

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 11-0715.01 Julie Pelegrin

HOUSE BILL 11-1201

HOUSE SPONSORSHIP

Hamner, Todd, Massey, Fischer, Kerr A., Peniston, Scott, Solano

SENATE SPONSORSHIP

Nicholson and White,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO FACILITATE THE ISSUANCE OF EDUCATOR**
102 **LICENSES.**

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>.)

To renew a professional educator license, a licensee must show that he or she completed certain professional development activities. In the process of renewing the license, the department of education (department) checks to ensure that the licensee actually completed the activities and that he or she meets the statutory and regulatory

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.*

requirements for professional development activities. The bill creates an affidavit of completion of ongoing professional development activities that a licensee seeking renewal will submit with the renewal application. In the affidavit, the licensee affirms under oath that he or she completed the specified activities within the required time frame and that, to the best of the licensee's knowledge, the activities meet the statutory and regulatory requirements. The department is not required to verify the information in the affidavit.

Under current law, the department collects a fee from each person who seeks issuance or renewal of an educator license or endorsement. The money received as fees is annually appropriated to the department to offset the costs of issuing and renewing licenses and endorsements. Under the bill, the money received as fees is continuously appropriated to the department.

The bill exempts the renewal of educator licenses from the list of benefits for which a person must demonstrate lawful presence in the state.

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

2 **SECTION 1.** 22-60.5-110 (3) (a), Colorado Revised Statutes, is
3 amended, and the said 22-60.5-110 (3) is further amended BY THE
4 ADDITION OF A NEW PARAGRAPH, to read:

5 **22-60.5-110. Renewal of licenses.** (3) (a) A LICENSEE MAY
6 RENEW HIS OR HER professional license ~~may be renewed upon~~ BY
7 submitting an application for renewal, ~~payment of~~ PAYING the statutory
8 fee ESTABLISHED BY THE STATE BOARD OF EDUCATION PURSUANT TO
9 SECTION 22-60.5-112, and ~~evidence~~ PROVIDING THE AFFIDAVIT of
10 satisfactory completion ~~by the applicant~~ of ongoing professional
11 development AS DESCRIBED IN PARAGRAPH (a.5) OF THIS SUBSECTION (3).
12 A licensee need not be employed as a professional educator during all or
13 any portion of the term for which his or her professional educator license
14 is valid. Employment as a professional educator shall not constitute a
15 requirement for renewal of a professional license. Except as otherwise
16 provided in paragraph (e) of this subsection (3), the professional

1 development activities completed by an applicant for license renewal
2 shall apply equally to renewal of any professional educator license or
3 endorsement held by the applicant.

4 (a.5) A LICENSEE WHO SEEKS RENEWAL OF HIS OR HER
5 PROFESSIONAL LICENSE SHALL SIGN AND SUBMIT WITH THE RENEWAL
6 APPLICATION AN AFFIDAVIT IN WHICH THE LICENSEE AFFIRMS UNDER OATH
7 THAT HE OR SHE SATISFACTORILY COMPLETED THE ONGOING
8 PROFESSIONAL DEVELOPMENT ACTIVITIES SPECIFIED IN THE AFFIDAVIT;
9 THAT THE ACTIVITIES WERE COMPLETED WITHIN THE TERM OF THE
10 PROFESSIONAL LICENSE; AND THAT, TO THE BEST OF THE LICENSEE'S
11 KNOWLEDGE, THE ACTIVITIES MEET THE REQUIREMENTS OF THIS SECTION
12 AND RULES ADOPTED BY THE STATE BOARD OF EDUCATION IMPLEMENTING
13 THIS SECTION. THE DEPARTMENT MAY ACCEPT A LICENSEE'S AFFIDAVIT OF
14 SATISFACTORY COMPLETION OF ONGOING PROFESSIONAL DEVELOPMENT
15 AS PROOF OF COMPLETION OF THE SPECIFIED PROFESSIONAL DEVELOPMENT
16 ACTIVITIES WITHOUT FURTHER VERIFICATION.

