

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0252.01 Julie Pelegrin x2700

**SENATE BILL 19-022**

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**SENATE SPONSORSHIP**

**Lundeen**, Gardner, Hill

**HOUSE SPONSORSHIP**

**(None)**,

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**Senate Committees**

Education  
Finance

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING SUPPORT FOR LOCAL EDUCATION PROVIDERS TO**  
102                    **PROVIDE MONETARY REWARDS FOR TEACHERS RATED HIGHLY**  
103                    **EFFECTIVE, AND, IN CONNECTION THEREWITH, CREATING THE**  
104                    **HIGHLY EFFECTIVE TEACHER BONUS PROGRAM.**

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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>.)*

The bill creates the highly effective teacher bonus program to provide money to school districts, boards of cooperative services that operate public schools, and charter schools (local education providers) to

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.

pay bonuses to teachers who are rated as highly effective and to provide monetary incentives to recruit highly effective teachers. The department of education (department) will distribute the money to each local education provider based on a formula that takes into account the number of teachers employed by the local education provider. Each local education provider must submit a report concerning its use of the money to the department, and the department must provide a summary of the reports to the state board of education and the education committees of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 63.5 to  
3 title 22 as follows:

4 **ARTICLE 63.5**

5 **Highly Effective Teacher Monetary Incentives**

6 **22-63.5-101. Definitions.** AS USED IN THIS ARTICLE 63.5, UNLESS  
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "BONUS" MEANS A ONE-TIME, NON-BASE-BUILDING PAYMENT  
9 THAT IS IN ADDITION TO A TEACHER'S REGULAR SALARY AND THAT IS  
10 AWARDED BASED ON OUTSTANDING SERVICE AS INDICATED BY A TEACHER  
11 RECEIVING A PERFORMANCE RATING OF HIGHLY EFFECTIVE.

12 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
13 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

14 (3) "DISTRICT CHARTER SCHOOL" MEANS A CHARTER SCHOOL  
15 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5  
16 OF THIS TITLE 22.

17 (4) "HIGHLY EFFECTIVE TEACHER" MEANS A TEACHER WHO  
18 RECEIVED A RATING FOR THE MOST RECENTLY COMPLETED SCHOOL YEAR  
19 OF HIGHLY EFFECTIVE, AS DESCRIBED IN RULES ADOPTED BY THE STATE  
20 BOARD PURSUANT TO SECTION 22-9-104, PURSUANT TO THE PERSONNEL

1 PERFORMANCE EVALUATION SYSTEM IMPLEMENTED BY THE TEACHER'S  
2 EMPLOYER AS REQUIRED IN SECTION 22-9-106.

3 (5) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL  
4 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO  
5 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

6 (6) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A  
7 BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC SCHOOL, A  
8 DISTRICT CHARTER SCHOOL, OR AN INSTITUTE CHARTER SCHOOL.

9 (7) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE  
10 CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503.

11 **22-63.5-102. Highly effective teacher bonus program - created**

12 **- distribution.** (1) THERE IS CREATED IN THE DEPARTMENT OF EDUCATION  
13 THE HIGHLY EFFECTIVE TEACHER BONUS PROGRAM TO ENABLE LOCAL  
14 EDUCATION PROVIDERS TO AWARD BONUSES TO HIGHLY EFFECTIVE  
15 TEACHERS AND TO OFFER MONETARY INCENTIVES TO RECRUIT HIGHLY  
16 EFFECTIVE TEACHERS FOR EMPLOYMENT BY THE LOCAL EDUCATION  
17 PROVIDER.

18 (2) SUBJECT TO ANNUAL APPROPRIATIONS, THE DEPARTMENT  
19 SHALL ANNUALLY DISTRIBUTE TO EACH LOCAL EDUCATION PROVIDER AN  
20 AMOUNT EQUAL TO TWENTY THOUSAND DOLLARS PLUS EIGHT HUNDRED  
21 FIFTY DOLLARS MULTIPLIED BY THE NUMBER OF CLASSROOM TEACHERS OF  
22 RECORD EMPLOYED BY THE LOCAL EDUCATION PROVIDER IN THE  
23 PRECEDING SCHOOL YEAR. THE DEPARTMENT SHALL DISTRIBUTE THE  
24 MONEY NO LATER THAN NOVEMBER 1, 2019, AND NO LATER THAN  
25 NOVEMBER 1 EACH YEAR THEREAFTER, IN A LUMP SUM TO EACH LOCAL  
26 EDUCATION PROVIDER. THE DEPARTMENT SHALL DISTRIBUTE THE MONEY  
27 FOR A DISTRICT CHARTER SCHOOL TO THE SCHOOL'S AUTHORIZING SCHOOL

