

**First Regular Session
Sixty-third General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 01-0407.01 Jeff Conway

SENATE BILL 01-062

SENATE SPONSORSHIP

Evans

HOUSE SPONSORSHIP

Tapia

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF A STATEWIDE**
102 **PERFORMANCE-BASED SUPPLEMENTAL PAY PLAN THAT PAYS**
103 **STIPENDS TO TEACHERS WHO TEACH IN PUBLIC SCHOOLS THAT**
104 **HAVE DIFFICULTY EMPLOYING TEACHERS, AND MAKING AN**
105 **APPROPRIATION THEREFOR.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Establishes a supplemental pay program to pay stipends to teachers who choose to begin teaching at or remain at schools identified as supplemental pay schools. Defines those teachers receiving such stipends as "Colorado quality teachers".

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.

Requires the state board of education ("state board") by August 1, 2001, to establish by rule a supplemental pay plan and specify the data needed from school districts. Directs the state board to disqualify a school district from receiving the moneys if they were used in a manner inconsistent with the purposes specified in the act. Specifies that school districts may begin applying for such moneys after August 1, 2001. Directs the state board to award the moneys on a priority basis, using 3 categories and rankings of schools within each category. Requires the department of education ("department") to evaluate the plan by July 1, 2005, and report to the state board and the general assembly by January 1, 2006.

Defines a supplemental pay school as a public school with at least one of the following characteristics:

- Ranking among the lowest quarter of public schools based on statewide student assessments;
- Ranking among the highest quarter of public schools based on number of children eligible for free lunch; or
- Being in a school district that ranks among the lowest quarter of school districts in the state based on population density and having a high teacher turnover rate and difficulty recruiting new teachers.

Directs the state board to designate supplemental pay schools by August 1 of each year and rank the schools in each of the 3 categories. Permits a charter school to be designated a supplemental pay school if it falls within one of the 3 categories.

Directs the state board to award the moneys as stipends to Colorado quality teachers as follows:

- Teachers starting teaching in a supplemental pay school on or after July 1, 2001, would receive \$3,000 for the first year, upon satisfactory completion of their duties;
- Teachers teaching in a supplemental pay school on or after July 1, 2001, would receive \$5,000 per year of teaching in such school, upon the satisfactory completion of their duties.

Creates the supplemental pay for Colorado quality teachers fund ("fund"). Annually appropriates \$5 million per year to the fund for the fiscal years 2001-06. Specifies that any unexpended moneys and interest earned remains in the fund until the act is repealed. Permits the department to retain up to 1% of the appropriation for administrative costs.

Repeals the act effective July 1, 2006.

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

1 **SECTION 1.** Article 7 of title 22, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PART to read:

3 PART 8
4 SUPPLEMENTAL PAY PLAN FOR
5 COLORADO QUALITY TEACHERS

6 **22-7-801. Legislative intent.** THE GENERAL ASSEMBLY FINDS AND
7 DECLARES THAT SOME SCHOOL DISTRICTS IN THE STATE HAVE GREAT
8 DIFFICULTY IN ATTRACTING AND RETAINING TEACHERS FOR CERTAIN
9 SCHOOLS. THE GENERAL ASSEMBLY FURTHER FINDS THAT IT IS IN THE BEST
10 INTERESTS OF THE STATE AND WILL IMPROVE THE QUALITY OF EDUCATION
11 OF ITS CHILDREN TO REDUCE THE TEACHER TURNOVER RATE IN THOSE
12 HARD-TO-STAFF SCHOOLS TO MORE CLOSELY RESEMBLE THE TEACHER
13 TURNOVER RATE IN THE REST OF THE PUBLIC SCHOOLS IN THE STATE. THE
14 GENERAL ASSEMBLY FURTHER FINDS THAT STABILIZING THE TURNOVER
15 RATE WOULD LIKELY LEAD TO INCREASED STUDENT PERFORMANCE,
16 INCREASED ATTENDANCE, AND BETTER PARENTAL INVOLVEMENT IN THE
17 SCHOOL. IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO
18 CREATE A SUPPLEMENTAL PAY PLAN THAT IS DESIGNED TO ADDRESS THE
19 TEACHER TURNOVER IN CERTAIN SCHOOLS AND TO PROVIDE AN INCENTIVE
20 FOR TEACHERS TO TEACH IN THOSE SCHOOLS AND TO REMAIN TEACHING
21 THERE.

