

First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0103.01 Julie Pelegrin x2700

HOUSE BILL 17-1178

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HOUSE SPONSORSHIP

Wilson,

SENATE SPONSORSHIP

(None),

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House Committees

Education  
Appropriations

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO INCREASE FLEXIBILITY FOR LOCAL PUBLIC  
102 EDUCATION ENTITIES IN THE ELEMENTARY AND SECONDARY  
103 PUBLIC EDUCATION SYSTEM.

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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>.)*

**Sections 1 through 5.** The bill allows a rural school district to hire a nonlicensed person to fill a vacant licensed teacher position if, after trying to fill the position with a licensed teacher, the board of education of the district passes a resolution declaring a critical shortage of licensed teachers. The hiring school district must provide professional

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

development and support to the nonlicensed person. The nonlicensed person is subject to the same employment and evaluation provisions that apply to licensed teachers.

**Section 6.** The bill creates a process and standard by which a rural school district, group of rural school districts, or board of cooperative services may obtain waivers of statutes and rules.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-63-103, **amend**  
3 the introductory portion and (11); and **add** (7.5) as follows:

4 **22-63-103. Definitions.** As used in this ~~article~~ ARTICLE 63, unless  
5 the context otherwise requires:

6 (7.5) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT  
7 THE DEPARTMENT OF EDUCATION IDENTIFIES AS RURAL BASED ON THE  
8 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE  
9 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

10 (11) "Teacher" means ~~any~~ A person who holds a teacher's license  
11 issued pursuant to the provisions of article 60.5 of this ~~title~~ TITLE 22 and  
12 who is employed to instruct, direct, or supervise the instructional  
13 program, OR A PERSON WHO IS NOT LICENSED BUT IS HIRED BY THE BOARD  
14 OF EDUCATION OF A RURAL SCHOOL DISTRICT TO FILL A LICENSED TEACHER  
15 POSITION AS PROVIDED IN SECTION 22-63-201 (2.5). "Teacher" does not  
16 include those persons holding authorizations and the chief administrative  
17 officer of any school district.

18 **SECTION 2.** In Colorado Revised Statutes, 22-63-201, **amend**  
19 (1); and **add** (2.5) as follows:

20 **22-63-201. Employment - license required - exceptions -**  
21 **definition.** (1) Except as otherwise provided in ~~subsection (2)~~  
22 SUBSECTIONS (2) AND (2.5) of this section, the board of a school district

1 shall not enter into an employment contract with ~~any~~ A person as a  
2 teacher, except in a junior college district or in an adult education  
3 program, unless ~~such~~ THE person holds an initial or a professional  
4 teacher's license or authorization issued pursuant to the provisions of  
5 article 60.5 of this ~~title~~ TITLE 22.

6 (2.5) (a) IF, AFTER ADVERTISING ONE OR MORE VACANCIES IN  
7 LICENSED TEACHER POSITIONS FOR AT LEAST ONE MONTH, A RURAL  
8 SCHOOL DISTRICT FINDS THAT THERE IS AN INSUFFICIENT NUMBER OF  
9 QUALIFIED, LICENSED APPLICANTS FOR THE POSITIONS, THE BOARD OF THE  
10 RURAL SCHOOL DISTRICT MAY ADOPT A RESOLUTION DECLARING A  
11 CRITICAL SHORTAGE OF LICENSED TEACHERS. THE RESOLUTION IS  
12 EFFECTIVE FOR ONE YEAR AFTER ADOPTION. WHILE THE RESOLUTION IS IN  
13 EFFECT, THE BOARD MAY ENTER INTO AN EMPLOYMENT CONTRACT WITH  
14 ONE OR MORE NONLICENSED PERSONS TO FILL THE VACANT LICENSED  
15 TEACHER POSITIONS. EACH PERSON WHOM THE BOARD HIRES MUST MEET  
16 THE QUALIFICATIONS ESTABLISHED BY THE BOARD OR THE SCHOOL  
17 DISTRICT SUPERINTENDENT. THE BOARD MAY CONTINUE THE EMPLOYMENT  
18 OF A NONLICENSED PERSON WHO IS HIRED PURSUANT TO THIS SUBSECTION  
19 (2.5) AFTER THE RESOLUTION DECLARING A CRITICAL SHORTAGE OF  
20 LICENSED TEACHERS EXPIRES AND IS NOT SUBSEQUENTLY REQUIRED TO  
21 REPLACE THE NONLICENSED PERSON WITH A LICENSED TEACHER. THE  
22 RURAL SCHOOL DISTRICT AND THE PERSON WHO ENTERS INTO AN  
23 EMPLOYMENT CONTRACT PURSUANT TO THIS SUBSECTION (2.5) ARE  
24 SUBJECT TO THE PROVISIONS OF THIS ARTICLE 63 AS IF THE PERSON WERE  
25 A LICENSED TEACHER.

