans have collegeinvest eligibility may~~
11 ~~receive repayment of their loans using moneys allocated to the program~~
12 ~~by collegeinvest~~ THE COMMISSION SHALL TRANSMIT ALL MONEY RECEIVED
13 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
14 SHALL CREDIT THE MONEY TO THE EDUCATOR LOAN FORGIVENESS FUND,
15 CREATED IN SUBSECTION (1)(b) OF THIS SECTION. THE COMMISSION SHALL
16 DEVELOP LOAN REPAYMENT POLICIES THAT ENSURE THAT MONEY IN THE
17 EDUCATOR LOAN FORGIVENESS FUND IS USED FOR THE REPAYMENT OF
18 QUALIFIED LOANS OF EDUCATORS EMPLOYED IN QUALIFIED POSITIONS.

19 (b) There is ~~hereby~~ created the ~~teacher~~ EDUCATOR loan
20 forgiveness fund, which ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY
21 appropriated ~~thereto~~ TO THE FUND by the general assembly for the ~~teacher~~
22 EDUCATOR loan forgiveness ~~pilot~~ program and any gifts, grants, and
23 donations received for ~~said~~ THAT purpose. ~~Moneys~~ MONEY in the fund ~~are~~
24 ~~hereby~~ IS continuously appropriated to the department of higher education
25 for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. At the end of
26 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the
27 fund ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited

1 or transferred to the general fund or any other fund; EXCEPT THAT ON
2 AUGUST 30, 2033, ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE
3 FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

4 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION
5 SHALL ANNUALLY APPROVE APPLICATIONS FOR UP TO ONE HUNDRED NEW
6 PARTICIPANTS IN THE EDUCATOR LOAN FORGIVENESS PROGRAM. IF MORE
7 APPLICANTS APPLY THAN THE NUMBER OF NEW PARTICIPANTS AUTHORIZED
8 FOR THE APPLICABLE YEAR, THE COMMISSION SHALL:

9 (I) FIRST, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
10 QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL AND
11 IN A CONTENT SHORTAGE AREA;

12 (II) SECOND, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR
13 A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL;
14 AND

15 (III) THIRD, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
16 QUALIFIED POSITION IN A CONTENT SHORTAGE AREA.

17 (2) In addition to any qualifications specified by the commission,
18 to qualify for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program, a
19 ~~teacher~~ AN EDUCATOR shall:

20 (a) Graduate from an approved ~~program of~~ EDUCATOR preparation
21 PROGRAM, AS DEFINED IN SECTION 23-1-121, OR, IF THE APPLICANT IS A
22 SPECIAL SERVICES PROVIDER, SATISFY THE SPECIAL SERVICES PROVIDER
23 PREPARATION REQUIREMENTS FOR LICENSURE;

24 (b) Meet licensure requirements pursuant to section 22-60.5-201
25 (1)(b) or (1)(c), SECTION 22-60.5-301 (1)(a) OR (1)(b), or SECTION
26 22-60.5-210; ~~C.R.S.~~;

27 (c) (I) Demonstrate professional competencies consistent with

1 state board of education rules in the subject matter in which the ~~teacher~~
2 EDUCATOR obtains a qualified position; or

3 (II) Be fully qualified under a training program approved by a
4 federal court or agency or the state department of education;

5 (d) ~~(I) Contract for the teacher's first year of teaching in a~~
6 ~~qualified position, as defined in section 23-3.9-101, (4)(b), no earlier than~~
7 ~~June 2004 2019 and no later than the end of the 2008-09 2027-28~~
8 ~~academic year; or AND~~

9 ~~(H) If the teacher is not a first-year teacher, contract to teach in a~~
10 ~~qualified position, as defined in section 23-3.9-101 (4)(b), no earlier than~~
11 ~~June 2004 and no later than the end of the 2008-09 academic year; or~~

12 ~~(HH) Initially apply to participate in the program and teach in a~~
13 ~~qualified position, as defined in section 23-3.9-101 (4)(a), on or after June~~
14 ~~1, 2005, and no later than the end of the 2012-13 academic year;~~

15 (e) ~~Work at least half-time in a qualified position if employed in~~
16 ~~a rural school district, or, beginning with the fall semester of the 2005-06~~
17 ~~academic year, full-time in a qualified position if employed in a school~~
18 ~~district other than a rural school district; and~~

19 (f) Be liable for an outstanding balance on a ~~collegeinvest~~
20 ~~QUALIFIED loan. or a loan through a lender with an agreement with~~
21 ~~collegeinvest to offer loans.~~

22 (3) ~~A teacher~~ AN EDUCATOR who qualifies ~~under~~ PURSUANT TO
23 subsection (2) of this section may be eligible for up to ~~two~~ FIVE thousand
24 dollars in loan forgiveness for ~~the first year of teaching~~ EACH YEAR OF
25 EMPLOYMENT in a qualified position ~~and up to two thousand dollars in~~
26 ~~loan forgiveness for each of the next three years of teaching in a qualified~~
27 ~~position~~ FOR UP TO A TOTAL OF FIVE YEARS.

