

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0272.01 Brita Darling x2241

SENATE BILL 19-003

SENATE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING THE EDUCATOR LOAN FORGIVENESS PROGRAM TO**
102 **ADDRESS EDUCATOR SHORTAGES, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
2nd Reading Unamended
April 18, 2019

SENATE
3rd Reading Unamended
March 22, 2019

SENATE
Amended 2nd Reading
March 21, 2019

to 5 years for teachers and other educators employed in 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 (department) is required to annually identify the content 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 content shortage areas identified by the department 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

1 STAKEHOLDERS, ANALYZED TEACHER AND OTHER EDUCATOR SHORTAGES
2 AND ISSUED A REPORT INCLUDING RECOMMENDATIONS FOR ADDRESSING
3 THESE SHORTAGES;

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

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

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

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

27 **SECTION 2.** In Colorado Revised Statutes, 23-3.9-101, **amend**

1 (4) and (5); **repeal** (3.5); and **add** (2.5), (3.7), and (6) as follows:

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

4 (2.5) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR SPECIAL
5 SERVICES PROVIDER, AS THOSE TERMS ARE DEFINED IN SECTION
6 22-60.5-102; EXCEPT THAT A SPECIAL SERVICES PROVIDER NEED NOT BE
7 EMPLOYED BY A SCHOOL DISTRICT.

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

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

20 (4) "Qualified position" means:

21 (a) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in a
22 ~~high-poverty school that is a Colorado elementary public school in a~~
23 ~~RURAL SCHOOL OR rural school district or in a facility school that is in a~~
24 ~~rural school district IDENTIFIED BY THE DEPARTMENT OF EDUCATION~~
25 ~~PURSUANT TO SECTION 23-3.9-102 (6); or~~

26 (b) A ~~teaching~~ HARD-TO-STAFF EDUCATOR position in ~~math,~~
27 ~~science, special education, or linguistically diverse education in a~~

1 Colorado public school, A SCHOOL OPERATED BY A BOARD OF
2 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22,
3 or a facility school IN A CONTENT SHORTAGE AREA IDENTIFIED PURSUANT
4 TO SECTION 23-3.9-102 (6).

5 (5) "Rural school" OR "RURAL SCHOOL district" means a PUBLIC
6 school OR SCHOOL district ~~that does not include within its geographic~~
7 ~~boundaries a municipality exceeding five thousand persons and that is~~
8 ~~characterized by sparse, widespread populations~~ IDENTIFIED BY THE
9 DEPARTMENT OF EDUCATION PURSUANT TO SECTION 23-3.9-102 (6).

10 (6) "SCHOOL" OR "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS
11 PROVIDED IN SECTION 22-1-101, INCLUDING A CHARTER SCHOOL
12 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
13 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
14 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
15 TITLE 22, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES
16 CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22.

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

19 **23-3.9-102. Educator loan forgiveness program -**
20 **administration - fund - eligibility.** (1) (a) The general assembly hereby
21 authorizes the commission to develop and maintain ~~a teacher~~ AN
22 EDUCATOR loan forgiveness ~~pilot~~ program for implementation beginning
23 in the ~~2001-02~~ 2019-20 academic year for payment of all or part of the
24 principal and interest of the ~~educational~~ QUALIFIED loans of ~~a first-year~~
25 ~~teacher~~ AN EDUCATOR who is hired for a qualified position. ~~Beginning in~~
26 ~~the 2004-05 academic year, the commission is authorized to extend the~~
27 ~~teacher loan forgiveness pilot program to include payment of all or part~~

1 of the principal and interest of the educational loans of a teacher who is
2 hired to teach in a qualified position after the teacher's first year of
3 teaching. MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND, CREATED
4 IN SUBSECTION (1)(b) OF THIS SECTION, MAY BE USED ONLY FOR repayment
5 of QUALIFIED loans through the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~
6 program. ~~may be made using moneys in the teacher loan forgiveness~~
7 ~~fund, created in paragraph (b) of this subsection (1), or moneys allocated~~
8 ~~to the program by collegeinvest.~~ The commission is authorized to receive
9 SEEK, ACCEPT, and expend gifts, grants, and donations for the ~~teacher~~
10 EDUCATOR loan forgiveness ~~pilot~~ program. ~~Only graduates of institutions~~
11 ~~of higher education whose loans have collegeinvest eligibility may~~
12 ~~receive repayment of their loans using moneys allocated to the program~~
13 ~~by collegeinvest~~ THE COMMISSION SHALL TRANSMIT ALL MONEY RECEIVED
14 THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO
15 SHALL CREDIT THE MONEY TO THE EDUCATOR LOAN FORGIVENESS FUND,
16 CREATED IN SUBSECTION (1)(b) OF THIS SECTION. THE COMMISSION SHALL
17 DEVELOP LOAN REPAYMENT POLICIES THAT ENSURE THAT MONEY IN THE
18 EDUCATOR LOAN FORGIVENESS FUND IS USED FOR THE REPAYMENT OF
19 QUALIFIED LOANS OF EDUCATORS EMPLOYED IN QUALIFIED POSITIONS.