1 DISTRICT. AS SOON AS PRACTICABLE FOLLOWING RECEIPT OF THE  
2 DISTRIBUTION, THE SCHOOL DISTRICT SHALL TRANSMIT IN A LUMP SUM TO  
3 THE DISTRICT CHARTER SCHOOL ONE HUNDRED PERCENT OF THE AMOUNT  
4 RECEIVED FOR THE DISTRICT CHARTER SCHOOL. THE DEPARTMENT SHALL  
5 DISTRIBUTE THE MONEY FOR AN INSTITUTE CHARTER SCHOOL TO THE  
6 STATE CHARTER SCHOOL INSTITUTE. AS SOON AS PRACTICABLE  
7 FOLLOWING RECEIPT OF THE DISTRIBUTION, THE INSTITUTE SHALL  
8 TRANSMIT IN A LUMP SUM TO THE INSTITUTE CHARTER SCHOOL ONE  
9 HUNDRED PERCENT OF THE AMOUNT RECEIVED FOR THE INSTITUTE  
10 CHARTER SCHOOL.

11 (3) A LOCAL EDUCATION PROVIDER SHALL NOT USE MONEY  
12 RECEIVED PURSUANT TO THIS SECTION FOR ANY PURPOSE OTHER THAN TO  
13 PAY BONUSES TO HIGHLY EFFECTIVE TEACHERS AND TO PROVIDE  
14 MONETARY INCENTIVES TO RECRUIT HIGHLY EFFECTIVE TEACHERS FOR  
15 EMPLOYMENT.

16 (4) BY SEPTEMBER 15, 2019, AND BY SEPTEMBER 15 EACH YEAR  
17 THEREAFTER, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE  
18 DEPARTMENT THE NUMBER OF HIGHLY EFFECTIVE TEACHERS EMPLOYED  
19 BY THE LOCAL EDUCATION PROVIDER AND THE TOTAL NUMBER OF  
20 TEACHERS EMPLOYED BY THE LOCAL EDUCATION PROVIDER IN THE  
21 PRECEDING SCHOOL YEAR. A DISTRICT CHARTER SCHOOL SHALL SUBMIT  
22 THE INFORMATION THROUGH ITS AUTHORIZING SCHOOL DISTRICT, AND AN  
23 INSTITUTE CHARTER SCHOOL SHALL SUBMIT THE INFORMATION THROUGH  
24 THE STATE CHARTER SCHOOL INSTITUTE.

25 (5) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
26 MONEY TO THE DEPARTMENT IN THE AMOUNT DESCRIBED IN SUBSECTION  
27 (2) OF THIS SECTION FOR DISTRIBUTION TO LOCAL EDUCATION PROVIDERS

1 PURSUANT TO THIS SECTION. IN A SCHOOL YEAR IN WHICH THE GENERAL  
2 ASSEMBLY DOES NOT APPROPRIATE AN AMOUNT SUFFICIENT TO  
3 DISTRIBUTE ONE HUNDRED PERCENT OF THE AMOUNT DESCRIBED IN  
4 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT SHALL REDUCE THE  
5 DISTRIBUTION AMOUNT FOR EACH LOCAL EDUCATION PROVIDER IN  
6 PROPORTION TO THE AMOUNT OF THE INSUFFICIENCY.

