

**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. 11-0475.01 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.**

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.

For positions requiring a license, if the license, endorsement, or

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.

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

3 **SECTION 1.** 22-2-119 (1), Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

5 **22-2-119. Department of education - inquiries concerning**
6 **prospective employees - background investigation fee.** (1) When an
7 inquiry is made by a board of education of a school district pursuant to
8 the provisions of section 22-32-109.7 (1) or (1.5), by the governing board
9 of a nonpublic school pursuant to the provisions of section 22-1-121, by
10 the governing board of a charter school pursuant to the provisions of
11 section 22-30.5-110.5, or by the governing board of an institute charter
12 school pursuant to the provisions of section 22-30.5-511.5, concerning a
13 prospective or current employee, the department shall provide the
14 following information concerning such person:

15 (a.5) WHETHER THE PERSON HAS RECEIVED A DISPOSITION OR AN
16 ADJUDICATION AS A JUVENILE FOR AN OFFENSE THAT WOULD CONSTITUTE

1 FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102
2 (9), C.R.S., IF COMMITTED BY AN ADULT;

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

6 **22-30.5-110.7. Fingerprint-based criminal history record**
7 **checks - charter school employees - procedures - definitions.**

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

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

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

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

22 (6.5) AN EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT WITH A
23 CHARTER SCHOOL IS DISQUALIFIED FROM EMPLOYMENT IF THE RESULTS OF
24 A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK DISCLOSE A
25 CONVICTION FOR AN OFFENSE DESCRIBED IN SECTION 22-32-109.8 (6.5).
26 NOTHING IN THIS SECTION OR IN SECTION 22-32-109.8 SHALL CREATE FOR
27 A PERSON A PROPERTY RIGHT IN OR ENTITLEMENT TO EMPLOYMENT OR

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

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

6 **22-30.5-511.5. Background investigation - prohibition against**
7 **employing persons - institute charter school employees' information**
8 **provided to department.** (2.5) AN EMPLOYEE OR AN APPLICANT FOR
9 EMPLOYMENT WITH AN INSTITUTE CHARTER SCHOOL IS DISQUALIFIED
10 FROM EMPLOYMENT IF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
11 HISTORY RECORD CHECK DISCLOSE A CONVICTION FOR AN OFFENSE
12 DESCRIBED IN SECTION 22-32-109.8 (6.5). NOTHING IN THIS SECTION OR
13 IN SECTION 22-32-109.8 SHALL CREATE FOR A PERSON A PROPERTY RIGHT
14 IN OR ENTITLEMENT TO EMPLOYMENT OR CONTINUED EMPLOYMENT WITH
15 AN INSTITUTE CHARTER SCHOOL OR IMPAIR AN INSTITUTE CHARTER
16 SCHOOL'S RIGHT TO TERMINATE EMPLOYMENT FOR A NONDISCRIMINATORY
17 REASON.

18 **SECTION 4.** 22-32-109.7 (1), Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

20 **22-32-109.7. Board of education - specific duties - employment**
21 **of personnel.** (1) Prior to the employment of any person by a school
22 district, the board of education shall make an inquiry concerning such
23 person to the department of education for the purpose of determining:

24 (a.5) WHETHER THE PERSON HAS RECEIVED A DISPOSITION OR AN
25 ADJUDICATION AS A JUVENILE FOR AN OFFENSE THAT WOULD CONSTITUTE
26 FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102
27 (9), C.R.S., IF COMMITTED BY AN ADULT;

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

5 **22-32-109.8. Applicants selected for nonlicensed positions -**
6 **submittal of form and fingerprints - prohibition against employing**
7 **persons - department database.** (3) In addition to any other
8 requirements established by law, the submittal of fingerprints and the
9 form pursuant to subsection (1) of this section shall be a prerequisite to
10 the employment of ~~any~~ A person in a ~~noncertificated~~ NONLICENSED
11 position in a school district, and no person shall be so employed who has
12 not complied with the provisions of subsection (1) of this section.

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

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

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

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

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

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

22 (6.5) (a) A PERSON EMPLOYED IN OR APPLYING TO A SCHOOL
23 DISTRICT FOR EMPLOYMENT IN A NONLICENSED POSITION IS DISQUALIFIED
24 FROM EMPLOYMENT IF:

25 (I) THE APPLICANT OR EMPLOYEE HAS BEEN CONVICTED OF, OR
26 CONVICTED OF ATTEMPT, SOLICITATION, OR CONSPIRACY TO COMMIT, ONE
27 OF THE FOLLOWING OFFENSES:

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

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

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

7 (D) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
8 (6.5), A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN
9 FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC
10 VIOLENCE, AS DEFINED IN SECTION 18-6-800.3, C.R.S.;

