

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0752.01 Brita Darling x2241

SENATE BILL 18-147

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A BILL FOR AN ACT

101 CONCERNING THE EDUCATOR LOAN FORGIVENESS PROGRAM TO
102 ADDRESS EDUCATOR SHORTAGES.

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>.)

The bill makes changes to the teacher loan forgiveness program, renaming it the educator loan forgiveness program (program), and revising the eligibility criteria for the program.

The program:

- ! Repays up to \$5,000 of qualified educational loans for up to 5 years for teachers and other educators employed in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

qualified positions under the program; and
! Targets teachers and other educators employed in
hard-to-fill positions due to geography or content area.

The department of education is required to annually identify the shortage areas that qualify for the program.

Subject to available appropriations, the Colorado commission on higher education (commission) shall approve up to 100 new participants in the program each year, and the bill specifies the criteria the commission shall use to prioritize applicants, if necessary.

The program includes the educator loan forgiveness fund, and the commission shall adopt policies that ensure that loan repayment is made only on qualified loans for educators in qualified positions.

The commission shall prepare an annual report for the general assembly that includes information concerning the shortage areas identified by the department of education and information concerning the program participants.

The bill extends the repeal date of the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-3.9-100.2 as
3 follows:

4 **23-3.9-100.2. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS THAT:

6 (a) COLORADO SUFFERS FROM A SHORTAGE OF TEACHERS AND
7 OTHER EDUCATORS DUE TO VARIOUS FACTORS AFFECTING THE TEACHING
8 PROFESSION, WHICH INCLUDE BUT ARE NOT LIMITED TO DECLINING
9 ENROLLMENT AND COMPLETION OF EDUCATOR PREPARATION PROGRAMS,
10 LOW EDUCATOR COMPENSATION AND BENEFITS, AN INSUFFICIENT NUMBER
11 OF EDUCATORS IN CERTAIN CONTENT AREAS, AND DIFFICULTY IN FILLING
12 EDUCATOR POSITIONS IN RURAL OR ISOLATED AREAS OF THE STATE;

13 (b) PURSUANT TO HOUSE BILL 17-1003, ENACTED IN 2017, THE
14 DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF
15 EDUCATION, WITH INPUT FROM EDUCATION AND COMMUNITY
16 STAKEHOLDERS, ANALYZED TEACHER AND OTHER EDUCATOR SHORTAGES

1 AND ISSUED A REPORT INCLUDING RECOMMENDATIONS FOR ADDRESSING
2 THESE SHORTAGES;

3 (c) AS PART OF THEIR FINDINGS, THE DEPARTMENT OF HIGHER
4 EDUCATION AND THE DEPARTMENT OF EDUCATION DETERMINED THAT THE
5 STATE HAS EDUCATOR SHORTAGES IN EARLY CHILDHOOD EDUCATION;
6 SCIENCE; MATHEMATICS; WORLD LANGUAGES; SPECIAL EDUCATION; AND
7 ART, MUSIC, AND DRAMA;

8 (d) FURTHER, SHORTAGES IN THESE CONTENT AREAS ARE MORE
9 PRONOUNCED IN RURAL AND REMOTE RURAL AREAS WHERE SCHOOL
10 DISTRICTS FACE ADDITIONAL CHALLENGES, INCLUDING INADEQUATE
11 TEACHER COMPENSATION, LACK OF AFFORDABLE HOUSING, AND AN
12 INABILITY TO ATTRACT NEW TEACHERS TO RURAL COMMUNITIES; AND

13 (e) THE DEPARTMENT OF HIGHER EDUCATION AND THE
14 DEPARTMENT OF EDUCATION FOUND THAT ONE STRATEGY FOR
15 ADDRESSING TEACHER AND OTHER EDUCATOR SHORTAGES IN
16 HARD-TO-FILL POSITIONS DUE TO TEACHING CONTENT AREA OR
17 GEOGRAPHIC LOCATION IS TO OFFER LOAN REPAYMENT OF EDUCATIONAL
18 LOANS FOR EDUCATORS WHO SERVE IN THESE HARD-TO-FILL POSITIONS IN
19 THE STATE.

