

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

REREVISED

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

LLS NO. 21-0235.02 Julie Pelegrin x2700

SENATE BILL 21-172

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, Bennett, Bird, Boesenecker, Caraveo, Duran, Esgar,
Exum, Froelich, Garnett, Hooton, Jackson, Jodeh, Kennedy, Lontine, McCormick,
Michaelson Jenet, Mullica, Ricks, Roberts, Sandridge, Sirota, Valdez A., Valdez D.,
Weissman, Woodrow, Young

Senate Committees
Education

House Committees
Education

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.**

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
3rd Reading Unamended
June 7, 2021

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.