

CHAPTER 309

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 08-1384

BY REPRESENTATIVE(S) Todd and Merrifield, Benefield, Borodkin, Casso, Fischer, Kerr A., Labuda, Madden, Massey, Middleton, Primavera, Romanoff, Scanlan, Solano, Summers, Weissmann, Carroll T., and Frangas; also SENATOR(S) Bacon, Gibbs, Groff, Morse, Sandoval, Schwartz, Tupa, Williams, and Windels.

AN ACT

CONCERNING IMPROVING RETENTION OF QUALITY EDUCATORS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 5
TEACHER RECRUITMENT AND RETENTION**

22-2-501. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS THAT:

(a) TEACHERS HAVE A GREAT IMPACT IN STUDENT ACHIEVEMENT. EVIDENCE SHOWS THAT TEACHER QUALITY CAN ACCOUNT FOR THE MAJORITY OF VARIANCES IN STUDENT LEARNING AND TEST SCORES.

(b) THE TEACHING AND LEARNING CONDITIONS UNDER WHICH TEACHERS PRACTICE THEIR PROFESSION, THOUGH OFTEN OVERLOOKED, ARE ESSENTIAL ELEMENTS TO STUDENT ACHIEVEMENT AND TEACHER RETENTION. THESE CONDITIONS MUST BE SYSTEMATICALLY STUDIED AND ADDRESSED FOR COLORADO TO DEVELOP A CRITICAL MASS OF TEACHERS WHO ARE WELL PREPARED TO TEACH AND WHO WILL REMAIN IN HARDEST-TO-STAFF SCHOOLS LONG ENOUGH TO MAKE A SIGNIFICANT DIFFERENCE FOR STUDENTS AND THEIR FAMILIES.

(c) RESEARCH ALSO DEMONSTRATES THAT THE NEGATIVE EFFECTS OF TEACHER SHORTAGES AND DISTRIBUTION CHALLENGES HAVE A DISPROPORTIONATE IMPACT ON

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE NATION'S MOST DISADVANTAGED STUDENTS, LEAVING POOR AND MINORITY CHILDREN MORE LIKELY TO BE TAUGHT BY LESS-QUALIFIED AND UNDER-PREPARED TEACHERS.

(d) TEACHERS WHO ARE TRULY HIGHLY QUALIFIED TEACH WELL-DESIGNED, STANDARDS-BASED LESSONS AND ARE ABLE TO TEACH THOSE LESSONS SUCCESSFULLY BECAUSE THEY KNOW HOW AND WHY THEIR STUDENTS LEARN. THESE TEACHERS WORK EFFECTIVELY WITH THEIR COLLEAGUES TO PUSH AND LEAD SCHOOL IMPROVEMENT AND WORK STEADILY TO SHARPEN THEIR SKILLS AND INCREASE THEIR KNOWLEDGE BECAUSE THEY BELIEVE IT IS PART OF THEIR PROFESSIONAL RESPONSIBILITY TO DO SO.

(e) NATIONAL BOARD CERTIFICATION IS A NATIONALLY ACCEPTED SIGN OF QUALITY IN THE TEACHING PROFESSION AND OFFERS A NATIONWIDE STANDARD FOR EVALUATING AND ENCOURAGING QUALITY TEACHING. IT IS A MEANS TO RECOGNIZE AND REWARD THE ACCOMPLISHED TEACHERS THE STATE NEEDS TO BUILD COMPETITIVE, WORLD-CLASS SCHOOLS. NATIONAL BOARD CERTIFIED TEACHERS ADVANCE THE QUALITY OF TEACHING AND LEARNING BY MAINTAINING HIGH AND RIGOROUS STANDARDS FOR WHAT ACCOMPLISHED TEACHERS SHOULD KNOW AND BE ABLE TO DO.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, IMPLEMENTATION OF MEASURES DESIGNED TO IMPROVE TEACHER QUALITY, RECRUITMENT, AND RETENTION THROUGH THIS PART 5 AND THROUGH HOUSE BILL 08-1384, AS ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-SIXTH GENERAL ASSEMBLY, IS A CRITICAL ELEMENT OF ACCOUNTABLE EDUCATION REFORM, ACCOUNTABLE PROGRAMS TO MEET STATE ACADEMIC STANDARDS, AND PERFORMANCE INCENTIVES FOR TEACHERS AND, THEREFORE, MAY RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