26 (b) A RURAL SCHOOL DISTRICT THAT HIRES A NONLICENSED  
27 PERSON TO FILL A LICENSED TEACHER POSITION AS PROVIDED IN THIS

1 SUBSECTION (2.5) SHALL:

2 (I) PROVIDE TO THE PERSON APPROPRIATE, ONGOING  
3 PROFESSIONAL DEVELOPMENT AND SUPPORT AS DETERMINED BY THE  
4 SCHOOL DISTRICT; AND

5 (II) TREAT THE NONLICENSED PERSON AS IF HE OR SHE WERE A  
6 LICENSED TEACHER IN IMPLEMENTING THE REQUIREMENTS OF THE SCHOOL  
7 DISTRICT'S LICENSED PERSONNEL PERFORMANCE EVALUATION SYSTEM  
8 ESTABLISHED PURSUANT TO ARTICLE 9 OF THIS TITLE 22.

9 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-63-402 as  
10 follows:

11 **22-63-402. Services - disbursements.** (1) ~~NO~~ AN order or A  
12 warrant for the disbursement of school district ~~moneys~~ MONEY shall NOT  
13 be drawn in favor of ~~any~~ A person for services as a teacher, except for  
14 services performed for a junior college district or in an adult education  
15 program, unless the person holds a valid teacher's license or authorization  
16 from the department of education. ~~Such~~ THE PERSON'S license or  
17 authorization shall be duly registered in the administrative office of the  
18 school district wherein the services are to be rendered. A teacher shall  
19 hold a valid license or authorization during all periods of employment by  
20 a school district. A person who performs services as a teacher without  
21 possessing a valid teacher's license or authorization ~~shall forfeit~~ FORFEITS  
22 all claim to compensation out of school district ~~moneys~~ MONEY for the  
23 time during which THE PERSON PERFORMS services ~~are performed~~  
24 the license or authorization.

25 (2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF  
26 THIS SECTION TO THE CONTRARY, THE BOARD OF A RURAL SCHOOL  
27 DISTRICT MAY HIRE AN UNLICENSED PERSON TO FILL A LICENSED TEACHER

1 POSITION AS PROVIDED IN SECTION 22-63-201 (2.5). THE RURAL SCHOOL  
2 DISTRICT MAY USE SCHOOL DISTRICT MONEY TO PAY COMPENSATION TO  
3 THE PERSON FOR SERVICES PROVIDED AS A TEACHER, AND THE PERSON  
4 MAY CLAIM COMPENSATION OUT OF SCHOOL DISTRICT MONEY IF THE  
5 RURAL SCHOOL DISTRICT UNLAWFULLY WITHHOLDS COMPENSATION.

6 **SECTION 4.** In Colorado Revised Statutes, 22-9-103, **amend** the  
7 introductory portion and (5) as follows:

8 **22-9-103. Definitions.** As used in this ~~article~~ ARTICLE 9, unless  
9 the context otherwise requires:

10 (5) "Teacher" means a person who holds an alternative, initial, or  
11 professional teacher license issued pursuant to the provisions of article  
12 60.5 of this ~~title~~ TITLE 22 and who is employed by a school district or a  
13 charter school in the state to instruct, direct, or supervise an education  
14 program. "TEACHER" ALSO INCLUDES A NONLICENSED PERSON WHO IS  
15 HIRED BY THE BOARD OF EDUCATION OF A RURAL SCHOOL DISTRICT TO FILL  
16 A LICENSED TEACHER POSITION AS PROVIDED IN SECTION 22-63-201 (2.5).

