

First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 11-0475.01 Brita Darling

HOUSE BILL 11-1121

HOUSE SPONSORSHIP

Ramirez, Massey, McNulty, Szabo

SENATE SPONSORSHIP

King K.,

House Committees

Education
Appropriations

Senate Committees

State, Veterans & Military Affairs
Appropriations

A BILL FOR AN ACT

101 CONCERNING DISQUALIFICATION FROM SCHOOL EMPLOYMENT FOR
102 CONVICTION OF CERTAIN OFFENSES, AND MAKING AN
103 APPROPRIATION THEREFOR.

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://www.leg.state.co.us/billsummaries>.)

The bill enacts the "Felon-free Schools Act of 2011". A school district, a charter school, or an institute charter school is prohibited from employing as a nonlicensed employee a person who has a conviction for certain enumerated criminal offenses.

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.

SENATE
Am ended 2nd Reading
May 3, 2011

HOUSE
3rd Reading Unamended
March 14, 2011

HOUSE
Am ended 2nd Reading
March 11, 2011

For positions requiring a license, if the license, endorsement, or authorization is issued on or after September 15, 2011, the state board of education shall deny a license, endorsement, or authorization if the applicant has been convicted of a felony drug offense. For a license, certificate, endorsement, or authorization initially issued prior to September 15, 2011, the state board of education shall deny, annul, suspend, or revoke the license, certificate, endorsement, or authorization if the holder is convicted of a felony drug offense on or after September 15, 2011, and may deny, annul, suspend, or revoke the license, certificate, endorsement, or authorization if the holder is convicted of a felony drug offense prior to September 15, 2011. The bill makes conforming amendments relating to this provision.

A school district board of education must ask the department of education whether an applicant for employment has received a disposition or an adjudication for an offense that would constitute felony unlawful sexual behavior if committed by an adult. The department of education is required to provide the information to the school district.

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

2 **SECTION 1. Short title.** This act shall be known and may be
3 cited as the "Safer Schools Act of 2011".

4 ■■ ■■
5 **SECTION 2.** 22-30.5-110.7 (5), Colorado Revised Statutes, is
6 amended, and the said 22-30.5-110.7 is further amended BY THE
7 ADDITION OF A NEW SUBSECTION, to read:

8 **22-30.5-110.7. Fingerprint-based criminal history record**
9 **checks - charter school employees - procedures - definitions.**

10 (5) (a) A charter school may employ a person in the charter school prior
11 to receiving the results of the person's fingerprint-based criminal history
12 record check; except that:

13 (I) The charter school may terminate the employment of the
14 person if the results are inconsistent with the information provided by the
15 person in the form submitted pursuant to subsection (2) of this section;

16 AND

1 (II) THE CHARTER SCHOOL SHALL TERMINATE THE PERSON'S
2 EMPLOYMENT IF THE RESULTS DISCLOSE A CONVICTION FOR AN OFFENSE
3 DESCRIBED IN SECTION 22-32-109.8 (6.5).

4 (b) The charter school shall notify the proper district attorney of
5 ~~such~~ inconsistent results AS DESCRIBED IN SUBPARAGRAPH (I) OF
6 PARAGRAPH (a) OF THIS SUBSECTION (5) for purposes of action or possible
7 prosecution.

8 (6.5) AN EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT WITH A
9 CHARTER SCHOOL IS DISQUALIFIED FROM EMPLOYMENT IF THE RESULTS OF
10 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK COMPLETED ON
11 OR AFTER THE EFFECTIVE DATE OF THIS ACT DISCLOSE A CONVICTION FOR
12 AN OFFENSE DESCRIBED IN SECTION 22-32-109.8 (6.5). NOTHING IN THIS
13 SECTION OR IN SECTION 22-32-109.8 SHALL CREATE FOR A PERSON A
14 PROPERTY RIGHT IN OR ENTITLEMENT TO EMPLOYMENT OR CONTINUED
15 EMPLOYMENT WITH A CHARTER SCHOOL OR IMPAIR A CHARTER SCHOOL'S
16 RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY REASON.

