

Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0318.01 Jane Ritter

SENATE BILL 10-050

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SENATE SPONSORSHIP

Spence,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Education

House Committees

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A BILL FOR AN ACT

101 CONCERNING TEACHER EMPLOYMENT STATUS AS IT RELATES TO  
102 CONTRACT RENEWAL, AND, IN CONNECTION THEREWITH,  
103 IMPROVING TEACHING QUALITY FOR STUDENTS.

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

The bill increases from 3 to 5 years the required length of continuous employment that a probationary teacher shall have before being classified as a nonprobationary teacher. Once a teacher is classified as a nonprobationary teacher, he or she shall be given a 5-year contract

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.*

that shall be renewed every 5 years thereafter if the teacher receives a satisfactory final cumulative written evaluation report at the end of the 5-year period. If the board of education of the employing school district is not going to renew the nonprobationary teacher's contract, the board will provide written notice to the teacher and provide him or her with the reasons why the contract is not being renewed.

The bill makes conforming amendments.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) While Colorado has made significant progress in improving  
5 the recruitment of teachers, little has been done to provide a process for  
6 removing ineffective teachers from the classroom;

7 (b) Under Colorado law, a school district is required to enter into  
8 a contract with a teacher after three consecutive years of adequate service,  
9 giving the teacher tenure or nonprobationary status. Under Colorado law,  
10 nonprobationary status has become a right, and it is nearly impossible to  
11 take that status away or remove the teacher from his or her job.

12 (c) Colorado superintendents and school district boards of  
13 education have expressed frustration with the difficulty in removing  
14 nonperforming teachers from the classroom, describing the process as  
15 complex, time-consuming, and legally challenging; and

16 (d) Tenure rules and laws exist to ensure that a struggling teacher  
17 has a fair opportunity to improve his or her performance. Current law,  
18 however, goes beyond that purpose and becomes an obstacle in removing  
19 the teacher and thereby serves to protect jobs rather than children.

20 **SECTION 2.** 22-9-106 (1) (c) (I) and (1) (c) (II), the introductory  
21 portion to 22-9-106 (1) (d), and 22-9-106 (1) (d) (III), Colorado Revised  
22 Statutes, are amended to read:

1           **22-9-106. Local boards of education - duties.** (1) All school  
2 districts and boards of cooperative services that employ licensed  
3 personnel, as defined in section 22-9-103 (1.5), shall adopt a written  
4 system to evaluate the employment performance of school district and  
5 board of cooperative services licensed personnel, including all teachers,  
6 principals, and administrators, with the exception of licensed personnel  
7 employed by a board of cooperative services for a period of six weeks or  
8 less. In developing the licensed personnel performance evaluation system  
9 and any amendments thereto, the local board and board of cooperative  
10 services shall consult with administrators, principals, and teachers  
11 employed within the district or participating districts in a board of  
12 cooperative services, parents, and the school district licensed personnel  
13 performance evaluation council or the board of cooperative services  
14 personnel performance evaluation council created pursuant to section  
15 22-9-107. The performance evaluation system shall contain, but shall not  
16 be limited to, the following information:

17           (c) The frequency and duration of the evaluations, which shall be  
18 on a regular basis and of such frequency and duration as to ensure the  
19 collection of a sufficient amount of data from which reliable conclusions  
20 and findings may be drawn. At a minimum, the performance evaluation  
21 system shall ensure that:

22           (I) Probationary teachers receive at least two documented  
23 observations and one evaluation that results in a FINAL CUMULATIVE  
24 written evaluation report pursuant to subsection (3) of this section each  
25 academic year;

26           (II) Nonprobationary teachers receive at least one observation  
27 each year and one evaluation that results in a FINAL CUMULATIVE written

1 evaluation report pursuant to subsection (3) of this section every ~~three~~  
2 FIVE years;

3 (d) The purposes of the FINAL CUMULATIVE evaluation REPORT,  
4 which shall include but need not be limited to:

5 (III) Providing the measurement of satisfactory performance for  
6 individual licensed personnel FOR THE PURPOSES OF CONTRACT RENEWAL  
7 and serving as documentation for an unsatisfactory performance dismissal  
8 proceeding under article 63 of this title;

9 **SECTION 3.** The introductory portion to 22-9-106 (3), Colorado  
10 Revised Statutes, is amended, and the said 22-9-106 (3) is further  
11 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

12 **22-9-106. Local boards of education - duties.** (3) ~~An~~ A FINAL  
13 CUMULATIVE WRITTEN evaluation report shall be issued upon the  
14 completion of an evaluation made pursuant to this section and shall:

15 (h) PROVIDE A RECOMMENDATION CONCERNING CONTRACT  
16 RENEWAL FOR NONPROBATIONARY TEACHERS PURSUANT TO SECTION  
17 22-63-203 (2) (a) (II).