22 **22-7-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "COLORADO QUALITY TEACHER" MEANS A TEACHER RECEIVING
25 SUPPLEMENTAL PAY MONEYS AS A STIPEND PURSUANT TO SECTION
26 22-7-805.

27 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

1 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

2 (3) "FUND" MEANS THE SUPPLEMENTAL PAY FUND CREATED IN
3 SECTION 22-7-806.

4 (4) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
5 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
6 STATE CONSTITUTION.

7 (5) "SUPPLEMENTAL PAY SCHOOLS" MEANS THOSE SCHOOLS
8 IDENTIFIED BY THE STATE BOARD PURSUANT TO SECTION 22-7-804.

9 **22-7-803. Supplemental pay plan - established - rules - report.**

10 (1) PRIOR TO AUGUST 1, 2001, THE STATE BOARD SHALL ESTABLISH BY
11 RULE A SUPPLEMENTAL PAY PLAN FOR THE PAYMENT OF STIPENDS TO
12 COLORADO QUALITY TEACHERS PURSUANT TO THIS PART 8. SUCH PLAN
13 SHALL BE IN EFFECT UNTIL THE DATE OF REPEAL OF THIS PART 8. THE
14 SUPPLEMENTAL PAY PLAN SHALL ADDRESS THE DIFFICULTY SCHOOL
15 DISTRICTS HAVE IN ATTRACTING AND RETAINING TEACHERS IN SOME
16 SCHOOLS BY PROVIDING MONETARY INCENTIVES TO THOSE TEACHERS WHO
17 SEEK AND CONTINUE EMPLOYMENT IN THOSE SCHOOLS.

18 (2) SCHOOL DISTRICTS WITH SUPPLEMENTAL PAY SCHOOLS
19 IDENTIFIED PURSUANT TO SECTION 22-7-804 (2) MAY BE ELIGIBLE FOR
20 SUPPLEMENTAL PAY MONEYS BEGINNING ON OR AFTER AUGUST 1, 2001.
21 THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEYS FROM
22 THE SUPPLEMENTAL PAY FOR COLORADO QUALITY TEACHERS FUND
23 CREATED IN SECTION 22-7-806 TO THE DEPARTMENT TO BE USED IN
24 PROVIDING STIPENDS TO COLORADO QUALITY TEACHERS AS SET FORTH IN
25 SECTION 22-7-805.

26 (3) ON OR BEFORE AUGUST 1, 2001, THE STATE BOARD SHALL SET
27 FORTH BY RULE THE DATA EACH SCHOOL DISTRICT SHALL SUBMIT TO BE

1 ELIGIBLE TO RECEIVE SUPPLEMENTAL PAY MONEYS PURSUANT TO THIS PART
2 8. THE STATE BOARD SHALL DISCONTINUE THE ELIGIBILITY OF A SCHOOL
3 DISTRICT TO RECEIVE SUPPLEMENTAL PAY MONEYS IF THE SCHOOL DISTRICT
4 USES THE MONEYS IN A MANNER INCONSISTENT WITH THE PURPOSES OF THIS
5 PART 8.