17 **SECTION 3.** 22-30.5-511.5, Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW SUBSECTION to read:

19 **22-30.5-511.5. Background investigation - prohibition against**
20 **employing persons - institute charter school employees' information**
21 **provided to department.** (2.5) AN EMPLOYEE OR AN APPLICANT FOR
22 EMPLOYMENT WITH AN INSTITUTE CHARTER SCHOOL IS DISQUALIFIED
23 FROM EMPLOYMENT IF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
24 HISTORY RECORD CHECK COMPLETED ON OR AFTER THE EFFECTIVE DATE
25 OF THIS ACT DISCLOSE A CONVICTION FOR AN OFFENSE DESCRIBED IN
26 SECTION 22-32-109.8 (6.5). NOTHING IN THIS SECTION OR IN SECTION
27 22-32-109.8 SHALL CREATE FOR A PERSON A PROPERTY RIGHT IN OR

1 ENTITLEMENT TO EMPLOYMENT OR CONTINUED EMPLOYMENT WITH AN
2 INSTITUTE CHARTER SCHOOL OR IMPAIR AN INSTITUTE CHARTER SCHOOL'S
3 RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY REASON.

4

5 **SECTION 4.** 22-32-109.8 (3), (5), (6), (7), and (8), Colorado
6 Revised Statutes, are amended, and the said 22-32-109.8 is further
7 amended BY THE ADDITION OF THE FOLLOWING NEW
8 SUBSECTIONS, to read:

9 **22-32-109.8. Applicants selected for nonlicensed positions -**
10 **submittal of form and fingerprints - prohibition against employing**
11 **persons - department database.** (3) In addition to any other
12 requirements established by law, the submittal of fingerprints and the
13 form pursuant to subsection (1) of this section shall be a prerequisite to
14 the employment of ~~any~~ A person in a ~~noncertificated~~ NONLICENSED
15 position in a school district, and no person shall be so employed who has
16 not complied with the provisions of subsection (1) of this section.

17 (5) (a) A school district may employ ~~any~~ A person in a
18 ~~noncertificated~~ NONLICENSED position in ~~such~~ THE school district prior to
19 receiving the results regarding ~~such~~ THE selected applicant's fingerprints;
20 however:

21 (I) The school district may terminate the PERSON'S employment ~~of~~
22 ~~such person~~ if the results are inconsistent with the information provided
23 by the person in the form submitted pursuant to subsection (1) of this
24 section; AND

25 (II) THE SCHOOL DISTRICT SHALL TERMINATE THE PERSON'S
26 EMPLOYMENT IF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
27 HISTORY RECORD CHECK COMPLETED ON OR AFTER THE EFFECTIVE DATE

1 OF THIS ACT DISCLOSE A CONVICTION FOR AN OFFENSE DESCRIBED IN
2 SUBSECTION (6.5) OF THIS SECTION.

3 (b) The school district shall notify the proper district attorney of
4 ~~such~~ inconsistent results AS DESCRIBED IN SUBPARAGRAPH (I) OF
5 PARAGRAPH (a) OF THIS SUBSECTION (5) for purposes of action or possible
6 prosecution.

7 (6) (a) When ~~any~~ A school district finds good cause to believe that
8 ~~any~~ A nonlicensed ~~personnel~~ PERSON employed by ~~such~~ THE school
9 district has been convicted of ~~any~~ A felony or misdemeanor other than a
10 misdemeanor traffic offense or traffic infraction subsequent to ~~such~~ HIS
11 OR HER employment, ~~such~~ THE school district shall require ~~such~~ THE
12 person to submit to the school district a complete set of his or her
13 fingerprints taken by a qualified law enforcement agency. ~~Said~~ THE
14 fingerprints shall be submitted within twenty days ~~of~~ AFTER receipt of
15 written notification from the school district. The school district shall
16 forward the fingerprints of ~~such~~ THE person to the Colorado bureau of
17 investigation for the purpose of conducting a state and national
18 fingerprint-based criminal history record check utilizing the records of the
19 Colorado bureau of investigation and the federal bureau of investigation.
20 IF THE RESULTS OF THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
21 CHECK COMPLETED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT
22 DISCLOSE A CONVICTION FOR AN OFFENSE DESCRIBED IN SUBSECTION (6.5)
23 OF THIS SECTION, THE SCHOOL DISTRICT SHALL TERMINATE THE PERSON'S
24 EMPLOYMENT.

25 (b) School districts shall not charge ~~noncertificated~~ NONLICENSED
26 personnel any fees for the direct and indirect costs of ~~such~~ THE school
27 district for fingerprint processing performed pursuant to the provisions of

1 this subsection (6).

