



**Colorado
Legislative
Council
Staff**

HB16-1099

**FINAL
FISCAL NOTE**

FISCAL IMPACT: State Local Statutory Public Entity Conditional No Fiscal Impact

Drafting Number: LLS 16-0694

Date: June 22, 2016

Prime Sponsor(s): Rep. Salazar

Bill Status: Postponed Indefinitely

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BILL TOPIC: REPEAL OF MUTUAL CONSENT TEACHER ASSIGNMENT REQUIREMENT

Summary of Legislation

Under current law, if a nonprobationary teacher is removed from a teaching assignment within a school district, the teacher must secure a mutual consent assignment at another school in the district within 12 months, or two hiring cycles. A mutual consent assignment indicates that the principal of the hiring school has agreed to employ the nonprobationary teacher; without such consent, the teacher cannot be placed in the school. If the teacher cannot secure such a position, he or she is to be placed on unpaid leave. This bill repeals the mutual consent requirement.

The bill requires that any nonprobationary teacher who was displaced from a job, has not been able to secure a mutual consent agreement, and has remained on unpaid leave since May 10, 2010, be either assigned to an available position in the school district, or dismissed pursuant to existing due-process requirements. If the teacher is given a new assignment, he or she must earn salary and benefits at the same level they would have had the teacher not left the previous assignment. School districts must finalize the disposition of these nonprobationary teachers no later than August 15, 2016.

Background

Under current law, educators are required to have three consecutive years of effective or highly effective performance evaluations to earn non-probationary status. Nonprobationary status is similar to tenure. A probationary teacher rated effective or higher for three consecutive years will become nonprobationary upon being hired for a fourth year of service.

School District Impact

The bill may increase personnel expenses for school districts that reinstate both existing teachers without a mutual consent assignment, as well as teachers who were nonprobationary as of May 2010. Teachers in this position will have cause to seek reinstatement with the district at the salary and benefits level they would have earned if he or she had remained employed by the school district.

Under current law, school districts and Boards of Cooperative Educational Services (BOCES) may submit a separate estimate of fiscal impacts within seven days of a bill's introduction. Estimates submitted by districts or BOCES for this bill can be found on the Legislative Council website at this address: <http://1.usa.gov/23AxLIT>

Effective Date

The bill was postponed indefinitely by the House Education Committee on April 18, 2016.

State and Local Government Contacts

Education