

CHAPTER 142

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 04-152

BY SENATOR(S) Evans, Andrews, Arnold, and Kester;
also REPRESENTATIVE(S) Lee, Hefley, Romanoff, and Spence.

AN ACT

CONCERNING A PROHIBITION ON THE PAYMENT OF A TEACHER FOLLOWING THE INITIATION OF A PROSECUTION FOR AN OFFENSE THAT WOULD RESULT IN THE LOSS OF LICENSURE.

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

SECTION 1. 22-63-302 (3), Colorado Revised Statutes, is amended to read:

22-63-302. Procedure for dismissal - judicial review. (3) If a teacher objects to the grounds given for the dismissal, the teacher may file with the chief administrative officer a written notice of objection and a request for a hearing. Such written notice shall be filed within five working days after receipt by the teacher of the notice of dismissal. If the teacher fails to file the written notice within said time, such failure shall be deemed to be a waiver of the right to a hearing and the dismissal shall be final; except that the board of education may grant a hearing upon a determination that the failure to file written notice for a hearing was due to good cause. If the teacher files a written notice of objection, the teacher shall continue to receive regular compensation from the time the board received the dismissal recommendation from the chief administrative officer pursuant to subsection (2) of this section until the board acts on the hearing officer's recommendation pursuant to subsection (9) of this section, but in no event beyond one hundred days; EXCEPT THAT THE TEACHER SHALL NOT RECEIVE REGULAR COMPENSATION UPON BEING CHARGED CRIMINALLY WITH AN OFFENSE FOR WHICH A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IS REQUIRED TO BE DENIED, ANNULLED, SUSPENDED, OR REVOKED DUE TO A CONVICTION, PURSUANT TO SECTION 22-60.5-107 (2.5). IF THE FINAL DISPOSITION OF THE CASE DOES NOT RESULT IN A CONVICTION AND THE TEACHER HAS NOT BEEN DISMISSED PURSUANT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL REINSTATE THE TEACHER, EFFECTIVE AS OF THE DATE OF THE FINAL DISPOSITION OF THE CASE. WITHIN TEN DAYS AFTER THE REINSTATEMENT, THE BOARD SHALL PROVIDE THE TEACHER WITH BACK PAY AND LOST BENEFITS AND SHALL

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

RESTORE LOST SERVICE CREDIT.

SECTION 2. Applicability. This act shall apply to persons charged with an offense on or after the effective date of this act.

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, and safety.

Approved: April 13, 2004