20 (b) There is ~~hereby~~ created the ~~teacher~~ EDUCATOR loan
21 forgiveness fund, which ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY
22 appropriated ~~thereto~~ TO THE FUND by the general assembly for the ~~teacher~~
23 EDUCATOR loan forgiveness ~~pilot~~ program and any gifts, grants, and
24 donations received for ~~said~~ THAT purpose. ~~Moneys~~ MONEY in the fund ~~are~~
25 ~~hereby~~ IS continuously appropriated to the department of higher education
26 for the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program. At the end of
27 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the

1 fund ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited
2 or transferred to the general fund or any other fund; EXCEPT THAT ON
3 AUGUST 30, 2033, ANY UNEXPENDED AND UNENCUMBERED MONEY IN THE
4 FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

5 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION
6 SHALL ANNUALLY APPROVE APPLICATIONS FOR UP TO ONE HUNDRED NEW
7 PARTICIPANTS IN THE EDUCATOR LOAN FORGIVENESS PROGRAM. IF MORE
8 APPLICANTS APPLY THAN THE NUMBER OF NEW PARTICIPANTS AUTHORIZED
9 FOR THE APPLICABLE YEAR, THE COMMISSION SHALL:

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

13 (II) SECOND, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR
14 A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL;
15 AND

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

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

21 (a) Graduate from an approved ~~program of~~ EDUCATOR preparation
22 PROGRAM, AS DEFINED IN SECTION 23-1-121, OR, IF THE APPLICANT IS A
23 SPECIAL SERVICES PROVIDER, SATISFY THE SPECIAL SERVICES PROVIDER
24 PREPARATION REQUIREMENTS FOR LICENSURE;

25 (b) Meet licensure requirements pursuant to section 22-60.5-201
26 (1)(b) or (1)(c), SECTION 22-60.5-301 (1)(a) OR (1)(b), or SECTION
27 22-60.5-210; ~~C.R.S.~~;

1 (c) (I) Demonstrate professional competencies consistent with
2 state board of education rules in the subject matter in which the teacher
3 EDUCATOR obtains a qualified position; or

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

6 (d) (F) Contract for the teacher's first year of teaching in a
7 qualified position, as defined in section 23-3.9-101, (4)(b), no earlier than
8 June 2004 2019 and no later than the end of the 2008-09 2027-28
9 academic year; or AND

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

13 (HH) Initially apply to participate in the program and teach in a
14 qualified position, as defined in section 23-3.9-101 (4)(a), on or after June
15 1, 2005, and no later than the end of the 2012-13 academic year;

16 (e) Work at least half-time in a qualified position if employed in
17 a rural school district, or, beginning with the fall semester of the 2005-06
18 academic year, full-time in a qualified position if employed in a school
19 district other than a rural school district; and

20 (f) Be liable for an outstanding balance on a collegeinvest
21 QUALIFIED loan. or a loan through a lender with an agreement with
22 collegeinvest to offer loans.

23 (3) A teacher AN EDUCATOR who qualifies under PURSUANT TO
24 subsection (2) of this section may be eligible for up to two FIVE thousand
25 dollars in loan forgiveness for the first year of teaching EACH YEAR OF
26 EMPLOYMENT in a qualified position and up to two thousand dollars in
27 loan forgiveness for each of the next three years of teaching in a qualified

1 ~~position~~ FOR UP TO A TOTAL OF FIVE YEARS.

2 (3.5) ~~Notwithstanding the provisions of subsection (3) of this~~
3 ~~section, a teacher who qualifies under subsection (2) of this section,~~
4 ~~initially applies to participate in the program in any of academic years~~
5 ~~2009-10 to 2012-13, and teaches in a high-poverty elementary school in~~
6 ~~a rural school district shall be eligible for up to four thousand dollars in~~
7 ~~loan forgiveness for each of the first two years of teaching in a qualified~~
8 ~~position and up to one thousand dollars in loan forgiveness for each of the~~
9 ~~next two years of teaching in a qualified position.~~

10 (4) If ~~a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
11 loan forgiveness ~~pilot~~ program through employment in a ~~high-poverty~~
12 ~~elementary school in a rural school district~~ QUALIFIED POSITION and in a
13 subsequent academic year the ~~school no longer meets the criteria to be~~
14 ~~classified as a high-poverty elementary school in a rural school district~~
15 POSITION IS NO LONGER IDENTIFIED AS A QUALIFIED POSITION PURSUANT
16 TO SUBSECTION (6) OF THIS SECTION, the ~~teacher~~ EDUCATOR may continue
17 to participate in the ~~teacher~~ EDUCATOR loan forgiveness ~~pilot~~ program if
18 ~~he or she~~ THE EDUCATOR continues to ~~teach at the~~ IN THE same ~~school~~
19 POSITION IN THE SAME LOCATION OR IN A DIFFERENT POSITION THAT IS A
20 QUALIFIED POSITION.

21 (5) If ~~a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
22 loan forgiveness ~~pilot~~ program ~~through employment in a high-poverty~~
23 ~~elementary school in a rural school district~~ and subsequently transfers to
24 a nonqualifying ~~school~~ POSITION, ~~he or she~~ THE EDUCATOR forfeits
25 participant status ~~under~~ PURSUANT TO this section.

