

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0736.01 Brita Darling x2241

HOUSE BILL 18-1130

HOUSE SPONSORSHIP

Williams D., Humphrey, Van Winkle, Leonard, Lundeen, Lewis, Beckman, Neville P., McKean, Buck, Saine, Everett, Liston, Covarrubias, Ransom, Reyher

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING INCREASING THE AVAILABILITY OF QUALIFIED
102 PERSONNEL TO TEACH IN PUBLIC SCHOOLS.

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 permits a school district board of education to employ a nonlicensed, district-authorized instructor to teach in the schools of the school district if the district is unable to staff regularly licensed teachers in critical shortage areas or unique subject areas.

A person employed as district-authorized instructor must hold at least a bachelor's degree in the subject area in which the person is

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.

teaching, must satisfy school district-established standards, and must submit to a fingerprint-based criminal history record check.

A school district may employ a person as a district-authorized instructor for up to 5 years.

A district-authorized instructor may earn in excess of the school district's standard salary and benefits schedule if the instructor has significant experience in the subject area and the salary and benefits are supported by nationally recognized, Colorado-specific salary survey data.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-32-110.8 as
3 follows:

4 **22-32-110.8. Board of education - specific powers -**
5 **district-authorized instructors - legislative declaration - definitions.**

6 (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

7 (I) EDUCATIONAL OPPORTUNITIES SHOULD BE AVAILABLE TO
8 STUDENTS ON AN EQUITABLE BASIS STATEWIDE;

9 (II) THERE IS A SHORTAGE OF LICENSED TEACHERS AVAILABLE TO
10 TEACH IN SCHOOL DISTRICTS ACROSS THE STATE, ESPECIALLY IN RURAL
11 SCHOOL DISTRICTS AND IN CERTAIN SUBJECT AREAS;

12 (III) IN MANY COMMUNITIES, THERE ARE EDUCATED, EXPERIENCED
13 PROFESSIONALS WHO WOULD CHOOSE TO WORK AS INSTRUCTORS IN THE
14 PUBLIC SCHOOLS OF THEIR COMMUNITIES IF THE OPPORTUNITY WAS
15 AVAILABLE; AND

16 (IV) WITHIN SPECIFIC PARAMETERS, A SCHOOL DISTRICT SHOULD
17 BE PERMITTED TO AUTHORIZE QUALIFIED PEOPLE TO CARRY OUT
18 INSTRUCTION IN THE SCHOOLS OF THE SCHOOL DISTRICT.

19 (b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT IT IS
20 APPROPRIATE TO ALLOW THE BOARD OF EDUCATION OF A SCHOOL DISTRICT
21 TO EMPLOY DISTRICT-AUTHORIZED INSTRUCTORS IN THE SCHOOLS OF THE

1 SCHOOL DISTRICT PURSUANT TO THE PROVISIONS OF THIS SECTION.

2 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES:

4 (a) "BOARD OF EDUCATION" MEANS THE BOARD OF EDUCATION OF
5 A SCHOOL DISTRICT.

6 (b) "DISTRICT-AUTHORIZED INSTRUCTOR" MEANS AN INSTRUCTOR
7 AUTHORIZED BY THE BOARD OF EDUCATION OF A SCHOOL DISTRICT
8 PURSUANT TO THIS SECTION.

9 (3) (a) NOTWITHSTANDING THE PROVISIONS OF ARTICLE 60.5 OF
10 THIS TITLE 22 AND SECTIONS 22-63-201 AND 22-63-402 TO THE
11 CONTRARY, THE BOARD OF EDUCATION MAY EMPLOY A PERSON WHO IS
12 NOT LICENSED OR AUTHORIZED BY THE STATE BOARD OF EDUCATION
13 PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22 TO TEACH IN A SCHOOL OF
14 THE SCHOOL DISTRICT AS A DISTRICT-AUTHORIZED INSTRUCTOR PURSUANT
15 TO THE PROVISIONS OF THIS SECTION.

16 (b) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT MAY
17 EMPLOY A PERSON AS A DISTRICT-AUTHORIZED INSTRUCTOR IF:

18 (I) THE PERSON HOLDS AN EARNED BACCALAUREATE DEGREE
19 FROM A FULLY ACCREDITED INSTITUTION OF HIGHER EDUCATION IN THE
20 SUBJECT IN WHICH THE PERSON IS TEACHING;

21 (II) THE DISTRICT HAS BEEN UNABLE TO STAFF THE OPEN
22 TEACHING POSITION WITH A REGULARLY LICENSED TEACHER;

23 (III) THE PERSON MEETS THE STANDARDS AND COMPETENCIES
24 ESTABLISHED BY THE BOARD OF EDUCATION FOR A DISTRICT-AUTHORIZED
25 INSTRUCTOR IN THE GRADE AND SUBJECT TAUGHT; AND

26 (IV) THE PERSON SUBMITS TO A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK PURSUANT TO SECTION 22-32-109.8 AND IS NOT

1 DISQUALIFIED FROM EMPLOYMENT PURSUANT TO SECTION 22-32-109.8
2 (6.5).

3 (c) THE BOARD OF EDUCATION MAY EMPLOY A
4 DISTRICT-AUTHORIZED INSTRUCTOR FOR UP TO FIVE YEARS. THE
5 AUTHORIZATION IS NOT RENEWABLE.

6 (4) THE BOARD OF EDUCATION MAY DETERMINE THE TRAINING,
7 SUPPORTS, AND PROFESSIONAL DEVELOPMENT REQUIRED OR PROVIDED TO
8 A DISTRICT-AUTHORIZED INSTRUCTOR.

9 (5) THE BOARD OF EDUCATION MAY AWARD A
10 DISTRICT-AUTHORIZED INSTRUCTOR SALARY OR BENEFITS THAT EXCEED
11 THE DISTRICT'S STANDARD SALARY AND BENEFITS SCHEDULE IF THE
12 DISTRICT-AUTHORIZED INSTRUCTOR HAS SIGNIFICANT EXPERIENCE IN A
13 SUBJECT AREA FOR WHICH THE DISTRICT FACES A CRITICAL TEACHER
14 SHORTAGE OR IS EMPLOYED IN A UNIQUE OR HARD-TO-FILL SUBJECT AREA.
15 ANY INCREASE IN SALARY OR BENEFITS ABOVE THE DISTRICT'S STANDARD
16 SALARY AND BENEFIT SCHEDULE MUST BE SUPPORTED BY NATIONALLY
17 RECOGNIZED COLORADO-SPECIFIC SALARY SURVEY DATA OF MARKET
18 RATES FOR PROFESSIONALS WITH EXPERIENCE IN THE RELEVANT SUBJECT
19 AREA.

20 (6) DISTRICT-AUTHORIZED INSTRUCTORS MAY NOT BE USED TO
21 REPLACE REGULARLY LICENSED TEACHERS IN ANY ACTION RESULTING
22 FROM A CONTRACT DISPUTE.

23 (7) A PERSON DOES NOT GAIN EMPLOYMENT STATUS AS A
24 NONPROBATIONARY TEACHER PURSUANT TO ARTICLE 63 OF THIS TITLE 22
25 WHILE EMPLOYED AS A DISTRICT-AUTHORIZED INSTRUCTOR.

26 **SECTION 2. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2018 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.