

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0659.01 Julie Pelegrin x2700

SENATE BILL 20-089

SENATE SPONSORSHIP

Danielson and Garcia,

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING FUNDING ASSISTANCE TO INCREASE THE MINIMUM**
102 **AMOUNTS PAID TO PERSONS EMPLOYED BY LOCAL EDUCATION**
103 **PROVIDERS.**

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 program (program) to provide funding to school districts and charter schools to assist them in increasing their minimum teacher salaries to the district required minimum teacher salary amount specified in the bill and the minimum hourly wage paid to other employees to the district required minimum

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.

hourly wage amount specified in the bill. A school district or charter school that seeks to participate in the program must submit an application to the department of education (department) that meets the requirements specified in the bill. A school district or charter school may choose to participate to increase minimum teacher salaries or the minimum hourly wage, or both. The department shall review the applications and recommend to the state board of education (state board) those applicants that should be selected to participate in the program. In selecting program participants, the department and the state board must prioritize those applicants that demonstrate the greatest financial need. The bill specifies criteria to apply in determining the prioritization. As a condition of participating in the program, each participant seeking to increase teacher salaries must increase its minimum teacher salary to the district required minimum teacher salary amount and each participant seeking to increase the hourly wage must increase its minimum hourly wage to the district required minimum hourly wage amount. In the first year in which a school district or charter school participates, the amount required for the increases is paid through the program. In the second and subsequent years of participation, each program participant is required to contribute an increasing amount of matching money while the amount that the program participant receives is decreased over time. The department determines the amount of matching money and the amount that a program participant receives based on schedules for increasing teacher salaries and schedules for increasing the hourly wage adopted by rule of the state board. A program participant may continue participating in the program so long as the participant meets the matching money requirement and continues to qualify for the program. A program participant no longer qualifies for the program when the department determines that the participant has sufficient resources to pay the district required minimum teacher salary amount or the district required minimum hourly wage amount or both, as applicable, without assistance.

The bill creates the educator pay raise fund (fund), which consists of the greater of 10% or \$15 million of the gross income annually earned on the public school lands and any other money that the general assembly may appropriate or transfer to the fund.

Beginning in the 2022 regular legislative session, the department shall include in its annual report to the joint education committee information concerning implementation of the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 55.5 to
3 title 22 as follows:

1 **ARTICLE 55.5**

2 **Educator Pay Raise Funding**

3 **22-55.5-101. Legislative declaration.** (1) THE GENERAL
4 ASSEMBLY FINDS THAT:

5 (a) RESEARCH DEMONSTRATES THAT, WHEN CONSIDERING THE
6 ELEMENTS OF THE EDUCATION SYSTEM WITHIN PUBLIC SCHOOLS, THE
7 CLASSROOM TEACHER HAS THE MOST SIGNIFICANT EFFECT ON A STUDENT'S
8 LEARNING AND ACADEMIC GROWTH;

9 (b) EACH ADULT WORKING WITHIN A SCHOOL AND INTERACTING
10 WITH STUDENTS HAS THE POTENTIAL TO POSITIVELY INFLUENCE THE
11 STUDENTS WITHIN THE SCHOOL AND INCREASE LEARNING AND ACADEMIC
12 GROWTH;

13 (c) FOR THE 2017-18 SCHOOL YEAR, THE NATIONAL EDUCATION
14 ASSOCIATION REPORTED THAT COLORADO HAD AN AVERAGE STARTING
15 TEACHER SALARY OF ABOUT THIRTY-THREE THOUSAND FOUR HUNDRED
16 DOLLARS, AND THE NATIONAL AVERAGE STARTING TEACHING SALARY WAS
17 ABOUT THIRTY-NINE THOUSAND DOLLARS;

18 (d) IN 2018-19, SCHOOL DISTRICTS AND CHARTER SCHOOLS IN
19 COLORADO PAID A MINIMUM TEACHER SALARY THAT RANGED FROM A LOW
20 OF ABOUT TEN THOUSAND DOLLARS TO A HIGH OF ABOUT FORTY-THREE
21 THOUSAND DOLLARS;

22 (e) FOR THE 2018-19 SCHOOL YEAR, OF THE ONE HUNDRED
23 SEVENTY-EIGHT SCHOOL DISTRICTS IN THE STATE, ALL BUT FOUR
24 REPORTED A MINIMUM TEACHER SALARY OF LESS THAN FORTY THOUSAND
25 DOLLARS;

26 (f) MANY OF THESE SCHOOL DISTRICTS ARE RURAL SCHOOL
27 DISTRICTS WITH LOW ASSESSED PROPERTY VALUE AND THEREFORE

1 LIMITED ABILITY TO RAISE LOCAL PROPERTY TAX REVENUE;

2 (g) IN 2018-19, SCHOOL DISTRICTS AND CHARTER SCHOOLS IN
3 COLORADO PAID A MINIMUM SALARY THAT:

4 (I) FOR PARAPROFESSIONALS, RANGED FROM A LOW OF ABOUT
5 EIGHT THOUSAND DOLLARS TO A HIGH OF ABOUT TWENTY-EIGHT
6 THOUSAND DOLLARS, WHICH CALCULATES TO A FULL-TIME EQUIVALENT
7 HOURLY WAGE OF \$3.85 TO \$13.46;

