

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

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 21-0235.02 Julie Pelegrin x2700

**SENATE BILL 21-172**

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**SENATE SPONSORSHIP**

**Danielson and Garcia,** Bridges, Buckner, Donovan, Ginal, Gonzales, Hansen, Jaquez  
Lewis, Kolker, Moreno, Pettersen, Rodriguez, Story, Winter

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez and Ortiz,**

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**Senate Committees**  
Education

**House Committees**  
Education

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**A BILL FOR AN ACT**

101      **CONCERNING CREATION OF A FUND TO ASSIST IN INCREASING THE**  
102                    **AMOUNTS PAID TO PERSONS EMPLOYED BY LOCAL EDUCATION**  
103                    **PROVIDERS.**

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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 creates the educator pay raise fund (fund), which consists of money that the general assembly may appropriate or transfer to the fund. The department of education must distribute any money appropriated from the fund to assist school districts, charter schools, and boards of cooperative services in increasing teacher salaries and the

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.*

HOUSE  
Amended 2nd Reading  
June 4, 2021

SENATE  
3rd Reading Unamended  
March 23, 2021

SENATE  
2nd Reading Unamended  
March 22, 2021



1 DOLLARS;

2 (f) MANY OF THESE SCHOOL DISTRICTS ARE RURAL SCHOOL  
3 DISTRICTS WITH LOW ASSESSED PROPERTY VALUE AND THEREFORE  
4 LIMITED ABILITY TO RAISE LOCAL PROPERTY TAX REVENUE; AND

5 (g) THE TOTAL PROGRAM AMOUNT CALCULATED FOR EACH SCHOOL  
6 DISTRICT PURSUANT TO SECTION 22-54-104, WHICH REPRESENTS THE  
7 FINANCIAL BASE OF SUPPORT FOR EACH SCHOOL DISTRICT, HAS BEEN  
8 REDUCED FOR MOST SCHOOL DISTRICTS BY THE BUDGET STABILIZATION  
9 FACTOR EACH BUDGET YEAR SINCE THE 2010-11 BUDGET YEAR, FURTHER  
10 RESTRICTING THE ABILITY OF SOME SCHOOL DISTRICTS TO INCREASE THEIR  
11 TEACHER SALARIES AND THE HOURLY WAGE FOR OTHER EMPLOYEES.

12 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO  
13 ESTABLISH A FUND TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS  
14 IN INCREASING THE SALARY PAID TO TEACHERS AND THE HOURLY WAGE  
15 PAID TO NONLICENSED EMPLOYEES. IT IS FURTHER THE INTENT OF THE  
16 GENERAL ASSEMBLY THAT A SCHOOL DISTRICT OR CHARTER SCHOOL THAT  
17 RECEIVES MONEY FROM THE FUND MUST USE THE MONEY RECEIVED TO  
18 SUPPLEMENT, NOT SUPPLANT, THE AMOUNT THAT THE SCHOOL DISTRICT OR  
19 CHARTER SCHOOL WOULD OTHERWISE BUDGET FOR EDUCATOR SALARIES  
20 AND WAGES.

21 **22-55.5-102. Definitions.** AS USED IN THIS ARTICLE 55.5, UNLESS  
22 THE CONTEXT OTHERWISE REQUIRES:

23 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED  
24 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS  
25 TITLE 22 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE  
26 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF  
27 THIS TITLE 22.

1           (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
2           CREATED IN SECTION 24-1-115.

3           (3) "EDUCATOR" MEANS A TEACHER EMPLOYED BY A SCHOOL  
4           DISTRICT OR CHARTER SCHOOL OR AN EMPLOYEE OF A SCHOOL DISTRICT OR  
5           CHARTER SCHOOL.

6           (4) "EMPLOYEE" MEANS A PERSON EMPLOYED BY A SCHOOL  
7           DISTRICT OR CHARTER SCHOOL WHO PROVIDES PARAPROFESSIONAL  
8           SERVICES, CLERICAL SERVICES, CUSTODIAL AND MAINTENANCE SERVICES,  
9           FOOD SERVICES, TRANSPORTATION SERVICES, TECHNICAL SERVICES,  
10          SKILLED TRADE SERVICES, SECURITY SERVICES, OR HEALTH AND STUDENT  
11          SERVICES.

12          (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED  
13          BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND  
14          ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22. "SCHOOL  
15          DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED  
16          PURSUANT TO ARTICLE 5 OF THIS TITLE 22 IF IT IS OPERATING A PUBLIC  
17          SCHOOL.