22-2-502. Definitions. AS USED IN THIS PART 5, UNLESS THE CONTEXT OTHERWISE REQUIRES, "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

22-2-503. Teaching and learning conditions survey. (1) THE DEPARTMENT SHALL ADMINISTER A BIENNIAL TEACHING AND LEARNING CONDITIONS SURVEY, REFERRED TO IN THIS SECTION AS THE "SURVEY", TO ALL PRESCHOOL, ELEMENTARY, AND SECONDARY TEACHERS IN PUBLIC SCHOOLS OF THE STATE. THE SURVEY SHALL BE DESIGNED TO ASSESS, AT A MINIMUM:

(a) TEACHING AND LEARNING CONDITIONS AS PREDICTORS OF STUDENT ACHIEVEMENT;

(b) THE CORRELATION, IF ANY, BETWEEN TEACHING AND LEARNING CONDITIONS AND TEACHER RETENTION; AND

(c) THE RELATIONSHIP, IF ANY, BETWEEN TEACHING AND LEARNING CONDITIONS AND SCHOOL ADMINISTRATION.

(2) THE SURVEY RESULTS MAY BE USED BY SCHOOLS, SCHOOL DISTRICTS, THE DEPARTMENT, STATE POLICYMAKERS, AND RESEARCHERS AS A RESOURCE FOR:

- (a) SCHOOL AND PROGRAM DESIGN;
- (b) PROFESSIONAL DEVELOPMENT PROGRAMS;
- (c) SCHOOL IMPROVEMENT PLANS;
- (d) SCHOOL DISTRICT CONTINUOUS IMPROVEMENT PROGRAMS;
- (e) STATE EDUCATION REFORM INITIATIVES CONCERNING ACHIEVEMENT GAPS, TEACHER GAPS, DROPOUT RATES, AND GRADUATION RATES; AND
- (f) OTHER ANALYSES TO INFORM SCHOOL IMPROVEMENT EFFORTS.

22-2-504. National board for professional teaching standards certification compensation - study. (1) BEGINNING WITH THE 2008-2009 SCHOOL YEAR AND ENDING WITH THE 2010-2011 SCHOOL YEAR, THE DEPARTMENT SHALL AWARD AN ANNUAL STIPEND OF ONE THOUSAND SIX HUNDRED DOLLARS TO ANY TEACHER EMPLOYED TO TEACH IN A SCHOOL DISTRICT, IN A PROGRAM OPERATED BY A BOARD OF COOPERATIVE SERVICES, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, OR A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, AND WHO HOLDS A CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS. THE DEPARTMENT SHALL ALLOCATE THE STIPEND MONEYS TO THE SCHOOL DISTRICT THAT EMPLOYS THE TEACHER WHO IS TO RECEIVE THE STIPEND, AND THE SCHOOL DISTRICT SHALL THEN MAKE PAYMENT DIRECTLY TO THE ELIGIBLE TEACHER. A SCHOOL DISTRICT MAY, AT ITS DISCRETION, WITHHOLD ANY REQUIRED EMPLOYER RETIREMENT AND MEDICARE CONTRIBUTIONS ASSOCIATED WITH THE STIPEND PURSUANT TO THIS SECTION FROM THE ONE THOUSAND SIX HUNDRED DOLLAR STIPEND AMOUNT. THE STIPEND SHALL BE:

- (a) PAYABLE ON MAY 1, 2009, AND EACH MAY 1 THEREAFTER;
- (b) PRORATED FOR LESS THAN FULL-TIME EMPLOYMENT;
- (c) CONSIDERED REGULAR SALARY UNDER SECTION 24-51-101 (42) (a), C.R.S., OR MEMBER'S COMPENSATION AS THAT TERM IS USED IN SECTION 22-64-201 (11); AND
- (d) IN ADDITION TO, AND NOT IN LIEU OF, ANY EXISTING COMPENSATION BEING AWARDED AT THE LOCAL LEVEL TO A TEACHER WHO HOLDS A CERTIFICATION FROM THE NATIONAL BOARD FOR PROFESSIONAL TEACHING STANDARDS.

(2) BEGINNING WITH THE 2008-2009 SCHOOL YEAR AND ENDING WITH THE 2010-2011 SCHOOL YEAR, AN ADDITIONAL ANNUAL STIPEND OF THREE THOUSAND TWO HUNDRED DOLLARS SHALL BE AWARDED TO ANY TEACHER WHO MEETS THE CRITERIA SET FORTH IN SUBSECTION (1) OF THIS SECTION AND WHO IS EMPLOYED AS OF MAY 1 IN A GIVEN SCHOOL YEAR IN A SCHOOL THAT RECEIVED A LOW OR

UNSATISFACTORY RATING ON THE PREVIOUS YEAR'S SCHOOL ACCOUNTABILITY REPORT. A TEACHER SHALL CONTINUE TO RECEIVE THE ADDITIONAL STIPEND AWARD PURSUANT TO THIS SUBSECTION (2) IF HE OR SHE REMAINS EMPLOYED IN A SCHOOL THAT WAS PREVIOUSLY RATED AS LOW OR UNSATISFACTORY BUT RECEIVES A HIGHER RATING IN A SUBSEQUENT SCHOOL ACCOUNTABILITY REPORT. THE ADDITIONAL STIPEND FOR SUCH TEACHERS SHALL BE SUBJECT TO THE SAME RESTRICTIONS AND REQUIREMENTS AS SET FORTH IN SUBSECTION (1) OF THIS SECTION.

(3) (a) ON OR BEFORE AUGUST 30, 2010, THE DEPARTMENT SHALL CONTRACT WITH AN OUTSIDE SOURCE TO CONDUCT TWO STUDIES CONCERNING THE EFFECTIVENESS OF THE ANNUAL STIPENDS AWARDED TO TEACHERS PURSUANT TO THIS SECTION.

(b) THE FIRST STUDY SHALL EVALUATE THE EFFECT OF NATIONAL BOARD CERTIFICATION ON STUDENT ACHIEVEMENT, USING LONGITUDINAL GROWTH AS A MEASUREMENT. THE RESULTS OF THE STUDY SHALL DESCRIBE, AT A MINIMUM, ANY DIFFERENTIAL EFFECTIVENESS CORRELATED TO SCHOOL CHARACTERISTICS, INCLUDING BUT NOT LIMITED TO:

(I) TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ., ELIGIBILITY;

(II) SCHOOL SIZE; AND

(III) THE PROPORTION OF STUDENTS WHO ATTEND THE SCHOOL FOR WHOM ENGLISH IS A SECOND LANGUAGE.

(c) THE SECOND STUDY SHALL EVALUATE THE EFFECTIVENESS OF THE STIPEND ON ENCOURAGING TEACHERS TO OBTAIN NATIONAL BOARD CERTIFICATION, ENCOURAGING TEACHERS TO TEACH IN LOW-PERFORMING SCHOOLS, THE EFFECT OF THE NATIONAL BOARD CERTIFICATION ON TEACHER RETENTION, AND THE EFFECT OF HAVING NATIONAL BOARD CERTIFIED TEACHERS ON THE CULTURE OF THE SCHOOL.

