

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

DRAFT  
9/26/23

**BILL 6**

LLS NO. 24-0400.01 Jessica Herrera x4218

**INTERIM COMMITTEE BILL**

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**Pension Review Commission**

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**BILL TOPIC:** PERA Exclusion Of Contracted Employees For Schools

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**A BILL FOR AN ACT**

101 **CONCERNING THE EXCLUSION OF PUBLIC EMPLOYEES' RETIREMENT**  
102 **ASSOCIATION MEMBERSHIP FOR CONTRACTED EMPLOYEES OF A**  
103 **PRIVATE THIRD-PARTY ENTITY PERFORMING SERVICES FOR A**  
104 **PUBLIC SCHOOL EMPLOYER.**

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**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/>.)*

**Pension Review Commission.** The bill excludes from public employees' retirement association (PERA) membership employees of a private third-party entity performing services for a school district, a

*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words indicate deletions from existing law.*

district charter school, or an institute charter school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-51-101, **amend**  
3 (29) as follows:

4 **24-51-101. Definitions.** As used in this article 51, unless the  
5 context otherwise requires and except as otherwise defined in part 17 of  
6 this article 51:

7 (29) "Member" means any employee of an employer defined in  
8 subsection (20) of this section who works in a position which is subject  
9 to membership in the association and for whom contributions are made.  
10 "Member" includes such employee during leaves of absence without pay  
11 during which the employer-employee relationship continues if the period  
12 of leave is certified to the association by the employer. "Member" also  
13 includes any person hired by an employer affiliated with the Denver  
14 public schools division who is not a DPS member, unless otherwise  
15 indicated. "Member" does not include persons who have terminated  
16 employment or died. "MEMBER" ALSO DOES NOT INCLUDE EMPLOYEES OF  
17 A PRIVATE THIRD-PARTY ENTITY FOR WHICH A SCHOOL DISTRICT, AS  
18 DEFINED IN SECTION 22-7-1003 (20), A DISTRICT CHARTER SCHOOL  
19 AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, OR AN  
20 INSTITUTE CHARTER SCHOOL PURSUANT TO PART 5 OF ARTICLE 30.5 OF  
21 TITLE 22, HAS CONTRACTED FOR THE PERFORMANCE OF A SERVICE,  
22 INCLUDING AN EDUCATIONAL SERVICE, AN ACTIVITY, OR AN UNDERTAKING  
23 THAT A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE  
24 CHARTER SCHOOL IS AUTHORIZED BY LAW TO PERFORM OR UNDERTAKE.  
25 THIS INCLUDES BUT IS NOT LIMITED TO A SUBSTITUTE TEACHER, A SPECIAL

1 SERVICE PROVIDER, OR OTHER EDUCATIONAL AND SUPPORT SERVICE  
2 PERSONNEL CONTRACTED THROUGH A PRIVATE THIRD-PARTY ENTITY. FOR  
3 PURPOSES OF THIS SUBSECTION (29), AN INDIVIDUAL IS DEEMED TO BE AN  
4 EMPLOYEE OF A PRIVATE THIRD- PARTY ENTITY IF:

5 (a) THE INDIVIDUAL IS HIRED, FIRED, COMPENSATED, OR ASSIGNED  
6 TO PERFORM SERVICES FOR A SCHOOL DISTRICT, DISTRICT CHARTER  
7 SCHOOL, OR INSTITUTE CHARTER SCHOOL BY THE PRIVATE THIRD-PARTY  
8 ENTITY; AND

9 (b) THE PRIVATE THIRD-PARTY ENTITY IS FULLY SEPARATE FROM  
10 THE SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE  
11 CHARTER SCHOOL.

12 **SECTION 2. Effective date.** This act takes effect July 1, 2024.

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