11 (E) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION
12 (6.5), A FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF
13 TITLE 18, C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012;

14 (F) FELONY INDECENT EXPOSURE, AS DESCRIBED IN SECTION
15 18-7-302, C.R.S.; OR

16 (G) AN OFFENSE IN ANY OTHER STATE, THE UNITED STATES, OR
17 ANY TERRITORY SUBJECT TO THE JURISDICTION OF THE UNITED STATES,
18 WHICH, IF COMMITTED IN THIS STATE, WOULD CONSTITUTE AN OFFENSE
19 DESCRIBED IN SUB-SUBPARAGRAPHS (A) TO (F) OF THIS SUBPARAGRAPH
20 (I);

21 (II) THE APPLICANT OR EMPLOYEE, AS A JUVENILE, PLEADED NOLO
22 CONTENDERE OR GUILTY TO OR WAS FOUND GUILTY OF AN OFFENSE THAT
23 WOULD CONSTITUTE FELONY UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED
24 IN SECTION 16-22-102 (9), C.R.S., IF COMMITTED BY AN ADULT; OR

25 (III) THE APPLICANT OR EMPLOYEE FAILS TO SUBMIT FINGERPRINTS
26 ON A TIMELY BASIS FOLLOWING RECEIPT OF THE WRITTEN REQUEST FROM
27 THE SCHOOL DISTRICT PURSUANT TO SUBSECTION (1) OR (6) OF THIS

1 SECTION.

2 (b) THE DISQUALIFICATION FROM EMPLOYMENT PURSUANT TO
3 SUB-SUBPARAGRAPHS (D) AND (E) OF SUBPARAGRAPH (I) OF PARAGRAPH
4 (a) OF THIS SUBSECTION (6.5) SHALL ONLY APPLY IF LESS THAN FIVE YEARS
5 HAVE PASSED SINCE THE DATE THE OFFENSE WAS COMMITTED. AN
6 EMPLOYEE TERMINATED FROM EMPLOYMENT SOLELY ON THE BASIS OF THE
7 DISQUALIFICATION CONTAINED IN SUB-SUBPARAGRAPHS (D) AND (E) OF
8 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (6.5) MAY
9 REAPPLY FOR EMPLOYMENT AFTER FIVE YEARS HAVE PASSED SINCE THE
10 DATE THE OFFENSE WAS COMMITTED.

11 (c) NOTHING IN THIS SUBSECTION (6.5) SHALL REQUIRE A SECOND
12 OR SUBSEQUENT FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
13 TO BE CONDUCTED FOR AN EMPLOYEE FOR WHOM A FINGERPRINT-BASED
14 CRIMINAL HISTORY RECORD CHECK HAS BEEN COMPLETED PRIOR TO THE
15 EFFECTIVE DATE OF THIS SUBSECTION (6.5).

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

22 (8) For purposes of this section:

23 (a) "Convicted" means a conviction by a jury or by a court and
24 shall also include the forfeiture of any bail, bond, or other security
25 deposited to secure appearance by a person charged with a felony or
26 misdemeanor, the payment of a fine, A GUILTY PLEA ACCEPTED BY A
27 COURT, a plea of nolo contendere, and the imposition of a deferred or

1 suspended sentence by the court.

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

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

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

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

15 **22-60.5-103. Applicants - licenses - authorizations - submittal**
16 **of form and fingerprints - failure to comply constitutes grounds for**
17 **denial.** (6) (b) The department of education shall forward fingerprints
18 submitted pursuant to this subsection (6) to the Colorado bureau of
19 investigation for the purpose of obtaining a fingerprint-based criminal
20 history record check through the Colorado bureau of investigation and the
21 federal bureau of investigation, to determine whether the educator has a
22 criminal history. In addition, the department of education may use the
23 records of the ICON system at the state judicial department, as defined in
24 section 24-33.5-102 (3), C.R.S., or any other source available, including
25 obtaining records from any law enforcement agency and juvenile
26 delinquent records pursuant to section 19-1-304, C.R.S., to ascertain
27 whether the educator has been convicted of an offense described in

1 section 22-60.5-107 (2), ~~or~~ (2.5), OR (2.6).