(d) ON OR BEFORE JANUARY 30, 2011, THE DEPARTMENT SHALL SUBMIT A REPORT CONTAINING THE FINDINGS OF THE STUDY TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE GOVERNOR, AND THE COMMISSIONER OF EDUCATION.

SECTION 2. 22-60.5-111, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-60.5-111. Authorization - types - applicants' qualifications. (7.7) **Exchange educator interim authorization.** (a) THE DEPARTMENT OF EDUCATION MAY ISSUE AN EXCHANGE EDUCATOR INTERIM AUTHORIZATION THAT AUTHORIZES A SCHOOL DISTRICT TO ASSIGN A PERSON WHO IS A PARTICIPANT IN A DISTRICT-RECOGNIZED EDUCATOR EXCHANGE PROGRAM AND IS CERTIFIED OR LICENSED, OR IS ELIGIBLE FOR CERTIFICATION OR LICENSURE, AS A TEACHER, SPECIAL SERVICES PROVIDER, PRINCIPAL, OR ADMINISTRATOR IN ANOTHER COUNTRY.

(b) PRIOR TO ISSUING AN AUTHORIZATION UNDER THIS SECTION, THE DEPARTMENT

OF EDUCATION MAY CONTRACT WITH A QUALIFIED THIRD PARTY TO WORK WITH AN EXCHANGE EDUCATOR TO MEET THE REQUIREMENTS OF SECTION 22-60.5-103 CONCERNING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK.

(c) THE COLORADO BUREAU OF INVESTIGATION SHALL RETURN THE RESULTS OF EACH FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK SUBMITTED PURSUANT TO THIS SECTION TO THE DEPARTMENT OF EDUCATION NO LATER THAN SIXTY DAYS FOLLOWING RECEIPT OF THE REQUEST.

(d) AN EXCHANGE EDUCATOR INTERIM AUTHORIZATION IS VALID FOR ONE YEAR, AND THE DEPARTMENT OF EDUCATION MAY RENEW THE AUTHORIZATION FOR ONE ADDITIONAL YEAR.

(e) THE DEPARTMENT OF EDUCATION SHALL ISSUE AN EXCHANGE EDUCATOR INTERIM AUTHORIZATION TO A PERSON WHO MEETS THE CRITERIA OF THIS SUBSECTION (7.7) NO LATER THAN NINETY DAYS AFTER THE RECEIPT OF THE INITIAL APPLICATION.

SECTION 3. 22-63-205 (1), Colorado Revised Statutes, is amended to read:

22-63-205. Exchange of teachers - exchange educator interim authorization.

(1) The board of a school district has authority to provide for the exchange of teachers with a school district in this state or in another state or with a foreign government or agency thereof. The department of education and boards are authorized and urged to effect such exchanges to achieve the goal of equal educational opportunity within Colorado, and they are further authorized to cooperate with appropriate federal agencies involved in such exchange programs. THE DEPARTMENT OF EDUCATION SHALL CREATE AN EXCHANGE EDUCATOR INTERIM AUTHORIZATION FOR QUALIFIED EXCHANGE EDUCATORS PURSUANT TO SECTION 22-60.5-111.

SECTION 4. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, management and administration, for the fiscal year beginning July 1, 2008, the sum of eighty-five thousand dollars (\$85,000) cash funds, or so much thereof as may be necessary, for the biennial teaching and learning conditions survey required by section 22-2-503, Colorado Revised Statutes.

(2) In addition to any other appropriation, there is hereby appropriated, out of moneys in the state education fund created in section 17 (4) of article IX of the state constitution, not otherwise appropriated, to the department of education, assistance to public schools, grant programs, distributions, and other assistance, for the fiscal year beginning July 1, 2008, the sum of one million one hundred fifty-six thousand nine hundred ninety-seven dollars (\$1,156,997) cash funds, or so much thereof as may be necessary, to pay annual teacher stipends as required by section 22-2-504 (1), Colorado Revised Statutes.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2008