8 (II) FOR CUSTODIANS, RANGED FROM A LOW OF ABOUT TWELVE
9 THOUSAND DOLLARS TO A HIGH OF ABOUT FORTY-ONE THOUSAND
10 DOLLARS, WHICH CALCULATES TO A FULL-TIME EQUIVALENT HOURLY
11 WAGE OF \$5.77 TO \$19.71;

12 (III) FOR FOOD SERVICE WORKERS, RANGED FROM A LOW OF ABOUT
13 TEN THOUSAND DOLLARS TO A HIGH OF ABOUT FORTY-NINE THOUSAND
14 DOLLARS, WHICH CALCULATES TO A FULL-TIME EQUIVALENT HOURLY
15 WAGE OF \$4.81 TO \$23.56; AND

16 (IV) FOR SCHOOL SECRETARIES AND OFFICE WORKERS, RANGED
17 FROM A LOW OF ABOUT NINE THOUSAND DOLLARS TO A HIGH OF ABOUT
18 NINETY-TWO THOUSAND DOLLARS, WHICH CALCULATES TO A FULL-TIME
19 EQUIVALENT HOURLY WAGE OF \$4.33 TO \$44.23; AND

20 (h) THE TOTAL PROGRAM AMOUNT CALCULATED FOR EACH SCHOOL
21 DISTRICT PURSUANT TO SECTION 22-54-104, WHICH REPRESENTS THE
22 FINANCIAL BASE OF SUPPORT FOR EACH SCHOOL DISTRICT, HAS BEEN
23 REDUCED FOR MOST SCHOOL DISTRICTS BY THE BUDGET STABILIZATION
24 FACTOR EACH BUDGET YEAR SINCE THE 2010-11 BUDGET YEAR, FURTHER
25 RESTRICTING THE ABILITY OF SOME SCHOOL DISTRICTS TO INCREASE THEIR
26 MINIMUM TEACHER SALARIES AND THE MINIMUM HOURLY WAGE FOR
27 OTHER EMPLOYEES.

1 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO
2 ESTABLISH A FUNDING SOURCE TO ASSIST SCHOOL DISTRICTS AND
3 CHARTER SCHOOLS IN INCREASING THE MINIMUM SALARY PAID TO
4 TEACHERS AND THE MINIMUM HOURLY WAGE PAID TO NONLICENSED
5 EMPLOYEES. IT IS FURTHER THE INTENT OF THE GENERAL ASSEMBLY THAT
6 THE FUNDING BE AVAILABLE FIRST TO SCHOOL DISTRICTS AND CHARTER
7 SCHOOLS THAT HAVE THE GREATEST DIFFICULTY IN INCREASING TEACHER
8 SALARIES AND THE HOURLY WAGE DUE TO SIGNIFICANT FINANCIAL NEED.

9 **22-55.5-102. Definitions.** AS USED IN THIS ARTICLE 55.5, UNLESS
10 THE CONTEXT OTHERWISE REQUIRES:

11 (1) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL AUTHORIZED
12 BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS
13 TITLE 22 OR AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
14 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
15 THIS TITLE 22.

16 (2) "COST OF LIVING FACTOR" MEANS A SCHOOL DISTRICT'S COST
17 OF LIVING, AS CERTIFIED TO THE DEPARTMENT EVERY TWO YEARS BY THE
18 LEGISLATIVE COUNCIL STAFF PURSUANT TO SECTION 22-54-104
19 (5)(c)(III)(A), DIVIDED BY THE LOWEST COST OF LIVING FOR A SCHOOL
20 DISTRICT IN THE STATE, AS CERTIFIED TO THE DEPARTMENT BY THE
21 LEGISLATIVE COUNCIL STAFF FOR THE SAME CERTIFICATION PERIOD.

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

24 (4) "DISTRICT REQUIRED MINIMUM HOURLY WAGE AMOUNT"
25 MEANS, FOR EACH SCHOOL DISTRICT AND ANY CHARTER SCHOOL LOCATED
26 WITHIN THE SCHOOL DISTRICT, FIFTEEN DOLLARS PER HOUR, ADJUSTED
27 ANNUALLY BEGINNING JULY 1, 2021, BY THE ANNUAL PERCENTAGE

1 CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF
2 LABOR STATISTICS CONSUMER PRICE INDEX FOR
3 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
4 CONSUMERS, OR ITS SUCCESSOR INDEX, MULTIPLIED BY THE SCHOOL
5 DISTRICT'S COST OF LIVING FACTOR FOR THE APPLICABLE BUDGET YEAR.

6 (5) "DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT"
7 MEANS, FOR EACH SCHOOL DISTRICT AND ANY CHARTER SCHOOL LOCATED
8 WITHIN THE SCHOOL DISTRICT, AN ANNUAL SALARY OF FORTY THOUSAND
9 DOLLARS, ADJUSTED ANNUALLY BEGINNING JULY 1, 2021, BY THE ANNUAL
10 PERCENTAGE CHANGE IN THE UNITED STATES DEPARTMENT OF LABOR'S
11 BUREAU OF LABOR STATISTICS CONSUMER PRICE INDEX FOR
12 DENVER-AURORA-LAKEWOOD FOR ALL ITEMS PAID BY ALL URBAN
13 CONSUMERS, OR ITS SUCCESSOR INDEX, MULTIPLIED BY THE SCHOOL
14 DISTRICT'S COST OF LIVING FACTOR FOR THE APPLICABLE BUDGET YEAR.