2 (6.5) (a) EXCEPT AS PROVIDED IN PARAGRAPH (d) OF THIS
3 SUBSECTION (6.5), A PERSON EMPLOYED IN OR APPLYING TO A SCHOOL
4 DISTRICT FOR EMPLOYMENT IN A NONLICENSED POSITION IS DISQUALIFIED
5 FROM EMPLOYMENT IF:

6 (I) THE APPLICANT OR EMPLOYEE HAS BEEN CONVICTED OF, OR
7 CONVICTED OF ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT, ONE
8 OF THE FOLLOWING OFFENSES:

9 (A) FELONY CHILD ABUSE, AS DESCRIBED IN SECTION 18-6-401,
10 C.R.S.;

11 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406 (2),
12 C.R.S.;

13 (C) A FELONY INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
14 DEFINED IN SECTION 16-22-102 (9), C.R.S.;

15 (D) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
16 (6.5), A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN
17 FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC
18 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

19 (E) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
20 (6.5), A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF
21 TITLE 18, C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012;

22 (F) FELONY INDECENT EXPOSURE, AS DESCRIBED IN SECTION
23 18-7-302, C.R.S.; OR

24 (G) AN OFFENSE IN ANY OTHER STATE, THE UNITED STATES, OR
25 ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES,
26 WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE AN OFFENSE
27 DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (F) OF THIS SUBPARAGRAPH

1 (I);

2

3 (II) THE APPLICANT OR EMPLOYEE FAILS TO SUBMIT FINGERPRINTS
4 ON A TIMELY BASIS FOLLOWING RECEIPT OF THE WRITTEN REQUEST FROM
5 THE SCHOOL DISTRICT PURSUANT TO SUBSECTION (1) OR (6) OF THIS
6 SECTION.

7 (b) THE DISQUALIFICATION FROM EMPLOYMENT PURSUANT TO
8 SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH
9 (a) OF THIS SUBSECTION (6.5) SHALL ONLY APPLY FOR A PERIOD OF FIVE
10 YEARS FOLLOWING THE DATE THE OFFENSE WAS COMMITTED, AND, FOR
11 THE OFFENSE DESCRIBED IN SUB-SUBPARAGRAPH (D) OF SUBPARAGRAPH
12 (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5), PROVIDED THE PERSON
13 HAS SUCCESSFULLY COMPLETED ANY DOMESTIC VIOLENCE TREATMENT
14 REQUIRED BY THE COURT. AN EMPLOYEE TERMINATED FROM
15 EMPLOYMENT SOLELY ON THE BASIS OF THE DISQUALIFICATION
16 CONTAINED IN SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I)
17 OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY REAPPLY FOR
18 EMPLOYMENT AFTER FIVE YEARS HAVE PASSED SINCE THE DATE THE
19 OFFENSE WAS COMMITTED.

20 (c) NOTHING IN THIS SUBSECTION (6.5) SHALL REQUIRE A SECOND
21 OR SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
22 TO BE CONDUCTED FOR AN EMPLOYEE FOR WHOM A FINGERPRINT-BASED
23 CRIMINAL HISTORY RECORD CHECK HAS BEEN COMPLETED PRIOR TO THE
24 EFFECTIVE DATE OF THIS SUBSECTION (6.5).

25 (d) (I) NOTWITHSTANDING THE DISQUALIFICATION FROM
26 EMPLOYMENT SET FORTH IN THIS SUBSECTION (6.5), A SCHOOL DISTRICT
27 MAY EMPLOY A PERSON CONVICTED OF AN OFFENSE LISTED IN

1 SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH
2 (a) OF THIS SUBSECTION (6.5) AFTER CONDUCTING AN ASSESSMENT OF THE
3 CURRENT SAFETY RISK POSED BY THE PERSON.