26 (6) (a) FOR PURPOSES OF DEFINING A "QUALIFIED POSITION"
27 PURSUANT TO SUBSECTION (4) OF THIS SECTION, the department of

1 education shall annually identify: ~~the public schools in the state that~~
2 ~~qualify as high-poverty elementary schools in~~

3 (I) Rural school districts BASED ON THE GEOGRAPHIC SIZE OF THE
4 DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE,
5 URBANIZED AREA;

6 (II) RURAL SCHOOLS, WHICH MAY INCLUDE BUT ARE NOT LIMITED
7 TO INDIVIDUAL SCHOOLS OF A SCHOOL DISTRICT EVEN THOUGH THE
8 SCHOOL DISTRICT AS A WHOLE IS NOT IDENTIFIED AS A RURAL SCHOOL
9 DISTRICT IF THE DEPARTMENT OF EDUCATION DETERMINES THAT, AS A
10 FUNCTION OF GEOGRAPHIC CHARACTERISTICS, THE SCHOOL IS
11 EXPERIENCING EDUCATOR SHORTAGES THAT ARE NOT EXPERIENCED BY
12 OTHER SCHOOLS OF THE SCHOOL DISTRICT;

13 (III) CONTENT SHORTAGE AREAS, WHICH MAY INCLUDE THOSE
14 IDENTIFIED BY THE DEPARTMENT OF HIGHER EDUCATION AND
15 DEPARTMENT OF EDUCATION IN THEIR NOVEMBER 2017 REPORT,
16 "COLORADO'S TEACHER SHORTAGES: ATTRACTING AND RETAINING
17 EXCELLENT EDUCATORS", AS WELL AS OTHER CONTENT SHORTAGE AREAS
18 SPECIFIC TO COLORADO THAT DEVELOP OVER THE COURSE OF THE
19 EDUCATOR LOAN FORGIVENESS PROGRAM. THE DEPARTMENT OF
20 EDUCATION MAY IDENTIFY CONTENT SHORTAGE AREAS GENERALLY AND
21 FOR SPECIFIC GEOGRAPHIC AREAS OF THE STATE.

22 (IV) HARD-TO-FILL EDUCATOR POSITIONS DUE TO GEOGRAPHY OR
23 CONTENT SHORTAGE AREA, OR BOTH.

24 (b) AS PART OF ITS ANNUAL IDENTIFICATION OF RURAL SCHOOLS,
25 SCHOOL DISTRICTS, AND CONTENT SHORTAGE AREAS, THE DEPARTMENT OF
26 EDUCATION SHALL CONSIDER EDUCATION AND COMMUNITY STAKEHOLDER
27 FEEDBACK.

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

3 **23-3.9-103. Reporting.** NOTWITHSTANDING THE PROVISIONS OF
4 SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, on or before December
5 15, ~~2002~~ 2019, and on or before ~~each~~ December 15 EACH YEAR thereafter
6 IN WHICH AN EDUCATOR IS PARTICIPATING IN THE PROGRAM, the
7 commission shall prepare an annual report that includes, but is not limited
8 to, THE CONTENT SHORTAGE AREAS IDENTIFIED BY THE DEPARTMENT OF
9 EDUCATION; THE NUMBER OF APPLICATIONS RECEIVED AND the number of
10 participants in the program AWARDED LOAN FORGIVENESS, THE PUBLIC
11 SCHOOLS IN WHICH THE PARTICIPANTS ARE EMPLOYED, AND DEMOGRAPHIC
12 INFORMATION FOR THE PARTICIPANTS; THE APPROVED TEACHER
13 PREPARATION PROGRAM ATTENDED BY THE PARTICIPANTS; AND the
14 amount of funds MONEY applied toward loan forgiveness and the sources
15 of those funds THE MONEY. THE REPORT MUST ALSO INCLUDE, FOR ALL
16 PARTICIPANTS AWARDED LOAN FORGIVENESS, THE LENGTH OF TIME EACH
17 PARTICIPANT HAS REMAINED IN THE PROGRAM AND HAS REMAINED
18 TEACHING IN THE PUBLIC SCHOOL OR WITHIN THE SAME SCHOOL DISTRICT.
19 The commission shall provide notice to the education committees of the
20 senate and the house of representatives, OR ANY SUCCESSOR COMMITTEES,
21 that the report is available to the members of the committees upon
22 request.

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

25 **23-3.9-104. Repeal of part.** This part 1 is repealed, effective July
26 ~~1, 2019~~ SEPTEMBER 1, 2033.

27 **SECTION 6. Appropriation.** (1) For the 2019-20 state fiscal

1 year, \$623,969 is appropriated to the department of higher education for
2 use by the Colorado commission on higher education. This appropriation
3 is from the general fund. To implement this act, the commission may use
4 this appropriation as follows:

5 (a) \$123,969 for administration, which amount is based on an
6 assumption that the department will require an additional 1.4 FTE; and

7 (b) \$500,000 for student loan repayments.

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