15 (6) "EDUCATOR" MEANS A TEACHER EMPLOYED BY A SCHOOL
16 DISTRICT OR CHARTER SCHOOL OR AN EMPLOYEE OF A SCHOOL DISTRICT OR
17 A CHARTER SCHOOL.

18 (7) "EMPLOYEE" MEANS A PERSON EMPLOYED BY A SCHOOL
19 DISTRICT OR CHARTER SCHOOL WHO PROVIDES PARAPROFESSIONAL
20 SERVICES, CLERICAL SERVICES, CUSTODIAL AND MAINTENANCE SERVICES,
21 FOOD SERVICES, TRANSPORTATION SERVICES, TECHNICAL SERVICES,
22 SKILLED TRADE SERVICES, SECURITY SERVICES, OR HEALTH AND STUDENT
23 SERVICES.

24 (8) "FUND" MEANS THE EDUCATOR PAY RAISE FUND CREATED IN
25 SECTION 22-55.5-105.

26 (9) "PROGRAM PARTICIPANT" MEANS A SCHOOL DISTRICT OR
27 CHARTER SCHOOL THAT THE STATE BOARD SELECTS TO PARTICIPATE IN

1 THE EDUCATOR PAY RAISE PROGRAM.

2 (10) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED
3 BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND
4 ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22. "SCHOOL
5 DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE SERVICES CREATED
6 PURSUANT TO ARTICLE 5 OF THIS TITLE 22 IF IT IS OPERATING A PUBLIC
7 SCHOOL.

8 (11) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
9 CREATED IN SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

10 (12) "TEACHER" MEANS AN INDIVIDUAL WHO IS EMPLOYED BY A
11 SCHOOL DISTRICT OR A CHARTER SCHOOL TO INSTRUCT, DIRECT, OR
12 SUPERVISE THE INSTRUCTIONAL PROGRAM OR TO PROVIDE SERVICES AS A
13 SCHOOL NURSE AND WHO MAY HOLD A TEACHER'S LICENSE OR A SPECIAL
14 SERVICES LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22.
15 "TEACHER" DOES NOT INCLUDE A PERSON WHO HOLDS AN AUTHORIZATION
16 ISSUED PURSUANT TO SECTION 22-60.5-111 OR WHO HOLDS A PRINCIPAL
17 OR AN ADMINISTRATOR LICENSE AND IS EMPLOYED AS A PRINCIPAL OF A
18 SCHOOL OR AN ADMINISTRATIVE OFFICER OF A SCHOOL DISTRICT.

19 **22-55.5-103. Educator pay raise program - created -**
20 **applications - criteria - rules.** (1) THERE IS CREATED IN THE
21 DEPARTMENT THE EDUCATOR PAY RAISE PROGRAM TO PROVIDE FINANCIAL
22 SUPPORT FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO INCREASE THE
23 MINIMUM ANNUAL TEACHER SALARY TO THE DISTRICT REQUIRED MINIMUM
24 TEACHER SALARY AMOUNT AND TO INCREASE THE MINIMUM HOURLY
25 EMPLOYEE WAGE TO THE DISTRICT REQUIRED MINIMUM HOURLY WAGE
26 AMOUNT. THE DEPARTMENT SHALL ADMINISTER THE EDUCATOR PAY RAISE
27 PROGRAM BY REVIEWING APPLICATIONS AND RECOMMENDING PROGRAM

1 PARTICIPANTS TO THE STATE BOARD, WHICH SHALL SELECT THE PROGRAM
2 PARTICIPANTS, TAKING INTO CONSIDERATION THE DEPARTMENT'S
3 RECOMMENDATIONS. ON JULY 1, 2021, AND ANNUALLY THEREAFTER, THE
4 DEPARTMENT SHALL PUBLISH FOR EACH SCHOOL DISTRICT IN THE STATE
5 THE DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT AND THE
6 DISTRICT REQUIRED MINIMUM HOURLY WAGE AMOUNT ON THE
7 DEPARTMENT'S WEBSITE. THE STATE BOARD SHALL PROMULGATE RULES
8 AS NECESSARY TO IMPLEMENT THE EDUCATOR PAY RAISE PROGRAM.