7 **22-63.5-103. Highly effective teacher bonus program - report.**

8 (1) BY JUNE 30, 2020, AND BY JUNE 30 EACH YEAR THEREAFTER, EACH  
9 LOCAL EDUCATION PROVIDER SHALL SUBMIT TO THE DEPARTMENT A  
10 REPORT DESCRIBING HOW IT USED THE MONEY DISTRIBUTED PURSUANT TO  
11 THIS SECTION. AT A MINIMUM, THE REPORT MUST SPECIFY:

12 (a) THE NUMBER OF HIGHLY EFFECTIVE TEACHERS EMPLOYED BY  
13 THE LOCAL EDUCATION PROVIDER DURING THE APPLICABLE SCHOOL YEAR;

14 (b) THE AMOUNT OF THE BONUS DISTRIBUTED TO EACH HIGHLY  
15 EFFECTIVE TEACHER FOR THE APPLICABLE SCHOOL YEAR;

16 (c) THE NUMBER OF HIGHLY EFFECTIVE TEACHERS HIRED BY THE  
17 LOCAL EDUCATION PROVIDER DURING THE APPLICABLE SCHOOL YEAR, IF  
18 ANY;

19 (d) THE AMOUNT SPENT BY THE LOCAL EDUCATION PROVIDER AS  
20 FINANCIAL INCENTIVES FOR NEWLY HIRED HIGHLY EFFECTIVE TEACHERS,  
21 IF ANY; AND

22 (e) ANY PORTION OF THE DISTRIBUTION FOR THE APPLICABLE  
23 SCHOOL YEAR THAT WAS NOT SPENT.

24 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
25 (11), ON OR BEFORE JANUARY 15, 2021, AND ON OR BEFORE JANUARY 15  
26 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A SUMMARY  
27 OF THE REPORTS RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION

1 FOR THE IMMEDIATELY PRECEDING SCHOOL YEAR TO THE STATE BOARD OF  
2 EDUCATION AND THE EDUCATION COMMITTEES OF THE SENATE AND THE  
3 HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

4 **SECTION 2.** In Colorado Revised Statutes, 24-51-101, **amend**  
5 (42)(a)(II) and (42)(b)(II) as follows:

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

9 (42) (a) (II) For members who were members, inactive members,  
10 or retirees of the association on June 30, 2019, "salary" does not include:  
11 Commissions; compensation for unused sick, annual, vacation,  
12 administrative, or other accumulated paid leave contributed to a health  
13 savings account as defined in 26 U.S.C. sec. 223, as amended, or a  
14 retirement health savings program; housing allowances; uniform  
15 allowances; automobile usage; insurance premiums; dependent care  
16 assistance; reimbursement for expenses incurred; tuition or any other  
17 fringe benefits, regardless of federal taxation; A HIGHLY EFFECTIVE  
18 TEACHER SALARY BONUS RECEIVED PURSUANT TO SECTION 22-63.5-102;  
19 bonuses for services not actually rendered, including, but not limited to,  
20 early retirement inducements, Christmas bonuses, cash awards,  
21 honorariums and severance pay, damages, except for retroactive salary  
22 payments paid pursuant to court orders or arbitration awards or litigation  
23 and grievance settlements, or payments beyond the date of a member's  
24 death.

25 (b) (II) For members who were not members, inactive members,  
26 or retirees of the association on June 30, 2019, "salary" does not include:  
27 Commissions; compensation for unused sick, annual, vacation,

1 administrative, or other accumulated paid leave contributed to a health  
2 savings account as defined in 26 U.S.C. sec. 223, as amended, or a  
3 retirement health savings program; housing allowances; uniform  
4 allowances; automobile usage; insurance premiums paid by employers;  
5 reimbursement for expenses incurred; tuition or any other fringe benefits,  
6 regardless of federal taxation; A HIGHLY EFFECTIVE TEACHER SALARY  
7 BONUS RECEIVED PURSUANT TO SECTION 22-63.5-102; bonuses for  
8 services not actually rendered, including, but not limited to, early  
9 retirement inducements, Christmas bonuses, cash awards, honorariums  
10 and severance pay, damages, except for retroactive salary payments paid  
11 pursuant to court orders or arbitration awards or litigation and grievance  
12 settlements, or payments beyond the date of a member's death.

13           **SECTION 3. Act subject to petition - effective date.** This act  
14 takes effect at 12:01 a.m. on the day following the expiration of the  
15 ninety-day period after final adjournment of the general assembly (August  
16 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
17 referendum petition is filed pursuant to section 1 (3) of article V of the  
18 state constitution against this act or an item, section, or part of this act  
19 within such period, then the act, item, section, or part will not take effect  
20 unless approved by the people at the general election to be held in  
21 November 2020 and, in such case, will take effect on the date of the  
22 official declaration of the vote thereon by the governor.