18 **SECTION 4.** 22-63-103 (7), Colorado Revised Statutes, is  
19 amended to read:

20 **22-63-103. Definitions.** As used in this article, unless the context  
21 otherwise requires:

22 (7) "Probationary teacher" means a teacher who has not completed  
23 ~~three~~ FIVE full years of continuous employment with the employing  
24 school district and who has not been reemployed for the ~~fourth~~ SIXTH  
25 year.

26 **SECTION 5.** 22-63-203 (1) and (2) (a), the introductory portion  
27 to 22-63-203 (2) (b), and 22-63-203 (2) (b) (III), (2) (b) (IV), and (3),

1 Colorado Revised Statutes, are amended to read:

2 **22-63-203. Teachers - renewal and nonrenewal of employment**

3 **contract.** (1) ~~The provisions of this section shall apply only to~~  
4 ~~probationary teachers and shall no longer apply when the teacher has been~~  
5 ~~reemployed for the fourth year.~~

6 (2) (a) (I) During the first ~~three~~ FIVE school years that a teacher is  
7 employed on a full-time continuous basis by a school district, ~~such~~  
8 ~~teacher~~ HE OR SHE shall be considered to be a probationary teacher whose  
9 employment contract may be subject to nonrenewal in accordance with  
10 subsection (4) of this section. A school district may also consider a  
11 teacher employed on a part-time continuous basis by ~~such~~ THE district and  
12 by a board of cooperative services to be a probationary teacher whose  
13 contract may be subject to nonrenewal in accordance with subsection (4)  
14 of this section. An employment contract with a probationary teacher shall  
15 not exceed one school year.

16 (II) AFTER FIVE YEARS OF SATISFACTORY EMPLOYMENT  
17 PERFORMANCE, A PROBATIONARY TEACHER SHALL BE CONSIDERED A  
18 NONPROBATIONARY TEACHER. THE STANDARDS FOR SATISFACTORY AND  
19 UNSATISFACTORY EMPLOYMENT PERFORMANCE SHALL BE ESTABLISHED  
20 AND MADE AVAILABLE BY THE BOARD OF EDUCATION OF THE TEACHER'S  
21 EMPLOYING SCHOOL DISTRICT PURSUANT TO SECTION 22-9-106(1)(e). AN  
22 EMPLOYMENT CONTRACT WITH A NONPROBATIONARY TEACHER SHALL BE  
23 ANNUALLY RENEWED FOR FIVE YEARS WITH THE OPTION TO RENEW AFTER  
24 THE FIFTH YEAR IF THE TEACHER DEMONSTRATES SATISFACTORY  
25 EMPLOYMENT PERFORMANCE IN HIS OR HER FINAL CUMULATIVE WRITTEN  
26 EVALUATION REPORT COVERING THE FIVE-YEAR PERIOD, AS REQUIRED  
27 PURSUANT TO SECTION 22-9-106 (3) (h). IF THE BOARD OF THE

1 EMPLOYING SCHOOL DISTRICT DOES NOT RENEW THE EMPLOYMENT  
2 CONTRACT OF A NONPROBATIONARY TEACHER PURSUANT TO THIS  
3 SUBPARAGRAPH (II), THE BOARD SHALL GIVE THE TEACHER A WRITTEN  
4 NOTICE OF CONTRACT NONRENEWAL. A NONPROBATIONARY TEACHER  
5 WHO IS GIVEN WRITTEN NOTICE OF CONTRACT NONRENEWAL MAY REQUEST  
6 AND SHALL RECEIVE THE REASONS FOR NONRENEWAL FROM THE CHIEF  
7 ADMINISTRATIVE OFFICER OF THE EMPLOYING SCHOOL DISTRICT.

8 (b) For purposes of SUBPARAGRAPH (I) OF paragraph (a) of this  
9 subsection (2):

10 (III) The ~~three~~ FIVE school years of continuous employment  
11 required for the probationary period shall not be deemed to be interrupted  
12 by the temporary illness of a probationary teacher. A leave of absence  
13 approved by the board of a school district or a military leave of absence  
14 pursuant to article 3 of title 28, C.R.S., shall not be considered to be an  
15 interruption of the continuous employment required for the probationary  
16 period, but the time of such leaves of absence shall not be included in  
17 computing the required probationary period.