4 (II) A PERSON WHO IS OR WOULD BE DISQUALIFIED FROM
5 EMPLOYMENT PURSUANT TO SUB-SUBPARAGRAPHS (D) AND (E) OF
6 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY
7 SUBMIT A WRITTEN REQUEST TO THE SCHOOL DISTRICT FOR
8 RECONSIDERATION OF THE DISQUALIFICATION FROM EMPLOYMENT.
9 RECONSIDERATION SHALL BE BASED UPON THE SCHOOL DISTRICT'S
10 ASSESSMENT OF THE CURRENT SAFETY RISK IN HIRING THE PERSON OR IN
11 CONTINUING THE PERSON'S EMPLOYMENT AFTER CONSIDERING:

12 (A) THE SERIOUSNESS AND NATURE OF THE DISQUALIFYING
13 OFFENSE;

14 (B) THE TIME ELAPSED SINCE THE DATE THE OFFENSE WAS
15 COMMITTED;

16 (C) THE NATURE OF THE POSITION HELD OR SOUGHT BY THE
17 PERSON; AND

18 (D) ANY OTHER RELEVANT INFORMATION.

19 (III) THE DECISION OF THE SCHOOL DISTRICT SHALL BE FINAL.

20 (7) For purposes of this section, a person is deemed to be
21 convicted of committing a felony or misdemeanor AS DESCRIBED IN THIS
22 SECTION if ~~such~~ THE person has been convicted under the laws of any
23 other state, the United States, or any territory subject to the jurisdiction of
24 the United States of an unlawful act which, if committed within this state,
25 would be a felony or misdemeanor.

26 (8) For purposes of this section:

27 (a) "Convicted" means a conviction by a jury or by a court and

1 shall also include the forfeiture of any bail, bond, or other security
2 deposited to secure appearance by a person charged with a felony or
3 misdemeanor, the payment of a fine, A GUILTY PLEA ACCEPTED BY A
4 COURT, a plea of nolo contendere, and the imposition of a deferred or
5 suspended sentence by the court.

6 (a.5) "NONLICENSED" MEANS A PERSON DOES NOT HOLD, OR A
7 POSITION OF EMPLOYMENT DOES NOT REQUIRE, A LICENSE ISSUED
8 PURSUANT TO ARTICLE 60.5 OF THIS TITLE.

9 (b) "Position of employment" means any job or position in which
10 any person may be engaged in the service of a school district for salary or
11 hourly wages, whether full time or part time and whether temporary or
12 permanent.

13 (12) NOTHING IN THIS SECTION SHALL CREATE FOR A PERSON A
14 PROPERTY RIGHT IN OR ENTITLEMENT TO EMPLOYMENT OR CONTINUED
15 EMPLOYMENT WITH A SCHOOL DISTRICT OR IMPAIR A SCHOOL DISTRICT'S
16 RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY REASON.

17 **SECTION 5.** 22-60.5-103 (6) (b), Colorado Revised Statutes, is
18 amended to read:

19 **22-60.5-103. Applicants - licenses - authorizations - submittal**
20 **of form and fingerprints - failure to comply constitutes grounds for**
21 **denial.** (6) (b) The department of education shall forward fingerprints
22 submitted pursuant to this subsection (6) to the Colorado bureau of
23 investigation for the purpose of obtaining a fingerprint-based criminal
24 history record check through the Colorado bureau of investigation and the
25 federal bureau of investigation, to determine whether the educator has a
26 criminal history. In addition, the department of education may use the
27 records of the ICON system at the state judicial department, as defined in

1 section 24-33.5-102 (3), C.R.S., or any other source available, including
2 obtaining records from any law enforcement agency and juvenile
3 delinquent records pursuant to section 19-1-304, C.R.S., to ascertain
4 whether the educator has been convicted of an offense described in
5 section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6).

6 **SECTION 6.** 22-60.5-107 (2) (d), (2) (f), (2.5) (a) (I) (D), (2.5)
7 (b), (3), and (8), Colorado Revised Statutes, are amended, and the said
8 22-60.5-107 is further amended BY THE ADDITION OF A NEW
9 SUBSECTION, to read:

10 **22-60.5-107. Grounds for denying, annulling, suspending, or**
11 **revoking license, certificate, endorsement, or authorization.** (2) Any
12 license, certificate, endorsement, or authorization may be denied,
13 annulled, suspended, or revoked in the manner prescribed in section
14 22-60.5-108, notwithstanding the provisions of subsection (1) of this
15 section:

16 (d) When the applicant or holder is found guilty of a felony, other
17 than a felony described in subsection (2.5) OR (2.6) of this section, or
18 upon the court's acceptance of a guilty plea or a plea of nolo contendere
19 to a felony, other than a felony described in subsection (2.5) OR (2.6) of
20 this section, in this state or, under the laws of any other state, the United
21 States, or any territory subject to the jurisdiction of the United States, of
22 a crime which, if committed within this state, would be a felony, other
23 than a felony described in subsection (2.5) OR (2.6) of this section, when
24 the commission of said felony, in the judgment of the state board of
25 education, renders the applicant or holder unfit to perform the services
26 authorized by his or her license, certificate, endorsement, or
27 authorization;

1 (f) When the applicant or holder has forfeited any bail, bond, or
2 other security deposited to secure the appearance by the applicant or
3 holder who is charged with having committed a felony or misdemeanor,
4 has paid a fine, has entered a plea of nolo contendere, or has received a
5 deferred or suspended sentence imposed by the court for any offense
6 described in subparagraph (I) or (II) of paragraph (a) of subsection (2.5)
7 of this section OR IN SUBSECTION (2.6) OF THIS SECTION.

8 (2.5) (a) A license, certificate, endorsement, or authorization shall
9 be denied, annulled, suspended, or revoked in the manner prescribed in
10 section 22-60.5-108, notwithstanding the provisions of subsection (1) of
11 this section to the contrary, in the following circumstances:

12 (I) When the applicant or holder is convicted of one of the
13 following offenses:

14 (D) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
15 (2.5), a felony, the underlying factual basis of which has been found by
16 the court on the record to include an act of domestic violence, as defined
17 in section 18-6-800.3, C.R.S.;

18 (b) For purposes of this subsection (2.5), "convicted" or
19 "conviction" means a conviction by a jury verdict or by entry of a verdict
20 or acceptance of a guilty plea OR A PLEA OF NOLO CONTENDERE by a court.

21 (2.6) (a) IN ADDITION TO THE OFFENSES DESCRIBED IN SUBSECTION
22 (2.5) OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL DENY,
23 ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR
24 AUTHORIZATION IF THE APPLICANT FOR OR HOLDER OF THE LICENSE,
25 CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IS CONVICTED OF A
26 FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18,
27 C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012. THE REQUIREMENT

1 THAT THE STATE BOARD OF EDUCATION DENY, ANNUL, SUSPEND, OR
2 REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION
3 SHALL ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE
4 THE OFFENSE WAS COMMITTED. ==

5 (b) NOTHING IN THIS SUBSECTION (2.6) SHALL LIMIT THE
6 AUTHORITY OF THE STATE BOARD OF EDUCATION TO DENY, ANNUL,
7 SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR
8 AUTHORIZATION IF THE APPLICANT OR HOLDER IS CONVICTED OF A FELONY
9 DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18, C.R.S.,
10 COMMITTED PRIOR TO AUGUST 25, 2012.

11 (c) FOR PURPOSES OF THIS SUBSECTION (2.6), "CONVICTED" OR
12 "CONVICTION" MEANS A CONVICTION BY A JURY VERDICT OR BY ENTRY OF
13 A VERDICT OR ACCEPTANCE OF A GUILTY PLEA OR A PLEA OF NOLO
14 CONTENDERE BY A COURT.

15 (3) A certified copy of the judgment of a court of competent
16 jurisdiction of a conviction, the acceptance of a guilty plea, a plea of nolo
17 contendere, or a deferred sentence shall be conclusive evidence for the
18 purposes of paragraphs (b) and (c) of subsection (2) of this section. A
19 certified copy of the judgment of a court of competent jurisdiction of a
20 conviction or the acceptance of a guilty plea shall be conclusive evidence
21 for the purposes of ~~subsection~~ SUBSECTIONS (2.5) AND (2.6) of this
22 section. Upon receipt of a certified copy of the judgment, the department
23 of education may take immediate action to deny, annul, or suspend any
24 license, certificate, endorsement, or authorization without a hearing,
25 notwithstanding the provisions of section 22-60.5-108. The department
26 of education may revoke a suspended license based on a violation of
27 paragraph (b) or (c) of subsection (2) of this section and shall revoke a

1 suspended license based on a violation of subsection (2.5) OR (2.6) of this
2 section without a hearing and without any further action, after the
3 exhaustion of all appeals, if any, or after the time for seeking an appeal
4 has elapsed, and upon the entry of a final judgment.