6 (4) THE STATE BOARD SHALL FIRST AWARD THE SUPPLEMENTAL PAY
7 MONEYS ON A PRIORITY BASIS TO THE HIGHEST RANKING SUPPLEMENTAL
8 PAY SCHOOLS, AS DESCRIBED IN SECTION 22-7-804 (2), THEN AWARD THE
9 MONEYS TO SUCCESSIVELY LOWER RANKED SUPPLEMENTAL PAY SCHOOLS
10 UNTIL THERE ARE INSUFFICIENT MONEYS REMAINING IN THE FUND TO FULLY
11 FUND SUPPLEMENTAL PAY FOR A SUPPLEMENTAL PAY SCHOOL OR THERE
12 ARE NO MONEYS IN THE FUND. THE STATE BOARD SHALL GIVE HIGHEST
13 PRIORITY TO THOSE SUPPLEMENTAL PAY SCHOOLS THAT ARE RANKED
14 HIGHEST IN TWO OR MORE CATEGORIES.

15 (5) THE MONEYS AWARDED PURSUANT TO THIS SECTION SHALL BE
16 AWARDED BY THE STATE BOARD TO THE ELIGIBLE SCHOOL DISTRICT AND
17 THE SCHOOL DISTRICT SHALL AWARD THE SUPPLEMENTAL PAY MONEYS TO
18 EACH ELIGIBLE COLORADO QUALITY TEACHER IN THE SUPPLEMENTAL PAY
19 SCHOOL FOR WHICH THE SUPPLEMENTAL PAY IS FORWARDED, AS SET FORTH
20 IN SECTION 22-7-805. THE MONEYS AWARDED PURSUANT TO THIS PART 8
21 SHALL NOT AFFECT ANY BENEFITS EARNED BY SUCH TEACHERS, INCLUDING
22 BUT NOT LIMITED TO A TEACHER'S PUBLIC EMPLOYEES' RETIREMENT
23 ASSOCIATION OR DENVER PUBLIC SCHOOL EMPLOYEES' RETIREMENT
24 SYSTEM BENEFITS.

25 (6) ON OR BEFORE JULY 1, 2005, THE DEPARTMENT SHALL
26 EVALUATE THE SUPPLEMENTAL PAY PLAN ESTABLISHED PURSUANT TO THIS
27 SECTION AND DETERMINE WHETHER THE AWARDING OF SUPPLEMENTAL PAY

1 MONEYS TO COLORADO QUALITY TEACHERS PURSUANT TO THIS PART 8 HAS
2 RESULTED IN HIGHER RATES OF RECRUITMENT AND RETENTION OF
3 TEACHERS IN SUPPLEMENTAL PAY SCHOOLS. THE DEPARTMENT SHALL
4 REPORT THE RESULTS TO THE STATE BOARD AND TO THE EDUCATION
5 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE PRIOR
6 TO JANUARY 1, 2006.

7 **22-7-804. Supplemental pay schools - categories -**
8 **determination.** (1) SUPPLEMENTAL PAY SCHOOLS SHALL BE IDENTIFIED
9 BY THE STATE BOARD AS THOSE PUBLIC SCHOOLS IN THE STATE THAT HAVE
10 AT LEAST ONE OF THE FOLLOWING CHARACTERISTICS:

11 (a) RANKING AMONG THE LOWEST QUARTER OF PUBLIC SCHOOLS
12 BASED ON OVERALL STUDENT ACHIEVEMENT ON STATEWIDE ASSESSMENTS
13 ADMINISTERED PURSUANT TO SECTION 22-7-409;

14 (b) RANKING AMONG THE HIGHEST QUARTER OF PUBLIC SCHOOLS
15 BASED ON NUMBER OF STUDENTS ELIGIBLE FOR FREE LUNCH PURSUANT TO
16 THE PROVISIONS OF THE FEDERAL "NATIONAL SCHOOL LUNCH ACT"; OR

17 (c) BEING A PUBLIC SCHOOL OF A SCHOOL DISTRICT THAT IS
18 RANKED AMONG THE LOWEST QUARTER OF SCHOOL DISTRICTS IN THE STATE
19 BASED ON POPULATION DENSITY AND HAVING A HIGH TEACHER TURNOVER
20 RATE AND DIFFICULTY RECRUITING NEW TEACHERS.

