

CHAPTER 206

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 95-1194

BY REPRESENTATIVES Tool, May, Musgrave, Reeser, Sullivan, Moellenberg, Jerke, Kaufman, Keller, and Morrison;
also SENATORS Schroeder and Tebedo.

AN ACT

**CONCERNING GRANTS AWARDED TO SCHOOL DISTRICTS FOR THE PURPOSE OF ESTABLISHING
TEACHER PERFORMANCE PAY PLANS, AND MAKING AN APPROPRIATION IN CONNECTION
THEREWITH.**

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

SECTION 1. Title 22, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 67**Teacher Salary Policy Planning Grants**

22-67-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "TEACHER SALARY POLICY PLANNING GRANTS ACT".

22-67-102. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT THERE IS A NEED TO ASSIST SCHOOL DISTRICTS IN ESTABLISHING INNOVATIVE SALARY POLICIES FOR TEACHERS. THE GENERAL ASSEMBLY FURTHER FINDS THAT WHILE PERFORMANCE PAY FOR TEACHERS MAY BE A USEFUL APPROACH FOR SCHOOL DISTRICTS IN COLORADO, PLANS FOR PERFORMANCE PAY WILL BE MORE READILY ACCEPTED AND BETTER SUITED FOR EACH SCHOOL DISTRICT IF THE PLANS ARE CREATED COOPERATIVELY WITHIN SCHOOL DISTRICTS. THE GENERAL ASSEMBLY FINDS THAT IT IS APPROPRIATE THAT SCHOOL DISTRICTS BE PROVIDED WITH GRANTS TO ASSIST DISTRICTS IN THE PREPARATION AND IMPLEMENTATION OF TEACHER SALARY POLICY PLANS FOR THE SCHOOL DISTRICTS.

22-67-103. Definition. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES, "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

22-67-104. Grants for teacher salary policy plans. (1) ON OR AFTER JULY 1, 1995, ANY SCHOOL DISTRICT IS AUTHORIZED TO APPLY TO THE STATE BOARD FOR A GRANT TO CREATE A TEACHER SALARY POLICY PLAN FOR THE SCHOOL DISTRICT BASED ON THE PERFORMANCE LEVEL OF EACH TEACHER. A DISTRICT REQUESTING A GRANT SHALL PROVIDE ANY INFORMATION IN THE APPLICATION THAT IS REQUIRED BY THE STATE BOARD. THE STATE BOARD MAY AWARD A GRANT TO ANY SCHOOL DISTRICT THAT THE STATE BOARD DETERMINES WILL SUCCESSFULLY CREATE AND IMPLEMENT A PLAN TO BRING TEACHERS UNDER A SALARY POLICY PLAN. THE STATE BOARD SHALL REQUIRE ANY SCHOOL DISTRICT APPLYING FOR A GRANT TO PROVIDE EVIDENCE THAT THE SCHOOL DISTRICT WILL INVOLVE ALL INTERESTED PARTIES IN THE PROCESS OF PREPARING THE SALARY POLICY PLAN.

(2) MONEYS FOR THE GRANTS UNDER THIS SECTION SHALL BE PAID OUT OF MONEYS APPROPRIATED TO THE DEPARTMENT OF EDUCATION FROM THE TEACHER SALARY POLICY PLANNING FUND CREATED PURSUANT TO SECTION 22-67-105.

(3) (a) ANY GRANT AWARDED UNDER THE PROVISIONS OF THIS SECTION SHALL BE EXPENDED WITHIN THREE YEARS AFTER THE AWARD OF THE GRANT. A SCHOOL DISTRICT SHALL RETURN ANY MONEYS NOT EXPENDED DURING SUCH THREE-YEAR PERIOD TO THE STATE BOARD. THE STATE BOARD SHALL TRANSMIT SUCH MONEYS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE TEACHER SALARY POLICY PLANNING FUND.