20 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
21 IMPLEMENTING A LOAN FORGIVENESS PROGRAM FOR EDUCATORS
22 EMPLOYED IN QUALIFIED POSITIONS IN THE STATE IS NECESSARY TO
23 ENSURE THAT THE NEEDS OF STUDENTS ARE MET IN ALL COLORADO PUBLIC
24 SCHOOLS.

25 **SECTION 2.** In Colorado Revised Statutes, 23-3.9-101, **amend**
26 the introductory portion, (4), and (5); **repeal** (3.5); and **add** (2.5) and
27 (3.7) as follows:

1 **23-3.9-101. Definitions.** As used in this ~~article~~ ARTICLE 3.9,
2 unless the context otherwise requires:

3 (2.5) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR SPECIAL
4 SERVICES PROVIDER, AS DEFINED IN SECTION 22-60.5-102.

5 (3.5) ~~"High-poverty school" means a public school at which the~~
6 ~~number of pupils enrolled who are eligible for free lunch pursuant to the~~
7 ~~provisions of the federal "Richard B. Russell National School Lunch~~
8 ~~Act", 42 U.S.C. sec. 1751 et seq., is at least equal to or greater than~~
9 ~~twenty-eight percent of the school's student enrollment.~~

10 (3.7) "QUALIFIED LOAN" MEANS AN EDUCATIONAL LOAN INCURRED
11 WHILE COMPLETING AN APPROVED EDUCATOR PREPARATION PROGRAM, AS
12 DEFINED IN SECTION 23-1-121, OR A BACHELOR'S OR MASTER'S DEGREE IN
13 THE AREA IN WHICH THE EDUCATOR IS EMPLOYED IN A QUALIFIED
14 POSITION. THE COMMISSION SHALL DETERMINE IF A LOAN IS A QUALIFIED
15 LOAN FOR PURPOSES OF THE EDUCATOR LOAN FORGIVENESS PROGRAM
16 CREATED IN SECTION 23-3.9-102.

17 (4) "Qualified position" means:

18 (a) A HARD-TO-STAFF teaching OR SPECIAL SERVICES position in
19 a ~~high-poverty school that is a Colorado elementary public school in a~~
20 RURAL SCHOOL OR rural school district or in a facility school that is in a
21 rural school district IDENTIFIED PURSUANT TO SECTION 23-3.9-102 (6); or

22 (b) A HARD-TO-STAFF teaching OR SPECIAL SERVICES position in
23 ~~math, science, special education, or linguistically diverse education in a~~
24 Colorado public school or a facility school IN A CONTENT SHORTAGE AREA
25 IDENTIFIED PURSUANT TO SECTION 23-3.9-102 (6).

26 (5) "Rural school" OR "RURAL SCHOOL district" means a school OR
27 SCHOOL district ~~that does not include within its geographic boundaries a~~

1 municipality exceeding five thousand persons and that is characterized by
2 sparse, widespread populations IDENTIFIED BY THE DEPARTMENT OF
3 EDUCATION PURSUANT TO SECTION 23-3.9-102 (6).

4 **SECTION 3.** In Colorado Revised Statutes, **amend** 23-3.9-102
5 as follows:

6 **23-3.9-102. Educator loan forgiveness program -**
7 **administration - fund - eligibility.** (1) (a) The general assembly hereby
8 authorizes the commission to develop and maintain ~~a teacher~~ AN
9 EDUCATOR loan forgiveness ~~pilot~~ program for implementation beginning
10 in the ~~2001-02~~ 2018-19 academic year for payment of all or part of the
11 principal and interest of the ~~educational~~ QUALIFIED loans of ~~a first-year~~
12 ~~teacher~~ AN EDUCATOR who is hired for a qualified position. ~~Beginning in~~
13 ~~the 2004-05 academic year, the commission is authorized to extend the~~
14 ~~teacher loan forgiveness pilot program to include payment of all or part~~
15 ~~of the principal and interest of the educational loans of a teacher who is~~
16 ~~hired to teach in a qualified position after the teacher's first year of~~
17 ~~teaching.~~ MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND, CREATED
18 IN SUBSECTION (1)(b) OF THIS SECTION, MAY BE USED ONLY FOR repayment
19 of QUALIFIED loans through the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~
20 program. ~~may be made using moneys in the teacher loan forgiveness~~
21 ~~fund, created in paragraph (b) of this subsection (1), or moneys allocated~~
22 ~~to the program by collegeinvest.~~ The commission is authorized to receive
23 SEEK, ACCEPT, and expend gifts, grants, and donations for the ~~teacher~~
24 EDUCATOR loan forgiveness ~~pilot~~ program. ~~Only graduates of institutions~~
25 ~~of higher education whose loans have collegeinvest eligibility may~~
26 ~~receive repayment of their loans using moneys allocated to the program~~
27 ~~by collegeinvest.~~ THE COMMISSION SHALL TRANSMIT ALL MONEY

1 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
2 TREASURER, WHO SHALL CREDIT THE MONEY TO THE EDUCATOR LOAN
3 FORGIVENESS FUND, CREATED IN SUBSECTION (1)(b) OF THIS SECTION. THE
4 COMMISSION SHALL DEVELOP LOAN REPAYMENT POLICIES THAT ENSURE
5 THAT MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND IS USED FOR THE
6 REPAYMENT OF QUALIFIED LOANS OF EDUCATORS EMPLOYED IN QUALIFIED
7 POSITIONS.

8 (b) There is ~~hereby~~ created the ~~teacher~~ EDUCATOR loan
9 forgiveness fund, which ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY
10 appropriated ~~thereto~~ TO THE FUND by the general assembly for the ~~teacher~~
11 EDUCATOR loan forgiveness ~~pilot~~ program and any gifts, grants, and
12 donations received for ~~said~~ THAT purpose. ~~Moneys~~ MONEY in the fund ~~are~~
13 ~~hereby~~ IS continuously appropriated to the department of higher education
14 for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. At the end of
15 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the
16 fund ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited
17 or transferred to the general fund or any other fund; EXCEPT THAT ON
18 SEPTEMBER 1, 2030, ANY UNEXPENDED AND UNENCUMBERED MONEY IN
19 THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

20 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION
21 SHALL ANNUALLY APPROVE APPLICATIONS FOR UP TO ONE HUNDRED NEW
22 PARTICIPANTS IN THE EDUCATOR LOAN FORGIVENESS PROGRAM. IF MORE
23 APPLICANTS APPLY THAN THE NUMBER OF NEW PARTICIPANTS AUTHORIZED
24 FOR THE APPLICABLE YEAR, THE COMMISSION SHALL:

25 (I) FIRST, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
26 QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL AND
27 IN A CONTENT SHORTAGE AREA;

1 (II) SECOND, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR
2 A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL;
3 AND

4 (III) THIRD, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
5 QUALIFIED POSITION IN A CONTENT SHORTAGE AREA.

6 (2) In addition to any qualifications specified by the commission,
7 to qualify for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program, a
8 ~~teacher~~ AN EDUCATOR shall:

9 (a) Graduate from an approved ~~program of~~ EDUCATOR preparation
10 PROGRAM, AS DEFINED IN SECTION 23-1-121;

11 (b) Meet licensure requirements pursuant to section 22-60.5-201
12 (1)(b) or (1)(c), SECTION 22-60.5-301 (1)(a) OR (1)(b), or SECTION
13 22-60.5-210; ~~C.R.S.~~;

14 (c) (I) Demonstrate professional competencies consistent with
15 state board of education rules in the subject matter in which the ~~teacher~~
16 EDUCATOR obtains a qualified position; or

17 (II) Be fully qualified under a training program approved by a
18 federal court or agency or the state department of education;

