

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

**PREAMENDED**

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

LLS NO. 07-0215.01 Richard Sweetman

**SENATE BILL 07-020**

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**SENATE SPONSORSHIP**

**Windels,**

**HOUSE SPONSORSHIP**

**Merrifield,**

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE OFFICE OF COMMISSIONER OF EDUCATION, AND, IN**  
102             **CONNECTION THEREWITH, PRESCRIBING QUALIFICATIONS,**  
103             **TENURE, AND PERFORMANCE REVIEW CRITERIA FOR THE**  
104             **COMMISSIONER OF EDUCATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Prescribes qualifications and a term of office for the office of commissioner of education. Requires the state board of education to review annually the job performance of the commissioner of education, including considering the comments and opinions of school district

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.*

superintendents, and report its findings annually to the education committees of the house of representatives and senate.

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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 recognizes that:

4 (a) Subsection (3) of section 1 of article IX of the state  
5 constitution provides that the qualifications, tenure, compensation,  
6 powers, and duties of the commissioner of education shall be as  
7 prescribed by law, subject to the supervision of the state board of  
8 education;

9 (b) The establishment of appropriate professional qualifications  
10 and a fixed tenure for the office of commissioner of education is a matter  
11 of critical importance to ensure quality supervision of public education in  
12 the state; and

13 (c) It is in the best interests of the state for the general assembly  
14 to act upon its constitutional power to prescribe professional  
15 qualifications and a fixed tenure for the office of commissioner of  
16 education.

17 **SECTION 2.** 22-2-110, Colorado Revised Statutes, is amended  
18 to read:

19 **22-2-110. Commissioner of education - oath - qualifications -**  
20 **tenure.** (1) The commissioner of education shall be the chief state  
21 school officer and executive officer of the department of education. He  
22 OR SHE shall possess THE PROFESSIONAL QUALIFICATIONS DESCRIBED IN  
23 SUBSECTION (4) OF THIS SECTION AND such ADDITIONAL professional  
24 qualifications as may be deemed appropriate for the office by the state  
25 board.

1           (2) The commissioner shall be appointed by the state board, serve  
2     at the pleasure of the board FOR THE DURATION OF HIS OR HER TERM, and  
3     receive such compensation as may be determined by the board.

4           (3) Before entering upon his OR HER duties, the commissioner  
5     shall subscribe to an oath of office, which oath shall be filed with the  
6     secretary of state.

7           (4) THE PERSON APPOINTED TO THE OFFICE OF COMMISSIONER OF  
8     EDUCATION BY THE STATE BOARD PURSUANT TO SUBSECTION (2) OF THIS  
9     SECTION SHALL, AT A MINIMUM, POSSESS THE FOLLOWING PROFESSIONAL  
10    QUALIFICATIONS:

11          (a) THE PERSON SHALL HAVE DEMONSTRATED PERSONAL AND  
12    PROFESSIONAL LEADERSHIP IN THE ADMINISTRATION OF PUBLIC  
13    EDUCATION; AND

14          (b) THE PERSON SHALL POSSESS AN ADVANCED DEGREE  
15    PREFERABLY IN EDUCATION OR EDUCATIONAL ADMINISTRATION, WHICH  
16    DEGREE IS ISSUED:

17          (I) BY A COLLEGE OR UNIVERSITY THAT IS ACCREDITED BY A  
18    REGIONALLY OR NATIONALLY RECOGNIZED ACCREDITING AGENCY OR  
19    ASSOCIATION; AND

20          (II) IN RECOGNITION OF THE PERSON'S SUCCESSFUL COMPLETION OF  
21    THE CURRICULUM OF AN ADVANCED DEGREE PROGRAM IN EDUCATION OR  
22    EDUCATIONAL ADMINISTRATION.

23          (5) THE TERM OF THE OFFICE OF COMMISSIONER OF EDUCATION  
24    SHALL BE TWO YEARS. THE STATE BOARD SHALL APPOINT A  
25    COMMISSIONER TO A NEW TERM ON OR BEFORE JANUARY 15, 2009, AND  
26    THE STATE BOARD SHALL APPOINT A COMMISSIONER ON OR BEFORE  
27    JANUARY 15 EVERY TWO YEARS THEREAFTER. A PERSON WHO POSSESSES

1 THE PROFESSIONAL QUALIFICATIONS DESCRIBED IN SUBSECTION (4) OF THIS  
2 SECTION MAY BE APPOINTED TO AN UNLIMITED NUMBER OF TERMS AS  
3 COMMISSIONER.

4 (6) THE STATE BOARD SHALL ANNUALLY REVIEW AND EVALUATE  
5 THE JOB PERFORMANCE OF THE COMMISSIONER, AS PROVIDED IN SECTION  
6 22-2-106 (1) (b.5), AND REPORT THE RESULTS OF ITS EVALUATION TO THE  
7 PUBLIC AND THE EDUCATION COMMITTEES OF THE HOUSE OF  
8 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

9 **SECTION 3.** 22-2-106 (1), Colorado Revised Statutes, is  
10 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

11 **22-2-106. State board - duties.** (1) It is the duty of the state  
12 board:

13 (b.5) TO REVIEW AND EVALUATE ANNUALLY THE JOB  
14 PERFORMANCE OF THE COMMISSIONER OF EDUCATION USING PROCEDURES  
15 AND CRITERIA DETERMINED BY THE STATE BOARD. THE PROCEDURES AND  
16 CRITERIA SHALL INCLUDE, AT A MINIMUM, CONSIDERATION OF THE  
17 COMMENTS AND OPINIONS OF SCHOOL DISTRICT SUPERINTENDENTS AND  
18 SCHOOL BOARD MEMBERS REGARDING THE COMMISSIONER'S JOB  
19 PERFORMANCE. THE STATE BOARD SHALL REPORT THE RESULTS OF ITS  
20 EVALUATION TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
21 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES.

22 **SECTION 4. Safety clause.** The general assembly hereby finds,  
23 determines, and declares that this act is necessary for the immediate  
24 preservation of the public peace, health, and safety.