18 (IV) The ~~three~~ FIVE school years of continuous employment  
19 required for the probationary period shall not be deemed to be interrupted  
20 by the acceptance by a probationary teacher of the position of chief  
21 administrative officer in said school district, but the period ~~of time~~ during  
22 which ~~such~~ THE teacher serves in such capacity shall not be included in  
23 computing ~~said~~ THE probationary period.

24 (3) A ~~probationary~~ teacher employed by a school district on a  
25 full-time basis shall be deemed ~~to be~~ reemployed for the succeeding  
26 academic year at the salary that the ~~probationary~~ teacher would be entitled  
27 to receive under the general salary schedule, the teacher salary policy, or

1 the combination schedule and policy, whichever is appropriate, unless the  
2 board ~~causes~~ GIVES written notice to the contrary ~~to be given to said~~ THE  
3 teacher on or before June 1 of the academic year during which ~~said~~ THE  
4 teacher is employed. ~~Such teacher shall be presumed to have accepted~~  
5 ~~such~~ THE BOARD SHALL PRESUME THE TEACHER HAS ACCEPTED  
6 employment for the succeeding academic year unless ~~said~~ THE teacher  
7 ~~causes~~ GIVES written notice to the contrary ~~to be given~~ to the board no  
8 later than thirty days prior to the commencement of the succeeding  
9 academic year.

10 **SECTION 6.** 22-60.5-111 (7) (a) and (7.5) (e), Colorado Revised  
11 Statutes, are amended to read:

12 **22-60.5-111. Authorization - types - applicants' qualifications.**

13 (7) **Interim authorization.** (a) An interim authorization authorizes a  
14 school district to employ a person who is certified or licensed, or is  
15 eligible for certification or licensure, as a teacher, principal, or  
16 administrator in another state and who has not successfully completed the  
17 assessment of professional competencies to obtain an initial license under  
18 section 22-60.5-201 (1) (b), 22-60.5-301 (1) (a), or 22-60.5-306 (1) (a)  
19 but who meets the other requirements for an initial license specified in  
20 said sections. An interim authorization is valid for one year, and the  
21 department of education may renew the authorization for one additional  
22 year. The employing school district may include the period during which  
23 a person works under an interim authorization toward the ~~three~~ FIVE full  
24 years of continuous employment necessary to cease being a probationary  
25 teacher pursuant to section 22-63-103 (7).

26 (7.5) **Military spouse interim authorization.** (e) The employing  
27 school district shall include the period during which a person works under

1 a military spouse interim authorization toward the ~~three~~ FIVE full years of  
2 continuous employment necessary to cease being a probationary teacher  
3 pursuant to section 22-63-103 (7).

4 **SECTION 7.** 22-63-202 (3), Colorado Revised Statutes, is  
5 amended to read:

6 **22-63-202. Employment contracts - contracts to be in writing**  
7 **- duration - damage provision.** (3) A teacher may be suspended  
8 temporarily during the contractual period until the date of dismissal as  
9 ordered by the board pursuant to section 22-63-302 or may have his OR  
10 HER employment contract cancelled during the contractual period when  
11 there is a justifiable decrease in the number of teaching positions. The  
12 manner in which employment contracts will be cancelled when there is  
13 a justifiable decrease in the number of teaching positions may be included  
14 in any contract between the board of education of the school district and  
15 school district employees. If there is no such contract provision, when a  
16 justifiable reduction in the number of teaching positions within a  
17 particular endorsement area occurs, the employment contracts of  
18 first-year probationary teachers who are occupying such positions shall  
19 be cancelled first. Further reductions in the number of teaching positions  
20 through the cancellation of employment contracts of second-year ~~and~~  
21 ~~third-year~~ THROUGH FIFTH-YEAR probationary teachers and  
22 nonprobationary teachers shall be made in accordance with an established  
23 policy of the board of education of the school district. The provisions of  
24 this subsection (3) concerning the cancellation of employment contracts  
25 shall not create any property right or contract right, express or implied, for  
26 ~~second-year and third-year~~ probationary teachers.

27 **SECTION 8. Act subject to petition - effective date -**



1     **applicability.** (1) This act shall take effect at 12:01 a.m. on the day  
2 following the expiration of the ninety-day period after final adjournment  
3 of the general assembly (August 11, 2010, if adjournment sine die is on  
4 May 12, 2010); except that, if a referendum petition is filed pursuant to  
5 section 1 (3) of article V of the state constitution against this act or an  
6 item, section, or part of this act within such period, then the act, item,  
7 section, or part shall not take effect unless approved by the people at the  
8 general election to be held in November 2010 and shall take effect on the  
9 date of the official declaration of the vote thereon by the governor.

10           (2) The provisions of this act shall apply to persons who have not  
11 completed three years of continuous employment with an employing  
12 school district as of the applicable effective date of this act.