

Second Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0897.01 Julie Pelegrin x2700

HOUSE BILL 14-1268

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HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

Todd,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING PROHIBITING A SCHOOL DISTRICT FROM PLACING A  
102 TEACHER WHO HOLDS NONPROBATIONARY STATUS AS OF MAY  
103 20, 2010, ON INDEFINITE UNPAID LEAVE IF THE TEACHER IS  
104 UNABLE TO SECURE A MUTUAL CONSENT ASSIGNMENT WITHIN  
105 THE REQUIRED TIME.

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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/bills summaries>.)*

Under existing law, if a nonprobationary teacher (teacher) is

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.*

removed from a teaching assignment within a school district, the teacher must secure a mutual consent assignment at another school of the school district within a certain time or be placed on unpaid leave. The bill provides that, if the teacher held nonprobationary status as of May 20, 2010, the school district cannot place the teacher on unpaid leave, but must either assign the teacher to a position that has the same level of salary and benefits as the teacher would have earned if he or she had not been removed or dismiss the teacher in compliance with the statutory due process requirements.

The current law allows the state board of education to waive the provisions concerning mutual consent assignments and unpaid leave. The bill prohibits the state board from waiving the new requirements for a teacher who held nonprobationary status as of May 20, 2010.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-63-202, **amend**  
3 (2) (c.5) (IV), (2) (c.5) (V), and (2) (c.5) (VI) as follows:

4 **22-63-202. Employment contracts - contracts to be in writing**  
5 **- duration - damage provision - repeal.** (2) (c.5) (IV) (A) If a  
6 nonprobationary teacher is unable to secure a mutual consent assignment  
7 at a school of the school district after twelve months or two hiring cycles,  
8 whichever period is longer, the school district shall place the teacher on  
9 unpaid leave until such time as the teacher is able to secure an  
10 assignment, EXCEPT AS OTHERWISE PROVIDED IN SUB-SUBPARAGRAPH (B)  
11 OF THIS SUBPARAGRAPH (IV). If the teacher secures an assignment at a  
12 school of the school district while placed on unpaid leave, the school  
13 district shall reinstate the teacher's salary and benefits at the level they  
14 would have been if the teacher had not been placed on unpaid leave.

15 (B) IF A TEACHER WHO HELD NONPROBATIONARY STATUS AS OF  
16 MAY 20, 2010, IS UNABLE TO SECURE A MUTUAL CONSENT ASSIGNMENT AT  
17 A SCHOOL OF THE SCHOOL DISTRICT AFTER TWELVE MONTHS OR TWO  
18 HIRING CYCLES, WHICHEVER PERIOD IS LONGER, THE SCHOOL DISTRICT

1 SHALL ASSIGN THE TEACHER TO AN AVAILABLE ASSIGNMENT WITHIN THE  
2 SCHOOL DISTRICT, AT WHICH ASSIGNMENT THE TEACHER MUST EARN  
3 SALARY AND BENEFITS AT THE SAME LEVEL THEY WOULD HAVE BEEN HAD  
4 THE TEACHER NOT LEFT THE PREVIOUS ASSIGNMENT, OR DISMISS THE  
5 TEACHER PURSUANT TO THE PROCEDURES SPECIFIED IN SECTION  
6 22-63-302.

7 (V) Nothing in this section shall limit the ability of a school  
8 district to place a teacher in a twelve-month assignment or other  
9 limited-term assignments, including, but not limited to, a teaching  
10 assignment, substitute assignment, or instructional support role during the  
11 period in which the teacher is attempting to secure an assignment through  
12 school-based hiring. Such an assignment shall not constitute an  
13 assignment through school-based hiring and shall not be deemed to  
14 interrupt the period in which the teacher is required to secure an  
15 assignment through school-based hiring before the district shall place the  
16 teacher on unpaid leave, AS PROVIDED IN SUB-SUBPARAGRAPH (A) OF  
17 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c.5), OR REASSIGN OR DISMISS  
18 THE TEACHER, AS PROVIDED IN SUB-SUBPARAGRAPH (B) OF  
19 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c.5).

20 (VI) The provisions of this paragraph (c.5) may be waived in  
21 whole or in part for a renewable four-year period by the state board of  
22 education pursuant to section 22-2-117, provided that the local school  
23 board applying for the waiver, in conjunction with the superintendent and  
24 teachers association in a district that has an operating master employment  
25 contract, if applicable, demonstrates that the waiver is in the best interest  
26 of students enrolled in the school district, supports the equitable  
27 distribution of effective teachers, and will not result in placement other

1 than by mutual consent of the teacher in a school district or public school  
2 that is required to implement a priority improvement plan or turnaround  
3 plan pursuant to article 11 of this title. Notwithstanding the provisions of  
4 this ~~paragraph (c.5), a waiver shall not be granted for a~~ SUBPARAGRAPH  
5 (VI), THE STATE BOARD OF EDUCATION SHALL NOT GRANT A WAIVER  
6 request that:

7 (A) Extends the time for securing an assignment through  
8 school-based hiring for more than two years; OR

9 (B) WAIVES THE PROVISIONS OF SUB-SUBPARAGRAPH (B) OF  
10 SUBPARAGRAPH (IV) OF THIS PARAGRAPH (c.5).

11 **SECTION 2. Effective date - applicability.** This act takes effect  
12 upon passage and applies to nonprobationary teachers who are unable to  
13 secure mutual consent assignments within the statutory period before, on,  
14 or after said date.

15 **SECTION 3. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.