

CHAPTER 48

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 07-020

BY SENATOR(S) Windels, Bacon, Fitz-Gerald, Groff, Hagedorn, Isgar, Morse, Schwartz, Shaffer, Takis, Tapia, Tupa, Williams, Boyd, Keller, Romer, and Tochtrop;
also REPRESENTATIVE(S) Merrifield, Benefield, Borodkin, Carroll M., Casso, Fischer, Gagliardi, Kerr A., Labuda, Peniston, Solano, and Todd.

AN ACT

CONCERNING THE OFFICE OF COMMISSIONER OF EDUCATION, AND, IN CONNECTION THEREWITH, PRESCRIBING QUALIFICATIONS, TENURE, AND PERFORMANCE REVIEW CRITERIA FOR THE COMMISSIONER OF EDUCATION.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby recognizes that:

(a) Subsection (3) of section 1 of article IX of the state constitution provides that the qualifications, tenure, compensation, powers, and duties of the commissioner of education shall be as prescribed by law, subject to the supervision of the state board of education;

(b) The establishment of appropriate professional qualifications for the office of commissioner of education is a matter of critical importance to ensure quality supervision of public education in the state; and

(c) It is in the best interests of the state for the general assembly to act upon its constitutional power to prescribe professional qualifications for the office of commissioner of education.

SECTION 2. 22-2-110, Colorado Revised Statutes, is amended to read:

22-2-110. Commissioner of education - oath - qualifications - tenure.

(1) The commissioner of education shall be the chief state school officer and executive officer of the department of education. He OR SHE shall possess THE

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

PROFESSIONAL QUALIFICATIONS DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND such ADDITIONAL professional qualifications as may be deemed appropriate for the office by the state board.

(2) The commissioner shall be appointed by the state board, serve at the pleasure of the board, and receive such compensation as may be determined by the board.

(3) Before entering upon his OR HER duties, the commissioner shall subscribe to an oath of office, which oath shall be filed with the secretary of state.

(4) THE PERSON APPOINTED TO THE OFFICE OF COMMISSIONER OF EDUCATION BY THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS SECTION SHALL, AT A MINIMUM, SATISFY THE FOLLOWING PROFESSIONAL QUALIFICATIONS:

(a) THE PERSON SHALL HAVE DEMONSTRATED PERSONAL AND PROFESSIONAL LEADERSHIP SUCCESS, PREFERABLY IN THE ADMINISTRATION OF PUBLIC EDUCATION; AND

(b) THE PERSON SHALL POSSESS AN EARNED ADVANCED DEGREE, PREFERABLY IN EDUCATION OR EDUCATIONAL ADMINISTRATION AWARDED FROM A REGIONALLY OR NATIONALLY ACCREDITED COLLEGE OR UNIVERSITY.

(5) THE STATE BOARD SHALL ANNUALLY REVIEW AND EVALUATE THE JOB PERFORMANCE OF THE COMMISSIONER, AS PROVIDED IN SECTION 22-2-106 (1) (b.5), AND REPORT THE RESULTS OF ITS EVALUATION TO THE PUBLIC AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

SECTION 3. 22-2-106 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-2-106. State board - duties. (1) It is the duty of the state board:

(b.5) TO REVIEW AND EVALUATE ANNUALLY THE JOB PERFORMANCE OF THE COMMISSIONER OF EDUCATION USING PROCEDURES AND CRITERIA DETERMINED BY THE STATE BOARD. THE PROCEDURES AND CRITERIA SHALL INCLUDE, AT A MINIMUM, CONSIDERATION OF THE COMMENTS AND OPINIONS OF SCHOOL DISTRICT SUPERINTENDENTS AND SCHOOL BOARD MEMBERS REGARDING THE COMMISSIONER'S JOB PERFORMANCE. THE STATE BOARD SHALL REPORT THE RESULTS OF ITS EVALUATION TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

SECTION 4. 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: March 22, 2007