5 (8) When an applicant's or holder's license is denied, annulled,
6 suspended, or revoked pursuant to the provisions of subsection (2.5) OR
7 (2.6) of this section, the department of education shall post the name of
8 the person and basis for the denial, annulment, suspension, or revocation
9 on its web site.

10 **SECTION 7.** 22-60.5-107 (2.5), Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 **22-60.5-107. Grounds for denying, annulling, suspending, or**
13 **revoking license, certificate, endorsement, or authorization.**

14 (2.5) (c) THE GROUNDS FOR MANDATORY DENIAL, ANNULMENT,
15 SUSPENSION, OR REVOCATION OF A LICENSE, CERTIFICATE, ENDORSEMENT,
16 OR AUTHORIZATION PURSUANT TO SUB-SUBPARAGRAPH (D) OF
17 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL
18 ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE THE
19 OFFENSE WAS COMMITTED, PROVIDED THE APPLICANT OR HOLDER HAS
20 SUCCESSFULLY COMPLETED ANY DOMESTIC VIOLENCE TREATMENT
21 REQUIRED BY THE COURT.

22 **SECTION 8.** 22-63-302 (3), Colorado Revised Statutes, is
23 amended to read:

24 **22-63-302. Procedure for dismissal - judicial review.** (3) If a
25 teacher objects to the grounds given for the dismissal, the teacher may file
26 with the chief administrative officer a written notice of objection and a
27 request for a hearing. Such written notice shall be filed within five

1 working days after receipt by the teacher of the notice of dismissal. If the
2 teacher fails to file the written notice within said time, such failure shall
3 be deemed to be a waiver of the right to a hearing and the dismissal shall
4 be final; except that the board of education may grant a hearing upon a
5 determination that the failure to file written notice for a hearing was due
6 to good cause. If the teacher files a written notice of objection, the
7 teacher shall continue to receive regular compensation from the time the
8 board received the dismissal recommendation from the chief
9 administrative officer pursuant to subsection (2) of this section until the
10 board acts on the hearing officer's recommendation pursuant to subsection
11 (9) of this section, but in no event beyond one hundred days; except that
12 the teacher shall not receive regular compensation upon being charged
13 criminally with an offense for which a license, certificate, endorsement,
14 or authorization is required to be denied, annulled, suspended, or revoked
15 due to a conviction, pursuant to section 22-60.5-107 (2.5) OR (2.6). If the
16 final disposition of the case does not result in a conviction and the teacher
17 has not been dismissed pursuant to the provisions of this section, the
18 board shall reinstate the teacher, effective as of the date of the final
19 disposition of the case. Within ten days after the reinstatement, the board
20 shall provide the teacher with back pay and lost benefits and shall restore
21 lost service credit.

22 **SECTION 9.** 24-5-101 (1) (b) (IV), Colorado Revised Statutes,
23 is amended to read:

24 **24-5-101. Effect of criminal conviction on employment rights.**

25 (1) (b) This subsection (1) shall not apply to:

26 (IV) The licensure or authorization of educators prohibited
27 pursuant to section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6), C.R.S.;

1 **SECTION 10. Appropriation.** (1) In addition to any other
2 appropriation, there is hereby appropriated, out of any moneys in the
3 educator licensure cash fund created in section 22-60.5-112 (1), Colorado
4 Revised Statutes, not otherwise appropriated, to the department of
5 education, management and administration, for allocation to the office of
6 professional services, for the fiscal year beginning July 1, 2011, the sum
7 of eighty-three thousand three hundred eighty-three dollars (\$83,383)
8 cash funds and 0.9 FTE, or so much thereof as may be necessary, for the
9 implementation of this act.

10 (2) In addition to any other appropriation, there is hereby
11 appropriated to the department of law, for the fiscal year beginning July
12 1, 2011, the sum of eleven thousand five dollars (\$11,005), or so much
13 thereof as may be necessary, for the provision of legal services to the
14 department of education related to the implementation of this act. Said
15 sum shall be from reappropriated funds received from the department of
16 education out of the appropriation made in subsection (1) of this section.

17 **SECTION 11. Act subject to petition - effective date.** This act
18 shall take effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part shall not take effect
24 unless approved by the people at the general election to be held in
25 November 2012 and shall take effect on the date of the official
26 declaration of the vote thereon by the governor.