

**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

Education
Appropriations

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.*

HOUSE
3rd Reading Unamended
March 22, 2011

HOUSE
Amended 2nd Reading
March 21, 2011

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.** 22-60.5-103, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SUBSECTION to read:

4 **22-60.5-103. Applicants - licenses - authorizations - submittal**
5 **of form and fingerprints - failure to comply constitutes grounds for**
6 **denial.** (7) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
7 PROCESSING TIME FOR ISSUING AN EDUCATOR LICENSE IS SIX WEEKS OR
8 LESS FROM THE DATE ON WHICH THE APPLICANT SUBMITS THE LICENSE
9 APPLICATION TO THE DEPARTMENT.

10 **SECTION 2.** 22-60.5-110, Colorado Revised Statutes, is
11 amended BY THE ADDITION OF A NEW SUBSECTION to read:

12 **22-60.5-110. Renewal of licenses.** (6) IT IS THE INTENT OF THE
13 GENERAL ASSEMBLY THAT THE PROCESSING TIME FOR RENEWING AN
14 EDUCATOR LICENSE IS SIX WEEKS OR LESS FROM THE DATE ON WHICH THE
15 APPLICANT SUBMITS THE RENEWAL APPLICATION TO THE DEPARTMENT.

16 **SECTION 3.** 22-60.5-110 (3) (a), Colorado Revised Statutes, is

1 amended, and the said 22-60.5-110 (3) is further amended BY THE
2 ADDITION OF A NEW PARAGRAPH, to read:

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

18 (a.5) A LICENSEE WHO SEEKS RENEWAL OF HIS OR HER
19 PROFESSIONAL LICENSE SHALL SIGN AND SUBMIT WITH THE RENEWAL
20 APPLICATION AN AFFIDAVIT IN WHICH THE LICENSEE AFFIRMS UNDER OATH
21 THAT HE OR SHE SATISFACTORILY COMPLETED THE ONGOING
22 PROFESSIONAL DEVELOPMENT ACTIVITIES SPECIFIED IN THE AFFIDAVIT;
23 THAT THE ACTIVITIES WERE COMPLETED WITHIN THE TERM OF THE
24 PROFESSIONAL LICENSE; AND THAT, TO THE BEST OF THE LICENSEE'S
25 KNOWLEDGE, THE ACTIVITIES MEET THE REQUIREMENTS OF THIS SECTION
26 AND RULES ADOPTED BY THE STATE BOARD OF EDUCATION IMPLEMENTING
27 THIS SECTION. THE DEPARTMENT MAY ACCEPT A LICENSEE'S AFFIDAVIT OF

1 SATISFACTORY COMPLETION OF ONGOING PROFESSIONAL DEVELOPMENT
2 AS PROOF OF COMPLETION OF THE SPECIFIED PROFESSIONAL DEVELOPMENT
3 ACTIVITIES WITHOUT FURTHER VERIFICATION.

4 **SECTION 4.** 22-60.5-112 (1), Colorado Revised Statutes, is
5 amended to read:

6 **22-60.5-112. Fees - fund - repeal.** (1) (a) The fee for the
7 examination and review of an application for any license, endorsement,
8 or authorization, or any renewal or reinstatement thereof, shall be
9 established by the state board of education and shall be nonrefundable.
10 Upon determination of eligibility, such license, endorsement, or
11 authorization shall be issued without an additional fee. The state board
12 of education shall adjust if necessary all such fees annually so that they
13 generate an amount of revenue that approximates the direct and indirect
14 costs of the state board of education and of the department of education
15 for the administration of this article; however, the state board of
16 education shall establish and adjust such fees for licenses issued pursuant
17 to section 22-60.5-201 (1) (a) so that the fees generate an amount of
18 revenue that approximates the direct and indirect costs of the state board
19 of education and the department of education for the administration of
20 sections 22-60.5-201 (1) (a) and 22-60.5-205. All fees collected under
21 this section shall be transmitted to the state treasurer and credited to the
22 educator licensure cash fund, which fund is hereby created AND REFERRED
23 TO IN THIS SUBSECTION (1) AS THE "CASH FUND". The general assembly
24 shall make annual appropriations from the educator licensure cash fund
25 for expenditures of the state board of education and of the department of
26 education incurred in the administration of this article. At the end of any
27 fiscal year, all unexpended and unencumbered moneys in the educator

1 ~~license~~ cash fund shall remain therein and shall not be credited or
2 transferred to the general fund or any other fund.

3 (b) (I) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF
4 THIS SUBSECTION (1) TO THE CONTRARY, FOR THE 2011-12, 2012-13, AND
5 2013-14 FISCAL YEARS, THE MONEYS IN THE CASH FUND ARE
6 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO OFFSET THE
7 DIRECT AND INDIRECT COSTS INCURRED BY THE STATE BOARD OF
8 EDUCATION AND THE DEPARTMENT IN ADMINISTERING THIS ARTICLE. IN
9 EACH OF SAID FISCAL YEARS, THE GENERAL APPROPRIATIONS BILL SHALL,
10 FOR INFORMATIONAL PURPOSES, REFLECT THE ESTIMATED AMOUNT OF
11 EXPENDITURES, INCLUDING ANY FUNDING FOR PERSONNEL, FROM THE
12 CASH FUND.

13 (II) DURING EACH OF THE 2012, 2013, AND 2014 REGULAR
14 LEGISLATIVE SESSIONS, THE DEPARTMENT SHALL REPORT TO THE
15 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
16 SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE JOINT BUDGET
17 COMMITTEE OF THE GENERAL ASSEMBLY CONCERNING EXPENDITURES
18 FROM THE CASH FUND AND THE DEPARTMENT'S PROGRESS IN MEETING THE
19 GOAL OF REDUCING TO SIX WEEKS OR LESS THE PROCESSING TIME FOR
20 ISSUING OR RENEWING AN EDUCATOR LICENSE.

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

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

27 **SECTION 5.** 24-50-503, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

2 **24-50-503. Personal services contracts implicating state**
3 **personnel system - no separation of existing classified employees -**
4 **repeal.** (3) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
5 THE CONTRARY, ANY PERSONAL SERVICES CONTRACTS ENTERED INTO BY
6 THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-60.5-112 (1)
7 (b), C.R.S., SHALL BE VALID AND SHALL NOT BE SUBJECT TO APPROVAL
8 PURSUANT TO THIS SECTION.

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

10 **SECTION 6.** 24-76.5-103 (3) (f) and (3) (g), Colorado Revised
11 Statutes, are amended, and the said 24-76.5-103 (3) is further amended
12 BY THE ADDITION OF A NEW PARAGRAPH, to read:

13 **24-76.5-103. Verification of lawful presence - exceptions -**
14 **reporting - rules.** (3) Verification of lawful presence in the United
15 States shall not be required:

16 (f) For pregnant women; or

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

20 (h) FOR RENEWING AN EDUCATOR LICENSE PURSUANT TO ARTICLE
21 60.5 OF TITLE 22, C.R.S.

22 **SECTION 7. 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.