17 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, **amend**  
18 (1)(d) as follows:

19 **22-32-109.1. Board of education - specific powers and duties**  
20 **- safe school plan - conduct and discipline code - safe school reporting**  
21 **requirements - school response framework - school resource officers**  
22 **- definitions - repeal. (1) Definitions.** As used in this section, unless the  
23 context otherwise requires:

24 (d) "Full-time teacher" means a person who:  
25 (I) (A) Is licensed pursuant to article 60.5 of this ~~title~~ TITLE 22, or  
26 is authorized pursuant to section 22-60.5-111, to teach; OR  
27 (B) IS NOT LICENSED, BUT IS HIRED BY THE BOARD OF EDUCATION

1 OF A RURAL SCHOOL DISTRICT TO FILL A LICENSED TEACHER POSITION AS  
2 PROVIDED IN SECTION 22-63-201 (2.5); and

3 (II) Is primarily engaged in teaching during a majority of the  
4 instructional minutes per school day.

5 **SECTION 6.** In Colorado Revised Statutes, 22-2-117, **add** (7) as  
6 follows:

7 **22-2-117. Additional power - state board - waiver of**  
8 **requirements - rules - definition.** (7) (a) NOTWITHSTANDING ANY  
9 PROVISION OF THIS SECTION TO THE CONTRARY, A RURAL SCHOOL  
10 DISTRICT, GROUP OF RURAL SCHOOL DISTRICTS, OR BOARD OF  
11 COOPERATIVE SERVICES MAY APPLY TO THE STATE BOARD FOR A WAIVER  
12 OF THE REQUIREMENTS IMPOSED BY THIS TITLE 22, OTHER THAN THOSE  
13 SPECIFIED IN SUBSECTIONS (1)(b) AND (1.5) OF THIS SECTION, OR IMPOSED  
14 BY RULE OF THE STATE BOARD. THE STATE BOARD SHALL GRANT THE  
15 WAIVERS REQUESTED IN THE APPLICATION IF THE APPLICANT  
16 DEMONSTRATES THAT:

17 (I) THE APPLICANT WILL MEET THE INTENT OF EACH WAIVED  
18 STATUTE OR RULE BY USING ALTERNATIVE ASSESSMENTS, WHERE  
19 APPLICABLE, OR BY IMPLEMENTING ALTERNATIVE PROCESSES. THE  
20 ALTERNATIVE ASSESSMENTS OR PROCESSES MAY INCLUDE LOCALLY  
21 DEVELOPED ASSESSMENTS OR PROCESSES;

22 (II) WAIVING THE STATUTES AND RULES IDENTIFIED IN THE  
23 APPLICATION WILL SAVE TIME OR RESOURCES THAT THE APPLICANT  
24 REQUIRES TO MORE EFFECTIVELY COMPLY WITH OTHER STATUTORY OR  
25 REGULATORY REQUIREMENTS OR TO MEET OTHER PRIORITIES OF THE  
26 APPLICANT; AND

27 (III) WAIVING THE STATUTES AND RULES IDENTIFIED IN THE

1 APPLICATION WILL ENHANCE EDUCATIONAL OPPORTUNITY AND WILL NOT  
2 RESULT IN A DECREASE IN ACADEMIC ACHIEVEMENT IN THE AFFECTED  
3 SCHOOL DISTRICT OR SCHOOL DISTRICTS.

4 (b) A WAIVER THAT THE STATE BOARD GRANTS PURSUANT TO THIS  
5 SUBSECTION (7) CONTINUES FOR THE TERM SPECIFIED BY THE STATE  
6 BOARD IN GRANTING THE WAIVER; EXCEPT THAT, BEFORE COMPLETION OF  
7 THE TERM, THE STATE BOARD MAY REVIEW THE WAIVER PURSUANT TO  
8 RULE OF THE STATE BOARD AND REVOKE THE WAIVER FOR GOOD AND JUST  
9 CAUSE.

10 (c) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT  
11 OTHERWISE REQUIRES, "RURAL SCHOOL DISTRICT" MEANS A SCHOOL  
12 DISTRICT THAT THE DEPARTMENT IDENTIFIES AS RURAL BASED ON THE  
13 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE  
14 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA.

15 **SECTION 7. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.