9 (2) A SCHOOL DISTRICT OR CHARTER SCHOOL MAY APPLY TO
10 PARTICIPATE IN THE EDUCATOR PAY RAISE PROGRAM BY SUBMITTING AN
11 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH PROCEDURES
12 AND TIME LINES ESTABLISHED BY RULE OF THE STATE BOARD. IF AN
13 APPLICANT IS SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT, THE
14 APPLICANT MUST WORK WITH THE EDUCATOR REPRESENTATIVES IN
15 WRITING THE APPLICATION AND DEMONSTRATE THAT THE EDUCATOR
16 REPRESENTATIVES AGREE WITH THE PLANS INCLUDED IN THE APPLICATION.
17 AT A MINIMUM, THE APPLICATION MUST SPECIFY:

18 (a) WHETHER THE APPLICANT SEEKS TO PARTICIPATE TO INCREASE
19 TEACHER SALARIES, EMPLOYEE WAGES, OR BOTH;

20 (b) THE APPLICANT'S BUDGET FOR EACH OF THE THREE PRECEDING
21 BUDGET YEARS, INCLUDING:

22 (I) THE AMOUNT THAT THE APPLICANT RECEIVES IN STATE SHARE
23 OF TOTAL PROGRAM PURSUANT TO ARTICLE 54 OF THIS TITLE 22; THE
24 AMOUNT OF ADDITIONAL REVENUE THE APPLICANT RECEIVES FROM
25 PROPERTY TAX MILL LEVIES APPROVED PURSUANT TO SECTIONS 22-40-102
26 (1.5) AND (1.7), 22-54-107.5, 22-54-108, 22-54-108.5, AND 22-54-108.7;
27 AND THE AMOUNT THE APPLICANT RECEIVES FROM PUBLIC OR PRIVATE

1 GIFTS, GRANTS, OR DONATIONS, INCLUDING ANY AMOUNT RECEIVED FROM
2 A CHARITABLE OR FUNDRAISING ORGANIZATION; AND, IF THE APPLICANT
3 IS A CHARTER SCHOOL THAT IS A MEMBER OF A NETWORK OF CHARTER
4 SCHOOLS, THE AMOUNT THE APPLICANT RECEIVES FROM THE CHARTER
5 SCHOOL NETWORK;

6 (II) IF THE APPLICANT SEEKS TO INCREASE TEACHER SALARIES, THE
7 AMOUNT ALLOCATED TO TEACHER SALARIES AS A DOLLAR AMOUNT AND
8 AS A PERCENTAGE OF THE OVERALL BUDGET;

9 (III) IF THE APPLICANT SEEKS TO INCREASE EMPLOYEE WAGES, THE
10 AMOUNT ALLOCATED TO EMPLOYEE WAGES, REPORTED FOR EACH TYPE OF
11 EMPLOYEE AS A DOLLAR AMOUNT AND AS A PERCENTAGE OF THE OVERALL
12 BUDGET;

13 (IV) THE AMOUNT AND PURPOSE OF RESERVES, OTHER THAN THE
14 RESERVES REQUIRED BY SECTION 20(5) OF ARTICLE X OF THE STATE
15 CONSTITUTION, THAT THE APPLICANT MAINTAINED EACH BUDGET YEAR;
16 AND

17 (V) THE AMOUNT OF ANY UNEXPENDED AND UNCOMMITTED
18 AMOUNTS CARRIED OVER FROM ONE BUDGET YEAR TO THE NEXT BUDGET
19 YEAR;

20 (c) FOR THE PRECEDING THREE BUDGET YEARS, THE APPLICANT'S
21 RATIO OF ADMINISTRATORS TO TEACHERS;

22 (d) WHETHER THE APPLICANT OPERATES UNDER A COLLECTIVE
23 BARGAINING AGREEMENT AND, IF SO, THE LAST TIME EDUCATOR SALARIES
24 WERE NEGOTIATED;

25 (e) IF THE APPLICANT SEEKS TO INCREASE TEACHER SALARIES:

26 (I) THE NUMBER OF TEACHERS THAT THE APPLICANT EMPLOYED IN
27 EACH OF THE PRECEDING THREE SCHOOL YEARS AND THE AMOUNT OF THE

1 SALARY PAID TO EACH TEACHER;

2 (II) THE NUMBER OF TEACHING VACANCIES THAT THE APPLICANT
3 HAS BEEN UNABLE TO FILL FOR LONGER THAN ONE BUDGET YEAR; AND

4 (III) THE APPLICANT'S PLAN FOR INCREASING THE MINIMUM
5 TEACHER SALARY, INCLUDING INCREASING THE AMOUNT OF THE BUDGET
6 ALLOCATED TO TEACHER SALARIES, INCREASING THE AMOUNT OF FUNDING
7 RECEIVED FOR OPERATING EXPENSES, AND ADDRESSING THE IMPACT OF
8 INCREASING MINIMUM SALARIES ON THE SALARY SCHEDULE FOR ALL OF
9 THE APPLICANT'S TEACHERS;

10 (f) IF THE APPLICANT SEEKS TO INCREASE EMPLOYEE WAGES:

11 (I) THE NUMBER OF EMPLOYEES, REPORTED BY TYPE OF EMPLOYEE,
12 THAT THE APPLICANT EMPLOYED IN EACH OF THE PRECEDING THREE
13 SCHOOL YEARS AND THE HOURLY WAGE PAID TO EACH EMPLOYEE;

14 (II) THE NUMBER OF EMPLOYEE VACANCIES, REPORTED BY TYPE OF
15 EMPLOYEE, THAT THE APPLICANT HAS BEEN UNABLE TO FILL FOR LONGER
16 THAN ONE BUDGET YEAR; AND