(b) A SCHOOL DISTRICT MAY EXPEND MONEYS RECEIVED THROUGH A GRANT AWARDED PURSUANT TO THE PROVISIONS OF THIS SECTION SOLELY FOR THE DIRECT AND INDIRECT COSTS OF THE CREATION AND IMPLEMENTATION OF A TEACHER SALARY POLICY PLAN FOR THE SCHOOL DISTRICT. A SCHOOL DISTRICT SHALL EXPEND SUCH MONEYS SOLELY FOR PLANNING PURPOSES, AND MAY NOT EXPEND ANY OF SUCH MONEYS TO PROVIDE PERFORMANCE PAY FOR TEACHERS.

(c) IF A SCHOOL DISTRICT DOES NOT PREPARE AND BEGIN IMPLEMENTATION OF A TEACHER SALARY POLICY PLAN WITHIN THE THREE-YEAR PERIOD ALLOWED FOR EXPENDITURE OF THE MONEYS, THE SCHOOL DISTRICT SHALL RETURN THE UNEXPENDED GRANT MONEYS TO THE DEPARTMENT OF EDUCATION WITHIN NINETY DAYS AFTER THE LAPSE OF THE THREE-YEAR PERIOD.

22-67-105. Teacher salary policy planning fund - creation. THERE IS HEREBY CREATED IN THE STATE TREASURY THE TEACHER SALARY POLICY PLANNING FUND. THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE PAYMENT OF GRANTS AWARDED PURSUANT TO THE PROVISIONS OF THIS ARTICLE. ALL MONEYS NOT APPROPRIATED SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR.

22-67-106. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2001.

SECTION 2. Part IV (3) and the affected totals of Part IV of section 2 of chapter 354, Session Laws of Colorado 1994, as amended by Senate Bill 95-177, enacted at the First Regular Session of the Sixtieth General Assembly, are amended to read:

SECTION 2. Appropriation.

**PART IV
DEPARTMENT OF EDUCATION**

(3) PUBLIC SCHOOL FINANCE

Total					
Program ^{20, 20a}	1,416,475,360	1,393,945,319	7,525,546 ^a	15,004,495^b	
		1,393,645,319		15,304,495 ^b	
Public School					
Transportation	35,260,204	32,826,173		2,434,031(L) ^c	
English Language					
Proficiency	3,139,180	2,601,598		242,582(T) ^d	295,000
Education of					
Exceptional Children ²¹	<u>89,252,605</u>	56,389,983		336,000 ^e	32,526,622
		1,544,127,349			

^a This amount shall be from school lands moneys.

^b Of this amount, ~~\$5,004,495~~ \$5,304,495 shall be from school lands moneys derived from property sales, and \$10,000,000 shall be from federal mineral leasing revenues.

^c This amount represents an estimate of categorical program support funds to be replaced with local property tax revenue pursuant to Section 22-44-103.5(2)(c)(III), C.R.S., and pursuant to Section 22-54-107(2), C.R.S.

^d This amount shall be from federal funds appropriated in the Department of Human Services.

^e Of this amount, \$281,000(T) shall be from federal funds appropriated in the Department of Human Services, and \$55,000 shall be from a private grant.

TOTALS PART IV

(EDUCATION) ⁸	\$1,710,277,188	\$1,504,000,682	\$9,366,642	\$23,744,268 [*]	\$173,165,596
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Education - Public Schools

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	CASH FUNDS EXEMPT	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
		1,503,700,682			\$24,044,268 ^a	

^a Of this amount, \$5,232,705 contains a (T) notation, and \$2,434,031 contains an (L) notation.

SECTION 3. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education for allocation to the teacher salary policy planning fund created in section 22-67-105, Colorado Revised Statutes, for the fiscal year beginning July 1, 1994, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the teacher salary policy planning fund created in section 22-67-105, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 1995, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, for the implementation of this act.

SECTION 4. Safety clause. The general assembly hereby inds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 25, 1995