19 (d) ~~(F)~~ Contract for ~~the teacher's first year of teaching in a~~
20 qualified position, as defined in section 23-3.9-101, ~~(4)(b)~~, no earlier than
21 June ~~2004~~ 2018 and no later than the end of the ~~2008-09~~ 2026-27
22 academic year; ~~or~~ AND

23 ~~(H) If the teacher is not a first-year teacher, contract to teach in a~~
24 qualified position, as defined in section 23-3.9-101 (4)(b), no earlier than
25 June 2004 and no later than the end of the ~~2008-09~~ academic year; or

26 ~~(H) Initially apply to participate in the program and teach in a~~
27 qualified position, as defined in section 23-3.9-101 (4)(a), on or after June

1 ~~1, 2005, and no later than the end of the 2012-13 academic year;~~

2 (e) ~~Work at least half-time in a qualified position if employed in~~
3 ~~a rural school district, or, beginning with the fall semester of the 2005-06~~
4 ~~academic year, full-time in a qualified position if employed in a school~~
5 ~~district other than a rural school district; and~~

6 (f) ~~Be liable for an outstanding balance on a collegeinvest~~
7 ~~QUALIFIED loan. or a loan through a lender with an agreement with~~
8 ~~collegeinvest to offer loans.~~

9 (3) ~~A teacher~~ AN EDUCATOR who qualifies under subsection (2)
10 of this section may be eligible for up to ~~two~~ FIVE thousand dollars in loan
11 forgiveness for ~~the first year of teaching~~ EACH YEAR OF EMPLOYMENT in
12 a qualified position and up to two thousand dollars in loan forgiveness for
13 each of the next three years of teaching in a qualified position FOR UP TO
14 A TOTAL OF FIVE YEARS.

15 (3.5) ~~Notwithstanding the provisions of subsection (3) of this~~
16 ~~section, a teacher who qualifies under subsection (2) of this section,~~
17 ~~initially applies to participate in the program in any of academic years~~
18 ~~2009-10 to 2012-13, and teaches in a high-poverty elementary school in~~
19 ~~a rural school district shall be eligible for up to four thousand dollars in~~
20 ~~loan forgiveness for each of the first two years of teaching in a qualified~~
21 ~~position and up to one thousand dollars in loan forgiveness for each of the~~
22 ~~next two years of teaching in a qualified position.~~

23 (4) ~~If a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
24 loan forgiveness ~~pilot~~ program through employment in a ~~high-poverty~~
25 ~~elementary school in a rural school district~~ QUALIFIED POSITION and in a
26 subsequent academic year the school no longer meets the criteria to be
27 classified as a ~~high-poverty elementary school in a rural school district~~

1 POSITION IS NO LONGER IDENTIFIED AS A QUALIFIED POSITION PURSUANT
2 TO SUBSECTION (6) OF THIS SECTION, the ~~teacher~~ EDUCATOR may continue
3 to participate in the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program if
4 he or she continues to ~~teach at the~~ IN THE same ~~school~~ POSITION IN THE
5 SAME LOCATION OR IN A DIFFERENT POSITION THAT IS A QUALIFIED
6 POSITION.

7 (5) If a ~~teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
8 loan forgiveness ~~pilot~~ program ~~through employment in a high-poverty~~
9 ~~elementary school in a rural school district~~ and subsequently transfers to
10 a nonqualifying ~~school~~ POSITION, he or she forfeits participant status
11 under this section.