17 (III) THE APPLICANT'S PLAN FOR INCREASING THE MINIMUM
18 EMPLOYEE HOURLY WAGE, INCLUDING INCREASING THE AMOUNT OF THE
19 BUDGET ALLOCATED TO EMPLOYEE WAGES, INCREASING THE AMOUNT OF
20 FUNDING RECEIVED FOR OPERATING EXPENSES, AND ADDRESSING THE
21 IMPACT OF INCREASING THE MINIMUM HOURLY WAGE ON THE HOURLY
22 WAGES FOR ALL OF THE APPLICANT'S EMPLOYEES;

23 (g) THE SOURCE OF FUNDING THAT THE APPLICANT PLANS TO USE
24 FOR THE MATCHING AMOUNT REQUIRED OF EACH PROGRAM PARTICIPANT
25 PURSUANT TO SECTION 22-55.5-104;

26 (h) THE APPLICANT'S PLAN FOR FUNDING THE INCREASING
27 MATCHING AMOUNT REQUIRED PURSUANT TO SECTION 22-55.5-104 AND

1 FOR SUSTAINING THE SALARY AND WAGE INCREASES, INCLUDING
2 INCREASES FOR EDUCATORS RECEIVING MORE THAN THE MINIMUM SALARY
3 OR HOURLY WAGE, AFTER THE APPLICANT NO LONGER RECEIVES MONEY
4 THROUGH THE PROGRAM; AND

5 (i) ANY ADDITIONAL INFORMATION REQUIRED BY RULE OF THE
6 STATE BOARD.

7 (3) IN RECOMMENDING APPLICANTS AND SELECTING PROGRAM
8 PARTICIPANTS, THE DEPARTMENT AND THE STATE BOARD SHALL
9 PRIORITIZE THOSE APPLICANTS THAT DEMONSTRATE THE GREATEST
10 FINANCIAL NEED, TAKING INTO CONSIDERATION, AT A MINIMUM:

11 (a) IF THE APPLICANT SEEKS TO INCREASE TEACHER SALARIES, THE
12 NUMBER OF TEACHERS THE APPLICANT EMPLOYS WHO ARE PAID AN
13 ANNUAL SALARY THAT IS LESS THAN THE DISTRICT REQUIRED MINIMUM
14 TEACHER SALARY AMOUNT;

15 (b) IF THE APPLICANT SEEKS TO INCREASE EMPLOYEE WAGES, THE
16 NUMBER OF EMPLOYEES THE APPLICANT EMPLOYS WHO ARE PAID AN
17 HOURLY WAGE THAT IS LESS THAN THE DISTRICT REQUIRED MINIMUM
18 HOURLY WAGE AMOUNT;

19 (c) IF THE APPLICANT IS A SCHOOL DISTRICT OR A DISTRICT
20 CHARTER SCHOOL:

21 (I) THE APPLICANT'S ABILITY TO OBTAIN VOTER APPROVAL TO
22 LEVY PROPERTY TAX MILLS FOR ADDITIONAL REVENUE, AS
23 DEMONSTRATED BY THE APPLICANT'S RECORD FOR SUBMITTING AND
24 OBTAINING APPROVAL OF BALLOT QUESTIONS TO INCREASE THE PROPERTY
25 TAX MILL LEVY; AND

26 (II) THE ASSESSED PROPERTY VALUE OF THE SCHOOL DISTRICT FOR
27 THE PRECEDING THREE PROPERTY TAX YEARS;

1 (d) IF THE APPLICANT IS A CHARTER SCHOOL THAT IS A MEMBER OF
2 A CHARTER SCHOOL NETWORK, THE AMOUNT THE APPLICANT RECEIVES
3 FROM THE CHARTER SCHOOL NETWORK;

4 (e) THE AMOUNT THE APPLICANT RECEIVES ANNUALLY FROM
5 PRIVATE GIFTS, GRANTS, AND DONATIONS AND WHETHER THE APPLICANT
6 IS AFFILIATED WITH A PRIVATE CHARITABLE OR FUNDRAISING
7 ORGANIZATION;

8 (f) THE AMOUNT AND PURPOSE OF RESERVES, NOT INCLUDING THE
9 RESERVE REQUIRED BY SECTION 20(5) OF ARTICLE X OF THE STATE
10 CONSTITUTION, THAT THE APPLICANT MAINTAINS AND THE AMOUNT OF
11 UNEXPENDED AND UNCOMMITTED MONEY THAT THE APPLICANT CARRIES
12 OVER FROM ONE BUDGET YEAR TO THE NEXT BUDGET YEAR; AND

13 (g) THE NUMBER OF STUDENTS ENROLLED BY THE APPLICANT AND
14 THE APPLICANT'S RATIO OF ADMINISTRATORS TO TEACHERS.

15 **22-55.5-104. Program participation - requirements.**

16 (1) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING WITH THE
17 2020-21 BUDGET YEAR AND IN EACH BUDGET YEAR THEREAFTER, THE
18 STATE BOARD SHALL ANNUALLY SELECT THE PROGRAM PARTICIPANTS
19 FROM AMONG THE SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT APPLY
20 AS PROVIDED IN SECTION 22-55.5-103. AS A CONDITION OF PARTICIPATING
21 IN THE PROGRAM, EACH PROGRAM PARTICIPANT THAT SEEKS TO INCREASE
22 TEACHER SALARIES MUST INCREASE ITS MINIMUM TEACHER SALARY TO
23 THE DISTRICT REQUIRED MINIMUM TEACHER SALARY AMOUNT AND EACH
24 PROGRAM PARTICIPANT THAT SEEKS TO INCREASE EMPLOYEE WAGES MUST
25 INCREASE ITS MINIMUM HOURLY WAGE TO THE DISTRICT REQUIRED
26 MINIMUM HOURLY WAGE AMOUNT.

