

**LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0897	Date: February 27, 2014
Prime Sponsor(s): Rep. Salazar Sen. Todd	Bill Status: House Education
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SHORT TITLE: NONPROBATIONARY TEACHER NO INDEFINITE UNPAID LEAVE

Fiscal Impact Summary	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures		
FTE Position Change		
Appropriation Required:		

Summary of Legislation

Under current law, if a nonprobationary teacher is removed from a teaching assignment within a school district, the teacher must secure a mutual consent assignment at another school of the district within 12 months or two hiring cycles. A mutual consent assignment indicates that the principal of the hiring school has agreed to employ the nonprobationary teacher; without such consent, the teacher cannot be placed in the school. If the teacher cannot secure such a position, he or she is to be placed on unpaid leave.

Under this bill, if the teacher held nonprobationary status as of May 20, 2010, the school district may not 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 statutorily required due process. The State Board of Education (SBE) is prohibited from waiving this requirement.

School District Impact

The bill may increase personnel expenses for school districts. The bill is applicable both to existing teachers who may not have secured a mutual consent assignment, as well as to any teacher who was nonprobationary as of May 2010. Effectively, a teacher who held such status, failed to obtain a mutual consent assignment in the time allotted, and was dismissed from the school district, will have cause to seek reinstatement with the district at the same salary and benefits of his or her last full assignment.

The bill requires that nonprobationary teachers without a mutual consent position remain employed with comparable salary and benefits. Therefore, districts will not have the option to seek replacement teachers for these positions. Typically, a newly hired teacher receives less in salary and benefits than existing teachers with greater seniority, therefore, this is likely to increase district personnel expenses in some cases.

Pursuant to Section 22-32-143, C.R.S., school districts and Boards of Cooperative Educational Services (BOCES) may submit estimates of fiscal impacts within seven days of a bill's introduction. As of the date of this fiscal note, no summaries of fiscal impacts were submitted by districts or BOCES for this bill. If summaries of fiscal impacts are submitted by districts or BOCES in the future, they will be noted in subsequent revisions to the fiscal note and posted at this address: <http://www.colorado.gov/lcs>

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature, and applies to nonprobationary teachers who are unable to secure mutual consent assignments within the statutory period before, on, or after that date.

State and Local Government Contacts

Education