

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

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**

**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.*

HOUSE  
3rd Reading Unamended  
March 14, 2011

HOUSE  
Amended 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.

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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 DISCLOSE A CONVICTION FOR AN OFFENSE DESCRIBED IN  
22 SUBSECTION (6.5) OF THIS SECTION, THE SCHOOL DISTRICT SHALL  
23 TERMINATE THE PERSON'S EMPLOYMENT.

24 (b) School districts shall not charge ~~noncertificated~~ NONLICENSED  
25 personnel any fees for the direct and indirect costs of ~~such~~ THE school  
26 district for fingerprint processing performed pursuant to the provisions of  
27 this subsection (6).

1 (6.5) (a) A PERSON EMPLOYED IN OR APPLYING TO A SCHOOL  
2 DISTRICT FOR EMPLOYMENT IN A NONLICENSED POSITION IS DISQUALIFIED  
3 FROM EMPLOYMENT IF:

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

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

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

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

13 (D) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION  
14 (6.5), A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN  
15 FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC  
16 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

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

20 (F) FELONY INDECENT EXPOSURE, AS DESCRIBED IN SECTION  
21 18-7-302, C.R.S.; OR

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

27

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

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

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

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

1 would be a felony or misdemeanor.

2 (8) For purposes of this section:

3 (a) "Convicted" means a conviction by a jury or by a court and  
4 shall also include the forfeiture of any bail, bond, or other security  
5 deposited to secure appearance by a person charged with a felony or  
6 misdemeanor, the payment of a fine, A GUILTY PLEA ACCEPTED BY A  
7 COURT, a plea of nolo contendere, and the imposition of a deferred or  
8 suspended sentence by the court.

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

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

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

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

22 **22-60.5-103. Applicants - licenses - authorizations - submittal**  
23 **of form and fingerprints - failure to comply constitutes grounds for**  
24 **denial.** (6) (b) The department of education shall forward fingerprints  
25 submitted pursuant to this subsection (6) to the Colorado bureau of  
26 investigation for the purpose of obtaining a fingerprint-based criminal  
27 history record check through the Colorado bureau of investigation and the



1 federal bureau of investigation, to determine whether the educator has a  
2 criminal history. In addition, the department of education may use the  
3 records of the ICON system at the state judicial department, as defined in  
4 section 24-33.5-102 (3), C.R.S., or any other source available, including  
5 obtaining records from any law enforcement agency and juvenile  
6 delinquent records pursuant to section 19-1-304, C.R.S., to ascertain  
7 whether the educator has been convicted of an offense described in  
8 section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6).

9 **SECTION 6.** 22-60.5-107 (2) (d), (2) (f), (2.5) (a) (I) (D), (2.5)  
10 (b), (3), and (8), Colorado Revised Statutes, are amended, and the said  
11 22-60.5-107 is further amended BY THE ADDITION OF A NEW  
12 SUBSECTION, to read:

13 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
14 **revoking license, certificate, endorsement, or authorization.** (2) Any  
15 license, certificate, endorsement, or authorization may be denied,  
16 annulled, suspended, or revoked in the manner prescribed in section  
17 22-60.5-108, notwithstanding the provisions of subsection (1) of this  
18 section:

19 (d) When the applicant or holder is found guilty of a felony, other  
20 than a felony described in subsection (2.5) OR (2.6) of this section, or  
21 upon the court's acceptance of a guilty plea or a plea of nolo contendere  
22 to a felony, other than a felony described in subsection (2.5) OR (2.6) of  
23 this section, in this state or, under the laws of any other state, the United  
24 States, or any territory subject to the jurisdiction of the United States, of  
25 a crime which, if committed within this state, would be a felony, other  
26 than a felony described in subsection (2.5) OR (2.6) of this section, when  
27 the commission of said felony, in the judgment of the state board of

1 education, renders the applicant or holder unfit to perform the services  
2 authorized by his or her license, certificate, endorsement, or  
3 authorization;

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

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

15 (I) When the applicant or holder is convicted of one of the  
16 following offenses:

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

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

24 (2.6) (a) IN ADDITION TO THE OFFENSES DESCRIBED IN SUBSECTION  
25 (2.5) OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL DENY,  
26 ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR  
27 AUTHORIZATION IF THE APPLICANT FOR OR HOLDER OF THE LICENSE,

1 CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IS CONVICTED OF A  
2 FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18,  
3 C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012. THE REQUIREMENT  
4 THAT THE STATE BOARD OF EDUCATION DENY, ANNUL, SUSPEND, OR  
5 REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION  
6 SHALL ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE OF  
7 THE CONVICTION.

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

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

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

1 notwithstanding the provisions of section 22-60.5-108. The department  
2 of education may revoke a suspended license based on a violation of  
3 paragraph (b) or (c) of subsection (2) of this section and shall revoke a  
4 suspended license based on a violation of subsection (2.5) OR (2.6) of this  
5 section without a hearing and without any further action, after the  
6 exhaustion of all appeals, if any, or after the time for seeking an appeal  
7 has elapsed, and upon the entry of a final judgment.

8 (8) When an applicant's or holder's license is denied, annulled,  
9 suspended, or revoked pursuant to the provisions of subsection (2.5) OR  
10 (2.6) of this section, the department of education shall post the name of  
11 the person and basis for the denial, annulment, suspension, or revocation  
12 on its web site.

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

15 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
16 **revoking license, certificate, endorsement, or authorization.**

17 (2.5) (c) THE GROUNDS FOR MANDATORY DENIAL, ANNULMENT,  
18 SUSPENSION, OR REVOCATION OF A LICENSE, CERTIFICATE, ENDORSEMENT,  
19 OR AUTHORIZATION PURSUANT TO SUB-SUBPARAGRAPH (D) OF  
20 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL  
21 NOT APPLY IF FIVE YEARS OR MORE HAVE PASSED SINCE THE DATE THE  
22 OFFENSE WAS COMMITTED AND THE APPLICANT OR HOLDER HAS  
23 SUCCESSFULLY COMPLETED ANY DOMESTIC VIOLENCE TREATMENT  
24 REQUIRED BY THE COURT.

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

27 **22-63-302. Procedure for dismissal - judicial review.** (3) If a

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

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

27 **24-5-101. Effect of criminal conviction on employment rights.**

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

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

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

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

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

1 unless approved by the people at the general election to be held in  
2 November 2012 and shall take effect on the date of the official  
3 declaration of the vote thereon by the governor.