27 (b) IN THE FIRST YEAR OF PARTICIPATING IN THE EDUCATOR PAY

1 RAISE PROGRAM:

2 (I) EACH PROGRAM PARTICIPANT THAT SEEKS TO INCREASE
3 TEACHER SALARIES MUST RECEIVE FROM THE PROGRAM THE AMOUNT
4 REQUIRED TO INCREASE TO THE DISTRICT REQUIRED MINIMUM TEACHER
5 SALARY AMOUNT THE SALARY PAID TO EACH TEACHER THE PROGRAM
6 PARTICIPANT EMPLOYS WHO MAKES LESS THAN THE DISTRICT REQUIRED
7 MINIMUM TEACHER SALARY AMOUNT; AND

8 (II) EACH PROGRAM PARTICIPANT THAT SEEKS TO INCREASE
9 EMPLOYEE WAGES MUST RECEIVE FROM THE PROGRAM THE AMOUNT
10 REQUIRED TO INCREASE TO THE DISTRICT REQUIRED MINIMUM HOURLY
11 WAGE AMOUNT THE HOURLY WAGE PAID TO EACH EMPLOYEE THE
12 PROGRAM PARTICIPANT EMPLOYS WHO MAKES LESS THAN THE DISTRICT
13 REQUIRED MINIMUM HOURLY WAGE AMOUNT.

14 (c) IN EACH SUBSEQUENT YEAR OF PARTICIPATING IN THE
15 EDUCATOR PAY RAISE PROGRAM, THE DEPARTMENT SHALL ADJUST THE
16 AMOUNT PAID TO EACH PROGRAM PARTICIPANT BASED ON THE SCHEDULE
17 OF CONTRIBUTION REQUIREMENTS ADOPTED BY RULE OF THE STATE BOARD
18 PURSUANT TO SUBSECTION (2) OF THIS SECTION.

19 (d) A PROGRAM PARTICIPANT MAY CONTINUE PARTICIPATING IN
20 THE EDUCATOR PAY RAISE PROGRAM WITHOUT REAPPLYING SO LONG AS
21 THE PROGRAM PARTICIPANT MEETS THE CONTRIBUTION REQUIREMENTS
22 AND UNTIL THE PROGRAM PARTICIPANT NO LONGER QUALIFIES FOR THE
23 EDUCATOR PAY RAISE PROGRAM AS PROVIDED IN SUBSECTION (2) OF THIS
24 SECTION. A PROGRAM PARTICIPANT MAY CHOOSE TO CEASE PARTICIPATING
25 IN THE EDUCATOR PAY RAISE PROGRAM AT ANY TIME BY SUBMITTING TO
26 THE STATE BOARD A RESOLUTION ADOPTED BY THE GOVERNING BODY OF
27 THE PROGRAM PARTICIPANT.

1 (2) (a) THE STATE BOARD BY RULE SHALL ESTABLISH A SCHEDULE
2 OF CONTRIBUTION REQUIREMENTS FOR PROGRAM PARTICIPANTS WHO ARE
3 INCREASING TEACHER SALARIES AND A SCHEDULE OF CONTRIBUTION
4 REQUIREMENTS FOR PROGRAM PARTICIPANTS WHO ARE INCREASING
5 EMPLOYEE WAGES. A PROGRAM PARTICIPANT THAT IS INCREASING BOTH
6 TEACHER SALARIES AND EMPLOYEE WAGES IS SUBJECT TO BOTH
7 SCHEDULES. THE STATE BOARD SHALL BASE EACH SCHEDULE ON EACH
8 PROGRAM PARTICIPANT'S FINANCIAL SITUATION AND ABILITY TO
9 CONTRIBUTE, TAKING INTO ACCOUNT, AT A MINIMUM, THE ASSESSED
10 PROPERTY VALUATION OF THE PROGRAM PARTICIPANT, THE AMOUNT OF
11 PROPERTY TAX REVENUE THAT THE PROGRAM PARTICIPANT COLLECTS FOR
12 OPERATING EXPENSES, AND THE AMOUNT OF REVENUE THAT THE PROGRAM
13 PARTICIPANT RECEIVES FROM RESOURCES OTHER THAN FEDERAL AND
14 STATE FUNDING AND LOCAL PROPERTY TAX REVENUE. THE SCHEDULES OF
15 CONTRIBUTION REQUIREMENTS MUST ALSO TAKE INTO CONSIDERATION
16 ANY INCREASE IN THE NUMBER OF TEACHERS OR THE NUMBER OF
17 EMPLOYEES THAT A PROGRAM PARTICIPANT EMPLOYS WHILE
18 PARTICIPATING IN THE EDUCATOR PAY RAISE PROGRAM.