18          (6) "TEACHER" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A  
19          SCHOOL DISTRICT OR CHARTER SCHOOL TO INSTRUCT, DIRECT, OR  
20          SUPERVISE THE INSTRUCTIONAL PROGRAM OR TO PROVIDE SERVICES AS A  
21          SCHOOL NURSE AND WHO MAY HOLD A TEACHER'S LICENSE OR A SPECIAL  
22          SERVICES LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22.  
23          "TEACHER" DOES NOT INCLUDE A PERSON WHO HOLDS AN AUTHORIZATION  
24          ISSUED PURSUANT TO SECTION 22-60.5-111 OR WHO HOLDS A PRINCIPAL  
25          OR AN ADMINISTRATOR LICENSE AND IS EMPLOYED AS A PRINCIPAL OF A  
26          SCHOOL OR AN ADMINISTRATIVE OFFICER OF A SCHOOL DISTRICT.

27                 **22-55.5-103. Educator pay raise fund - created.** THE EDUCATOR

1 PAY RAISE FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS  
2 OF MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO  
3 THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
4 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
5 FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE  
6 GENERAL ASSEMBLY, THE DEPARTMENT SHALL DISTRIBUTE MONEY FROM  
7 THE FUND TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS TO  
8 INCREASE THE SALARY PAID TO TEACHERS AND THE HOURLY WAGE PAID  
9 TO NONLICENSED EMPLOYEES.

10 **22-55.5-104. Educator pay raise fund task force - created -**  
11 **recommendations - report - repeal.** (1) THERE IS CREATED THE  
12 EDUCATOR PAY RAISE FUND TASK FORCE, REFERRED TO IN THIS SECTION AS  
13 THE "TASK FORCE", TO MAKE RECOMMENDATIONS FOR THE PROCESS BY  
14 WHICH THE DEPARTMENT WILL DISBURSE MONEY FROM THE EDUCATOR  
15 PAY RAISE FUND CREATED IN SECTION 22-55.5-103 TO SCHOOL DISTRICTS  
16 AND CHARTER SCHOOLS TO INCREASE SALARIES AND WAGES FOR  
17 EDUCATORS. THE RECOMMENDED PROCESS MUST INCLUDE A  
18 REQUIREMENT THAT, AS A CONDITION OF RECEIVING A DISTRIBUTION OF  
19 MONEY FROM THE FUND, A SCHOOL DISTRICT OR CHARTER SCHOOL MUST  
20 AT LEAST MAINTAIN THE LEVEL OF FUNDING FOR EDUCATOR SALARIES AND  
21 WAGES FROM OTHER REVENUE THAT WOULD HAVE EXISTED WITHOUT THE  
22 DISTRIBUTIONS, SUCH THAT THE DISTRIBUTIONS SUPPLEMENT AND DO NOT  
23 SUPPLANT FUNDING FOR SALARIES AND WAGES. THE RECOMMENDED  
24 PROCESS MUST ALSO INCLUDE, AT A MINIMUM, CONSIDERATION OF:  
25 (a) THE NUMBER OF EDUCATORS THAT A SCHOOL DISTRICT OR  
26 CHARTER SCHOOL EMPLOYS;  
27 (b) THE SALARY AMOUNTS AND HOURLY WAGE AMOUNTS THAT A

1 SCHOOL DISTRICT OR CHARTER SCHOOL PAYS RELATIVE TO OTHER SCHOOL  
2 DISTRICTS OR CHARTER SCHOOLS;

3 (c) A SCHOOL DISTRICT'S OR CHARTER SCHOOL'S ABILITY TO  
4 RECRUIT AND RETAIN EDUCATORS; AND

5 (d) THE DEGREE OF FINANCIAL NEED THAT A SCHOOL DISTRICT OR  
6 CHARTER SCHOOL DEMONSTRATES.