17 **SECTION 2.** 22-60.5-112 (1), Colorado Revised Statutes, is
18 amended to read:

19 **22-60.5-112. Fees - fund - repeal.** (1) (a) The fee for the
20 examination and review of an application for any license, endorsement,
21 or authorization, or any renewal or reinstatement thereof, shall be
22 established by the state board of education and shall be nonrefundable.
23 Upon determination of eligibility, such license, endorsement, or
24 authorization shall be issued without an additional fee. The state board
25 of education shall adjust if necessary all such fees annually so that they
26 generate an amount of revenue that approximates the direct and indirect
27 costs of the state board of education and of the department of education

1 for the administration of this article; however, the state board of
2 education shall establish and adjust such fees for licenses issued pursuant
3 to section 22-60.5-201 (1) (a) so that the fees generate an amount of
4 revenue that approximates the direct and indirect costs of the state board
5 of education and the department of ~~education~~ for the administration of
6 sections 22-60.5-201 (1) (a) and 22-60.5-205. All fees collected under
7 this section shall be transmitted to the state treasurer and credited to the
8 educator licensure cash fund, which fund is hereby created AND REFERRED
9 TO IN THIS SUBSECTION (1) AS THE "CASH FUND". The general assembly
10 shall make annual appropriations from the ~~educator licensure~~ cash fund
11 for expenditures of the state board of education and of the department of
12 ~~education~~ incurred in the administration of this article. At the end of any
13 fiscal year, all unexpended and unencumbered moneys in the ~~educator~~
14 ~~licensure~~ cash fund shall remain therein and shall not be credited or
15 transferred to the general fund or any other fund.

16 (b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
17 THIS SUBSECTION (1) TO THE CONTRARY, FOR THE 2011-12, 2012-13, AND
18 2013-14 FISCAL YEARS, THE MONEYS IN THE CASH FUND ARE
19 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO OFFSET THE
20 DIRECT AND INDIRECT COSTS INCURRED BY THE STATE BOARD OF
21 EDUCATION AND THE DEPARTMENT IN ADMINISTERING THIS ARTICLE. IN
22 EACH OF SAID FISCAL YEARS, THE GENERAL APPROPRIATIONS BILL SHALL,
23 FOR INFORMATIONAL PURPOSES, REFLECT THE ESTIMATED AMOUNT OF
24 EXPENDITURES, INCLUDING ANY FUNDING FOR PERSONNEL, FROM THE
25 CASH FUND.

26 (II) DURING EACH OF THE 2012, 2013, AND 2014 REGULAR
27 LEGISLATIVE SESSIONS, THE DEPARTMENT SHALL REPORT TO THE

1 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
2 SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET
3 COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING EXPENDITURES
4 FROM THE CASH FUND AND THE DEPARTMENT'S PROGRESS IN MEETING THE
5 GOAL OF REDUCING TO SIX WEEKS OR LESS THE PROCESSING TIME FOR
6 ISSUING OR RENEWING AN EDUCATOR LICENSE.

7 (III) FOR STATE FISCAL YEARS 2011-12, 2012-13, AND 2013-14,
8 ANY PERSONS HIRED TO ASSIST THE DEPARTMENT IN REDUCING THE
9 PROCESSING TIME FOR ISSUING OR RENEWING AN EDUCATOR LICENSE
10 SHALL BE INDEPENDENT CONTRACTORS WITH THE DEPARTMENT, AND THE
11 CONTRACTS FOR SERVICES SHALL NOT EXTEND BEYOND JUNE 30, 2014.

12 (IV) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2014.

13 **SECTION 3.** 24-50-503, Colorado Revised Statutes, is amended
14 BY THE ADDITION OF A NEW SUBSECTION to read:

15 **24-50-503. Personal services contracts implicating state**
16 **personnel system - no separation of existing classified employees -**
17 **repeal.** (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
18 THE CONTRARY, ANY PERSONAL SERVICES CONTRACTS ENTERED INTO BY
19 THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-112 (1)
20 (b), C.R.S., SHALL BE VALID AND SHALL NOT BE SUBJECT TO APPROVAL
21 PURSUANT TO THIS SECTION.

22 (b) THIS SUBSECTION (3) IS REPEALED EFFECTIVE JULY 1, 2014.

23 **SECTION 4.** 24-76.5-103 (3) (f) and (3) (g), Colorado Revised
24 Statutes, are amended, and the said 24-76.5-103 (3) is further amended
25 BY THE ADDITION OF A NEW PARAGRAPH, to read:

26 **24-76.5-103. Verification of lawful presence - exceptions -**
27 **reporting - rules.** (3) Verification of lawful presence in the United

1 States shall not be required:

2 (f) For pregnant women; ~~or~~

3 (g) For individuals over the age of eighteen years and under the
4 age of nineteen years who continue to be eligible for medical assistance
5 programs after their eighteenth birthday; OR

6 (h) FOR RENEWING AN EDUCATOR LICENSE PURSUANT TO ARTICLE
7 60.5 OF TITLE 22, C.R.S.

8 **SECTION 5. 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.