19 (b) BASED ON THE SCHEDULES, BEGINNING IN THE SECOND BUDGET
20 YEAR IN WHICH A SCHOOL DISTRICT OR CHARTER SCHOOL PARTICIPATES IN
21 THE EDUCATOR PAY RAISE PROGRAM, THE DEPARTMENT SHALL ANNUALLY
22 DETERMINE THE AMOUNT OF EACH PROGRAM PARTICIPANT'S REQUIRED
23 CONTRIBUTION. EACH PROGRAM PARTICIPANT IS EXPECTED TO INCREASE
24 THE AMOUNT OF ITS CONTRIBUTION OVER TIME, WITH THE EXPECTATION
25 THAT THE SALARIES OF THE TEACHERS OR THE HOURLY WAGES OF THE
26 EMPLOYEES THE PROGRAM PARTICIPANT EMPLOYS, OR BOTH IF THE
27 PROGRAM PARTICIPANT IS INCREASING TEACHER SALARIES AND EMPLOYEE

1 WAGES, ARE EVENTUALLY FULLY FUNDED BY THE PROGRAM PARTICIPANT'S
2 REVENUE. A PROGRAM PARTICIPANT NO LONGER QUALIFIES TO
3 PARTICIPATE IN THE EDUCATOR PAY RAISE PROGRAM WHEN THE
4 DEPARTMENT DETERMINES THAT THE PROGRAM PARTICIPANT HAS
5 SUFFICIENT REVENUE TO FULLY FUND THE DISTRICT REQUIRED MINIMUM
6 TEACHER SALARY AMOUNT OR THE DISTRICT REQUIRED MINIMUM HOURLY
7 WAGE AMOUNT OR BOTH, AS APPLICABLE, WITHOUT RECEIVING
8 ASSISTANCE THROUGH THE EDUCATOR PAY RAISE PROGRAM.

9 (c) WHEN THE DEPARTMENT ANNUALLY DETERMINES THE AMOUNT
10 OF A PROGRAM PARTICIPANT'S REQUIRED CONTRIBUTION, THE
11 DEPARTMENT SHALL REVIEW THE PROGRESS THAT THE PROGRAM
12 PARTICIPANT IS MAKING IN IMPLEMENTING ITS PLAN FOR INCREASING THE
13 MATCHING AMOUNT AND SUSTAINING THE SALARY AND WAGE INCREASES,
14 AS INCLUDED IN THE APPLICATION PURSUANT TO SECTION 22-55.5-103
15 (2)(g). SPECIFICALLY, THE DEPARTMENT SHALL DETERMINE THE EXTENT
16 TO WHICH THE PROGRAM PARTICIPANT IS SUBSTANTIALLY MEETING THE
17 BENCHMARKS IDENTIFIED IN THE PLAN.

18 **22-55.5-105. Educator pay raise fund - created.** (1) THE
19 EDUCATOR PAY RAISE FUND IS HEREBY CREATED IN THE STATE TREASURY.
20 THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO
21 SUBSECTION (2) OF THIS SECTION AND ANY OTHER MONEY THE GENERAL
22 ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE
23 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
24 DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT
25 TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE
26 DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO PAY SALARY AND
27 WAGE ASSISTANCE TO PROGRAM PARTICIPANTS PURSUANT TO THIS

1 ARTICLE 55.5 AND TO PAY THE DIRECT AND INDIRECT COSTS INCURRED IN
2 ADMINISTERING THE EDUCATOR PAY RAISE PROGRAM.

3 (2) FOR THE 2020-21 FISCAL YEAR AND EACH FISCAL YEAR
4 THEREAFTER, THE STATE TREASURER SHALL CREDIT TO THE FUND THE
5 GREATER OF TEN PERCENT OF THE GROSS AMOUNT OF PUBLIC SCHOOL
6 LANDS INCOME RECEIVED DURING THE BUDGET YEAR OR FIFTEEN MILLION
7 DOLLARS. THE MONEY REQUIRED TO BE CREDITED TO THE FUND PURSUANT
8 TO THIS SECTION MAY BE TAKEN FROM ANY SINGLE SOURCE OR
9 COMBINATION OF SOURCES OF PUBLIC SCHOOL LANDS INCOME.

10 **22-55.5-106. Report.** (1) BEGINNING WITH THE REPORT
11 PRESENTED PURSUANT TO SECTION 2-7-203 IN THE 2022 REGULAR
12 LEGISLATIVE SESSION, AND FOR THE REPORT PRESENTED EACH YEAR
13 THEREAFTER, THE DEPARTMENT SHALL INCLUDE IN THE REPORT THE
14 FOLLOWING INFORMATION FOR THE IMMEDIATELY PRECEDING BUDGET
15 YEAR:

16 (a) THE AMOUNT APPROPRIATED FROM THE FUND, THE DISTRICT
17 REQUIRED MINIMUM TEACHER SALARY AMOUNT FOR EACH SCHOOL
18 DISTRICT, THE DISTRICT REQUIRED MINIMUM HOURLY WAGE AMOUNT FOR
19 EACH SCHOOL DISTRICT, AND THE AMOUNT REMAINING IN THE FUND AT
20 THE END OF THE BUDGET YEAR;

21 (b) THE NUMBER OF SCHOOL DISTRICTS AND CHARTER SCHOOLS
22 THAT APPLIED TO PARTICIPATE IN THE EDUCATOR PAY RAISE PROGRAM
23 AND WHETHER THE AMOUNT APPROPRIATED FROM THE FUND WAS
24 SUFFICIENT TO PAY SALARY ASSISTANCE AND WAGE ASSISTANCE FOR ALL
25 ELIGIBLE APPLICANTS;