1 (3.5) ~~Notwithstanding the provisions of subsection (3) of this~~
2 ~~section, a teacher who qualifies under subsection (2) of this section,~~
3 ~~initially applies to participate in the program in any of academic years~~
4 ~~2009-10 to 2012-13, and teaches in a high-poverty elementary school in~~
5 ~~a rural school district shall be eligible for up to four thousand dollars in~~
6 ~~loan forgiveness for each of the first two years of teaching in a qualified~~
7 ~~position and up to one thousand dollars in loan forgiveness for each of the~~
8 ~~next two years of teaching in a qualified position.~~

9 (4) ~~If a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
10 loan forgiveness ~~pilot~~ program through employment in a ~~high-poverty~~
11 ~~elementary school in a rural school district~~ QUALIFIED POSITION and in a
12 subsequent academic year the ~~school no longer meets the criteria to be~~
13 ~~classified as a high-poverty elementary school in a rural school district~~
14 POSITION IS NO LONGER IDENTIFIED AS A QUALIFIED POSITION PURSUANT
15 TO SUBSECTION (6) OF THIS SECTION, the ~~teacher~~ EDUCATOR may continue
16 to participate in the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program if
17 ~~he or she~~ THE EDUCATOR continues to ~~teach at the~~ IN THE same ~~school~~
18 POSITION IN THE SAME LOCATION OR IN A DIFFERENT POSITION THAT IS A
19 QUALIFIED POSITION.

20 (5) ~~If a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
21 loan forgiveness ~~pilot~~ program ~~through employment in a high-poverty~~
22 ~~elementary school in a rural school district~~ and subsequently transfers to
23 a nonqualifying ~~school~~ POSITION, ~~he or she~~ THE EDUCATOR forfeits
24 participant status ~~under~~ PURSUANT TO this section.

25 (6) (a) FOR PURPOSES OF DEFINING A "QUALIFIED POSITION"
26 PURSUANT TO SUBSECTION (4) OF THIS SECTION, the department of
27 education shall annually identify: ~~the public schools in the state that~~

1 ~~qualify as high-poverty elementary schools in~~

2 (I) Rural school districts BASED ON THE GEOGRAPHIC SIZE OF THE
3 DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE,
4 URBANIZED AREA;

5 (II) RURAL SCHOOLS, WHICH MAY INCLUDE BUT ARE NOT LIMITED
6 TO INDIVIDUAL SCHOOLS OF A SCHOOL DISTRICT EVEN THOUGH THE
7 SCHOOL DISTRICT AS A WHOLE IS NOT IDENTIFIED AS A RURAL SCHOOL
8 DISTRICT IF THE DEPARTMENT OF EDUCATION DETERMINES THAT, AS A
9 FUNCTION OF GEOGRAPHIC CHARACTERISTICS, THE SCHOOL IS
10 EXPERIENCING EDUCATOR SHORTAGES THAT ARE NOT EXPERIENCED BY
11 OTHER SCHOOLS OF THE SCHOOL DISTRICT;

12 (III) CONTENT SHORTAGE AREAS, WHICH MAY INCLUDE THOSE
13 IDENTIFIED BY THE DEPARTMENT OF HIGHER EDUCATION AND
14 DEPARTMENT OF EDUCATION IN THEIR NOVEMBER 2017 REPORT,
15 "COLORADO'S TEACHER SHORTAGES: ATTRACTING AND RETAINING
16 EXCELLENT EDUCATORS", AS WELL AS OTHER CONTENT SHORTAGE AREAS
17 SPECIFIC TO COLORADO THAT DEVELOP OVER THE COURSE OF THE
18 EDUCATOR LOAN FORGIVENESS PROGRAM. THE DEPARTMENT OF
19 EDUCATION MAY IDENTIFY CONTENT SHORTAGE AREAS GENERALLY AND
20 FOR SPECIFIC GEOGRAPHIC AREAS OF THE STATE.

21 (IV) HARD-TO-FILL EDUCATOR POSITIONS DUE TO GEOGRAPHY OR
22 CONTENT SHORTAGE AREA, OR BOTH.

23 (b) AS PART OF ITS ANNUAL IDENTIFICATION OF RURAL SCHOOLS,
24 SCHOOL DISTRICTS, AND CONTENT SHORTAGE AREAS, THE DEPARTMENT OF
25 EDUCATION SHALL CONSIDER EDUCATION AND COMMUNITY STAKEHOLDER
26 FEEDBACK.

27 **SECTION 4.** In Colorado Revised Statutes, **amend 23-3.9-103**

1 as follows:

2 **23-3.9-103. Reporting.** NOTWITHSTANDING THE PROVISIONS OF
3 SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, on or before December
4 15, ~~2002~~ 2019, and on or before ~~each~~ December 15 EACH YEAR thereafter
5 IN WHICH AN EDUCATOR IS PARTICIPATING IN THE PROGRAM, the
6 commission shall prepare an annual report that includes, but is not limited
7 to, THE CONTENT SHORTAGE AREAS IDENTIFIED BY THE DEPARTMENT OF
8 EDUCATION, the number of participants in the program, THE PUBLIC
9 SCHOOLS IN WHICH THE PARTICIPANTS ARE TEACHING, ~~the amount of funds~~
10 MONEY applied toward loan forgiveness and the sources of ~~those funds~~
11 THE MONEY, AND THE LENGTH OF TIME THE PARTICIPANT HAS REMAINED
12 IN THE PROGRAM AND HAS REMAINED TEACHING IN THE PUBLIC SCHOOL OR
13 WITHIN THE SAME SCHOOL DISTRICT. The commission shall provide notice
14 to the education committees of the senate and the house of
15 representatives, OR ANY SUCCESSOR COMMITTEES, that the report is
16 available to the members of the committees upon request.

17 **SECTION 5.** In Colorado Revised Statutes, **amend** 23-3.9-104
18 as follows:

19 **23-3.9-104. Repeal of part.** This part 1 is repealed, effective ~~July~~
20 ~~1, 2019~~ SEPTEMBER 1, 2033.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.