2 **SECTION 7.** 22-60.5-107 (2) (d), (2) (f), (2.5) (a) (I) (D), (2.5)
3 (b), (3), and (8), Colorado Revised Statutes, are amended, and the said
4 22-60.5-107 is further amended BY THE ADDITION OF A NEW
5 SUBSECTION, to read:

6 **22-60.5-107. Grounds for denying, annulling, suspending, or**
7 **revoking license, certificate, endorsement, or authorization.** (2) Any
8 license, certificate, endorsement, or authorization may be denied,
9 annulled, suspended, or revoked in the manner prescribed in section
10 22-60.5-108, notwithstanding the provisions of subsection (1) of this
11 section:

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

24 (f) When the applicant or holder has forfeited any bail, bond, or
25 other security deposited to secure the appearance by the applicant or
26 holder who is charged with having committed a felony or misdemeanor,
27 has paid a fine, has entered a plea of nolo contendere, or has received a

1 deferred or suspended sentence imposed by the court for any offense
2 described in subparagraph (I) or (II) of paragraph (a) of subsection (2.5)
3 of this section OR IN SUBSECTION (2.6) OF THIS SECTION.

4 (2.5) (a) A license, certificate, endorsement, or authorization shall
5 be denied, annulled, suspended, or revoked in the manner prescribed in
6 section 22-60.5-108, notwithstanding the provisions of subsection (1) of
7 this section to the contrary, in the following circumstances:

8 (I) When the applicant or holder is convicted of one of the
9 following offenses:

10 (D) EXCEPT AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION
11 (2.5), a felony, the underlying factual basis of which has been found by
12 the court on the record to include an act of domestic violence, as defined
13 in section 18-6-800.3, C.R.S.;

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

17 (2.6) (a) IN ADDITION TO THE OFFENSES DESCRIBED IN SUBSECTION
18 (2.5) OF THIS SECTION, THE STATE BOARD OF EDUCATION SHALL DENY,
19 ANNUL, SUSPEND, OR REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR
20 AUTHORIZATION IF THE APPLICANT FOR OR HOLDER OF THE LICENSE,
21 CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION IS CONVICTED OF A
22 FELONY DRUG OFFENSE DESCRIBED IN PART 4 OF ARTICLE 18 OF TITLE 18,
23 C.R.S., COMMITTED ON OR AFTER AUGUST 25, 2012. THE REQUIREMENT
24 THAT THE STATE BOARD OF EDUCATION DENY, ANNUL, SUSPEND, OR
25 REVOKE A LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION
26 SHALL ONLY APPLY FOR A PERIOD OF FIVE YEARS FOLLOWING THE DATE OF
27 THE CONVICTION.

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

7 (c) FOR PURPOSES OF THIS SUBSECTION (2.6), "CONVICTED" OR
8 "CONVICTION" MEANS A CONVICTION BY A JURY VERDICT OR BY ENTRY OF
9 A VERDICT OR ACCEPTANCE OF A GUILTY PLEA OR A PLEA OF NOLO
10 CONTENDERE BY A COURT.

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

1 (8) When an applicant's or holder's license is denied, annulled,
2 suspended, or revoked pursuant to the provisions of subsection (2.5) OR
3 (2.6) of this section, the department of education shall post the name of
4 the person and basis for the denial, annulment, suspension, or revocation
5 on its web site.

6 **SECTION 8.** 22-60.5-107 (2.5), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

8 **22-60.5-107. Grounds for denying, annulling, suspending, or**
9 **revoking license, certificate, endorsement, or authorization.**

10 (2.5) (c) THE GROUNDS FOR MANDATORY DENIAL, ANNULMENT,
11 SUSPENSION, OR REVOCATION OF A LICENSE, CERTIFICATE, ENDORSEMENT,
12 OR AUTHORIZATION PURSUANT TO SUB-SUBPARAGRAPH (D) OF
13 SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (2.5) SHALL
14 ONLY APPLY IF LESS THAN FIVE YEARS HAVE PASSED SINCE THE DATE THE
15 OFFENSE WAS COMMITTED.

16 **SECTION 9.** 22-63-302 (3), Colorado Revised Statutes, is
17 amended to read:

18 **22-63-302. Procedure for dismissal - judicial review.** (3) If a
19 teacher objects to the grounds given for the dismissal, the teacher may file
20 with the chief administrative officer a written notice of objection and a
21 request for a hearing. Such written notice shall be filed within five
22 working days after receipt by the teacher of the notice of dismissal. If the
23 teacher fails to file the written notice within said time, such failure shall
24 be deemed to be a waiver of the right to a hearing and the dismissal shall
25 be final; except that the board of education may grant a hearing upon a
26 determination that the failure to file written notice for a hearing was due
27 to good cause. If the teacher files a written notice of objection, the

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

16 **SECTION 10.** 24-5-101 (1) (b) (IV), Colorado Revised Statutes,
17 is amended to read:

18 **24-5-101. Effect of criminal conviction on employment rights.**

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

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

22 **SECTION 11. Act subject to petition - effective date.** This act
23 shall take effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part shall not take effect
2 unless approved by the people at the general election to be held in
3 November 2012 and shall take effect on the date of the official
4 declaration of the vote thereon by the governor.