26 (c) THE SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT WERE
27 NEW OR CONTINUING PROGRAM PARTICIPANTS IN THE EDUCATOR PAY

1 RAISE PROGRAM, THE AMOUNT OF ASSISTANCE RECEIVED BY EACH
2 PROGRAM PARTICIPANT AS SALARY ASSISTANCE, THE AMOUNT OF
3 ASSISTANCE RECEIVED BY EACH PROGRAM PARTICIPANT AS WAGE
4 ASSISTANCE, AND THE AMOUNT OF THE CONTRIBUTION MADE BY EACH
5 PROGRAM PARTICIPANT FOR SALARY ASSISTANCE AND FOR WAGE
6 ASSISTANCE; AND

7 (d) THE SCHOOL DISTRICTS AND CHARTER SCHOOLS THAT CEASED
8 PARTICIPATING IN THE EDUCATOR PAY RAISE PROGRAM AND THE REASONS
9 THAT THEY CEASED TO PARTICIPATE.

10 **SECTION 2.** In Colorado Revised Statutes, 36-1-116, **amend**
11 (1)(a)(I), (1)(a)(II)(A), (1)(b)(I), and (1)(b)(II)(D) as follows:

12 **36-1-116. Disposition of rentals, royalties, and timber sale**
13 **proceeds.** (1) (a) (I) Except for proceeds and payments allocated to the
14 state land board trust administration fund pursuant to section 36-1-145 (3)
15 or credited to the public school capital construction assistance fund,
16 created in section 22-43.7-104 (1), ~~C.R.S.~~, pursuant to section
17 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, OR CREDITED TO THE EDUCATOR PAY RAISE
18 FUND PURSUANT TO SECTION 22-55.5-105 (2), and except as provided in
19 ~~subparagraph (H) of this paragraph (a)~~ SUBSECTION (1)(a)(II) OF THIS
20 SECTION, proceeds received by the state for the sale of timber on public
21 school lands, lease payments and rental payments for said lands, rental
22 payments for the use and occupation of the surface of said lands, and
23 rentals or lease payments for sand, gravel, clay, stone, coal, oil, gas,
24 geothermal resources, gold, silver, or other minerals on said lands shall
25 be credited to the public school income fund for distribution as provided
26 by law.

27 (II) (A) Except as provided in ~~sub-subparagraph (B) of this~~

1 ~~subparagraph (H)~~ SUBSECTION (1)(a)(II)(B) OF THIS SECTION, for the
2 2010-11 state fiscal year and each state fiscal year thereafter, the proceeds
3 received by the state for the sale of timber on public school lands, lease
4 payments and rental payments for said lands, rental payments for the use
5 and occupation of the surface of said lands, and rentals or lease payments
6 for sand, gravel, clay, stone, coal, oil, gas, geothermal resources, gold,
7 silver, or other minerals on said lands other than proceeds, rentals, and
8 payments allocated to the state land board trust administration fund
9 pursuant to section 36-1-145 (3) or credited to the public school capital
10 construction assistance fund, created in section 22-43.7-104 (1), ~~C.R.S.~~,
11 pursuant to section 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, OR CREDITED TO THE
12 EDUCATOR PAY RAISE FUND PURSUANT TO SECTION 22-55.5-105 (2), shall
13 be credited to the permanent school fund and ~~shall~~ become part of the
14 principal of the permanent school fund.

15 (b) (I) Except for royalties and other payments allocated to the
16 state land board trust administration fund pursuant to section 36-1-145 (3)
17 or credited to the public school capital construction assistance fund,
18 created in section 22-43.7-104 (1), ~~C.R.S.~~, pursuant to section
19 22-43.7-104 (2)(b)(I), ~~C.R.S.~~, except as provided in ~~subparagraph (H) of~~
20 ~~this paragraph (b)~~ SUBSECTION (1)(b)(II) OF THIS SECTION, OR CREDITED
21 TO THE EDUCATOR PAY RAISE FUND PURSUANT TO SECTION 22-55.5-105
22 (2), and except as provided in ~~paragraph (c) of this subsection (1)~~
23 SUBSECTION (1)(c) OF THIS SECTION, royalties and other payments for the
24 depletion or extraction of a natural resource on said lands shall be
25 credited to the permanent school fund.

26 (II) (D) For the 2011-12 state fiscal year and each state fiscal year
27 thereafter, up to five million dollars of royalties and other payments for

1 the depletion or extraction of a natural resource on said lands, other than
2 royalties and other payments allocated to the state land board trust
3 administration fund pursuant to section 36-1-145 (3) or credited to the
4 public school capital construction assistance fund, created in section
5 22-43.7-104 (1), ~~C.R.S.~~, pursuant to section 22-43.7-104 (2)(b)(I), ~~C.R.S.~~,
6 OR CREDITED TO THE EDUCATOR PAY RAISE FUND PURSUANT TO SECTION
7 22-55.5-105 (2), shall be credited to the state board of land
8 commissioners investment and development fund created in section
9 36-1-153.

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