

CHAPTER 485

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 21-172

BY SENATOR(S) Danielson and Garcia, Bridges, Buckner, Donovan, Ginal, Gonzales, Hansen, Jaquez Lewis, Kolker, Moreno, Pettersen, Rodriguez, Story, Winter;
 also REPRESENTATIVE(S) Gonzales-Gutierrez and Ortiz, Bennett, Bird, Boesenecker, Caraveo, Duran, Esgar, Exum, Froelich, Hooton, Jackson, Jodeh, Kennedy, Lontine, McCormick, Michaelson Jenet, Mullica, Ricks, Roberts, Sandridge, Sirota, Valdez A., Valdez D., Weissman, Woodrow, Young, Garnett.

AN ACT

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

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

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

ARTICLE 55.5
Educator Pay Raise Funding

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

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

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

(c) FOR THE 2019-20 SCHOOL YEAR, THE DEPARTMENT OF EDUCATION REPORTED THAT COLORADO HAD AN AVERAGE TEACHER SALARY OF ABOUT FIFTY-SEVEN THOUSAND SEVEN HUNDRED DOLLARS;

(d) IN 2020-21, SCHOOL DISTRICTS AND CHARTER SCHOOLS IN COLORADO PAID

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A MINIMUM TEACHER SALARY THAT RANGED FROM A LOW OF ABOUT TWENTY-FIVE THOUSAND DOLLARS TO A HIGH OF ABOUT FIFTY-THREE THOUSAND DOLLARS;

(e) FOR THE 2020-21 SCHOOL YEAR, OF THE ONE HUNDRED SEVENTY-EIGHT SCHOOL DISTRICTS IN THE STATE, ALL BUT THIRTY REPORTED A MINIMUM TEACHER SALARY OF LESS THAN FORTY THOUSAND DOLLARS;

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

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

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

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

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

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

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

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

(5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT AUTHORIZED BY SECTION 15 OF ARTICLE IX OF THE STATE CONSTITUTION AND ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22. "SCHOOL DISTRICT" ALSO INCLUDES A BOARD OF COOPERATIVE

SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22 IF IT IS OPERATING A PUBLIC SCHOOL.

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

22-55.5-103. Educator pay raise fund - created. THE EDUCATOR PAY RAISE FUND IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL DISTRIBUTE MONEY FROM THE FUND TO ASSIST SCHOOL DISTRICTS AND CHARTER SCHOOLS TO INCREASE THE SALARY PAID TO TEACHERS AND THE HOURLY WAGE PAID TO NONLICENSED EMPLOYEES.

22-55.5-104. Educator pay raise fund task force - created - recommendations - report - repeal. (1) THERE IS CREATED THE EDUCATOR PAY RAISE FUND TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE", TO MAKE RECOMMENDATIONS FOR THE PROCESS BY WHICH THE DEPARTMENT WILL DISBURSE MONEY FROM THE EDUCATOR PAY RAISE FUND CREATED IN SECTION 22-55.5-103 TO SCHOOL DISTRICTS AND CHARTER SCHOOLS TO INCREASE SALARIES AND WAGES FOR EDUCATORS. THE RECOMMENDED PROCESS MUST INCLUDE A REQUIREMENT THAT, AS A CONDITION OF RECEIVING A DISTRIBUTION OF MONEY FROM THE FUND, A SCHOOL DISTRICT OR CHARTER SCHOOL MUST AT LEAST MAINTAIN THE LEVEL OF FUNDING FOR EDUCATOR SALARIES AND WAGES FROM OTHER REVENUE THAT WOULD HAVE EXISTED WITHOUT THE DISTRIBUTIONS, SUCH THAT THE DISTRIBUTIONS SUPPLEMENT AND DO NOT SUPPLANT FUNDING FOR SALARIES AND WAGES. THE RECOMMENDED PROCESS MUST ALSO INCLUDE, AT A MINIMUM, CONSIDERATION OF:

(a) THE NUMBER OF EDUCATORS THAT A SCHOOL DISTRICT OR CHARTER SCHOOL EMPLOYS;

(b) THE SALARY AMOUNTS AND HOURLY WAGE AMOUNTS THAT A SCHOOL DISTRICT OR CHARTER SCHOOL PAYS RELATIVE TO OTHER SCHOOL DISTRICTS OR CHARTER SCHOOLS;

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

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

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

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

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

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

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

(V) TWO PERSONS WHO ARE EMPLOYED BY CHARTER SCHOOLS, ONE OF WHOM IS A TEACHER AND ONE OF WHOM IS AN ADMINISTRATOR, BOTH OF WHOM ARE APPOINTED WITH THE ADVICE OF A STATEWIDE ADVOCACY GROUP FOR CHARTER SCHOOLS.

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

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

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

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

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

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

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

Approved: July 7, 2021