12 (6) (a) FOR PURPOSES OF DEFINING A "QUALIFIED POSITION"
13 PURSUANT TO SUBSECTION (4) OF THIS SECTION, the department of
14 education shall annually identify: ~~the public schools in the state that~~
15 ~~qualify as high-poverty elementary schools in~~

16 (I) Rural school districts BASED ON THE GEOGRAPHIC SIZE OF THE
17 DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE,
18 URBANIZED AREA. THE DEPARTMENT OF EDUCATION MAY IDENTIFY
19 INDIVIDUAL SCHOOLS OF A SCHOOL DISTRICT AS "RURAL SCHOOLS" FOR
20 PURPOSES OF THE EDUCATOR LOAN FORGIVENESS PROGRAM EVEN THOUGH
21 THE SCHOOL DISTRICT AS A WHOLE IS NOT IDENTIFIED AS A RURAL SCHOOL
22 DISTRICT IF THE DEPARTMENT OF EDUCATION DETERMINES THAT, AS A
23 FUNCTION OF GEOGRAPHIC CHARACTERISTICS, THE SCHOOL IS
24 EXPERIENCING EDUCATOR SHORTAGES THAT ARE NOT EXPERIENCED BY
25 OTHER SCHOOLS OF THE SCHOOL DISTRICT.

26 (II) CONTENT SHORTAGE AREAS, WHICH MAY INCLUDE THOSE
27 IDENTIFIED BY THE DEPARTMENT OF HIGHER EDUCATION AND

1 DEPARTMENT OF EDUCATION IN THEIR NOVEMBER 2017 REPORT,
2 "COLORADO'S TEACHER SHORTAGES: ATTRACTING AND RETAINING
3 EXCELLENT EDUCATORS", AS WELL AS OTHER CONTENT SHORTAGE AREAS
4 SPECIFIC TO COLORADO THAT DEVELOP OVER THE COURSE OF THE
5 EDUCATOR LOAN FORGIVENESS PROGRAM. THE DEPARTMENT OF
6 EDUCATION MAY IDENTIFY CONTENT SHORTAGE AREAS GENERALLY AND
7 FOR SPECIFIC GEOGRAPHIC AREAS OF THE STATE.

8 (III) HARD-TO-FILL EDUCATOR POSITIONS DUE TO GEOGRAPHY OR
9 CONTENT SHORTAGE AREA, OR BOTH.

10 (b) AS PART OF ITS ANNUAL IDENTIFICATION OF RURAL SCHOOL
11 DISTRICTS AND CONTENT SHORTAGE AREAS, THE DEPARTMENT OF
12 EDUCATION SHALL CONSIDER EDUCATION AND COMMUNITY STAKEHOLDER
13 FEEDBACK.

14 **SECTION 4.** In Colorado Revised Statutes, **amend 23-3.9-103**
15 as follows:

16 **23-3.9-103. Reporting.** NOTWITHSTANDING THE PROVISIONS OF
17 SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, on or before December
18 15, ~~2002~~ 2018, and on or before ~~each~~ December 15 EACH YEAR thereafter
19 IN WHICH AN EDUCATOR IS PARTICIPATING IN THE PROGRAM, the
20 commission shall prepare an annual report that includes, but is not limited
21 to, THE SHORTAGE AREAS IDENTIFIED BY THE DEPARTMENT OF EDUCATION,
22 the number of participants in the program, THE PUBLIC SCHOOLS IN WHICH
23 THE PARTICIPANTS ARE TEACHING, the amount of funds applied toward
24 loan forgiveness and the sources of those funds, AND THE LENGTH OF TIME
25 THE PARTICIPANT HAS REMAINED IN THE PROGRAM AND HAS REMAINED
26 TEACHING IN THE PUBLIC SCHOOL OR WITHIN THE SAME SCHOOL DISTRICT.
27 The commission shall provide notice to the education committees of the

1 senate and the house of representatives that the report is available to the
2 members of the committees upon request.

3 **SECTION 5.** In Colorado Revised Statutes, **amend** 23-3.9-104
4 as follows:

5 **23-3.9-104. Repeal of article.** This ~~article~~ ARTICLE 3.9 is
6 repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2030.

7 **SECTION 6. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly (August
10 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
11 referendum petition is filed pursuant to section 1 (3) of article V of the
12 state constitution against this act or an item, section, or part of this act
13 within such period, then the act, item, section, or part will not take effect
14 unless approved by the people at the general election to be held in
15 November 2018 and, in such case, will take effect on the date of the
16 official declaration of the vote thereon by the governor.