7 (2) (a) THE TASK FORCE CONSISTS OF TWELVE PERSONS APPOINTED  
8 AS FOLLOWS:

9 (I) FOUR PERSONS, EACH OF WHOM IS EITHER A TEACHER OR AN  
10 EMPLOYEE, APPOINTED WITH THE ADVICE OF A STATEWIDE ASSOCIATION  
11 THAT REPRESENTS EDUCATORS;

12 (II) TWO PERSONS WHO ARE PUBLIC SCHOOL ADMINISTRATORS  
13 EMPLOYED BY RURAL SCHOOL DISTRICTS OR SMALL RURAL SCHOOL  
14 DISTRICTS, AS DEFINED IN SECTION 22-7-1211 (4), APPOINTED WITH THE  
15 ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS EDUCATORS;

16 (III) TWO PERSONS WHO ARE PUBLIC SCHOOL ADMINISTRATORS  
17 EMPLOYED BY SCHOOL DISTRICTS THAT ARE NOT RURAL SCHOOL DISTRICTS  
18 OR SMALL RURAL SCHOOL DISTRICTS, AS DEFINED IN SECTION 22-7-1211  
19 (4), ONE OF WHOM IS EMPLOYED AS A SCHOOL DISTRICT SUPERINTENDENT,  
20 AND BOTH OF WHOM ARE APPOINTED WITH THE ADVICE OF A STATEWIDE  
21 ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

22 (IV) TWO PERSONS WHO SERVE AS DIRECTORS ON SCHOOL  
23 DISTRICT BOARDS OF EDUCATION, APPOINTED WITH THE ADVICE OF A  
24 STATEWIDE ASSOCIATION THAT REPRESENTS SCHOOL DISTRICT BOARDS OF  
25 EDUCATION; AND

26 (V) TWO PERSONS WHO ARE EMPLOYED BY CHARTER SCHOOLS,  
27 ONE OF WHOM IS A TEACHER AND ONE OF WHOM IS AN ADMINISTRATOR,

1 BOTH OF WHOM ARE APPOINTED WITH THE ADVICE OF A STATEWIDE  
2 ADVOCACY GROUP FOR CHARTER SCHOOLS.

3 (b) BY AUGUST 1, 2021, THE PRESIDENT OF THE SENATE AND THE  
4 SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL EACH APPOINT TWO  
5 OF THE PERSONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION AND  
6 ONE OF THE PERSONS DESCRIBED IN EACH OF SUBSECTIONS (2)(a)(II) TO  
7 (2)(a)(V) OF THIS SECTION TO THE TASK FORCE. IN APPOINTING PERSONS  
8 TO SERVE ON THE TASK FORCE, THE PRESIDENT AND THE SPEAKER SHALL  
9 ENSURE, TO THE EXTENT PRACTICABLE, THAT THE MEMBERSHIP OF THE  
10 TASK FORCE REFLECTS THE GENDER, ETHNIC, AND RACIAL DEMOGRAPHICS  
11 OF THE STATE AND INCLUDES PERSONS WITH DISABILITIES AND PERSONS  
12 FROM ALL AREAS OF THE STATE. THE PERSONS APPOINTED TO THE TASK  
13 FORCE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT  
14 FOR EXPENSES.

15 (c) THE TASK FORCE SHALL HOLD ITS FIRST MEETING NO LATER  
16 THAN AUGUST 15, 2021, AT THE CALL OF THE SPEAKER OF THE HOUSE OF  
17 REPRESENTATIVES. AT THE FIRST MEETING, THE TASK FORCE SHALL  
18 SELECT FROM AMONG ITS MEMBERS A PERSON TO SERVE AS CHAIR OF THE  
19 TASK FORCE. THE TASK FORCE SHALL MEET AT THE CALL OF THE CHAIR AS  
20 OFTEN AS NECESSARY TO COMPLETE ITS DUTIES. THE MEMBERS OF THE  
21 TASK FORCE MAY PARTICIPATE IN MEETINGS ELECTRONICALLY.

22 (d) THE COMMISSIONER OF EDUCATION SHALL APPOINT A PERSON  
23 FROM THE DEPARTMENT TO SERVE AS A CONSULTANT TO THE TASK FORCE  
24 IN DEVELOPING THE RECOMMENDATIONS.

25 (3) ON OR BEFORE JANUARY 15, 2022, THE TASK FORCE SHALL  
26 SUBMIT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE  
27 OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, A REPORT OF THE

1 TASK FORCE RECOMMENDATIONS.

2 (4) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2022.

3 **SECTION 2. Effective date.** This act takes effect upon passage;  
4 except that section 22-55.5-103, Colorado Revised Statutes, created in  
5 section 1 of this act, takes effect only if, at a statewide election held no  
6 later than November 2027, a majority of voters approve a measure that  
7 increases state tax revenue and requires the increased tax revenue to be  
8 deposited into the educator pay raise fund created in section 22-55.5-103,  
9 Colorado Revised Statutes, in which case section 22-55.5-103 takes effect  
10 simultaneously with the measure.

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