21 (2) PRIOR TO AUGUST 1, 2001, AND PRIOR TO EACH AUGUST 1
22 THEREAFTER, THE STATE BOARD SHALL DETERMINE WHICH PUBLIC
23 SCHOOLS ARE TO BE DESIGNATED SUPPLEMENTAL PAY SCHOOLS PURSUANT
24 TO SUBSECTION (1) OF THIS SECTION AND SHALL RANK THE TOP TWENTY
25 SCHOOLS IN EACH CATEGORY LISTED IN SUCH SUBSECTION.

26 (3) ANY SCHOOL CHARTERED PURSUANT TO ARTICLE 30.5 OF THIS
27 TITLE MAY BE ELIGIBLE FOR DESIGNATION AS A SUPPLEMENTAL PAY

1 SCHOOL IF SUCH SCHOOL HAS ANY OF THE CHARACTERISTICS DESCRIBED IN
2 SUBSECTION (1) OF THIS SECTION.

3 **22-7-805. Supplemental pay - stipends.** (1) ANY SUPPLEMENTAL
4 PAY MONEYS AWARDED TO A COLORADO QUALITY TEACHER PURSUANT TO
5 THIS PART 8 SHALL BE IN THE FORM OF STIPENDS AWARDED AS FOLLOWS:

6 (a) TO A TEACHER BEGINNING EMPLOYMENT IN A SCHOOL
7 DESIGNATED AS A SUPPLEMENTAL PAY SCHOOL AND AWARDED
8 SUPPLEMENTAL PAY MONEYS BY THE STATE BOARD FOR A SCHOOL YEAR
9 BEGINNING ON OR AFTER JULY 1, 2001, A STIPEND OF THREE THOUSAND
10 DOLLARS FOR THE FIRST YEAR OF EMPLOYMENT IN SUCH SCHOOL, UPON THE
11 SATISFACTORY COMPLETION OF THE TEACHER'S DUTIES FOR THAT SCHOOL
12 YEAR, AS DETERMINED BY THE LOCAL BOARD OF EDUCATION;

13 (b) TO A TEACHER WHO IS TEACHING FOR THE SECOND OR
14 SUBSEQUENT YEAR IN A SCHOOL ON OR AFTER JULY 1, 2001, THAT IS
15 DESIGNATED A SUPPLEMENTAL PAY SCHOOL, AND AWARDED
16 SUPPLEMENTAL PAY MONEYS BY THE STATE BOARD, A STIPEND OF FIVE
17 THOUSAND DOLLARS FOR EACH YEAR OF TEACHING IN SUCH SCHOOL FOR
18 WHICH SUPPLEMENTAL PAY MONEYS ARE AWARDED, UPON THE
19 SATISFACTORY COMPLETION OF THE TEACHER'S DUTIES FOR THAT SCHOOL
20 YEAR, AS DETERMINED BY THE LOCAL BOARD OF EDUCATION.

21 **22-7-806. Supplemental pay plan - fund - creation.** THERE IS
22 HEREBY CREATED IN THE STATE TREASURY THE SUPPLEMENTAL PAY FOR
23 COLORADO QUALITY TEACHERS FUND, HEREINAFTER KNOWN AS THE
24 "FUND". THE MONEYS IN THE FUND SHALL BE EXPENDED TO IMPLEMENT
25 THE PROVISIONS OF THIS PART 8. BEGINNING JULY 1, 2001, THERE SHALL
26 BE ANNUALLY APPROPRIATED TO THE FUND FIVE MILLION DOLLARS FROM
27 THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE

1 STATE CONSTITUTION. ALL MONEYS IN THE FUND SHALL BE SUBJECT TO
2 ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY AND SHALL BE
3 AVAILABLE FOR CARRYING OUT THE PURPOSES OF THIS PART 8. ANY
4 MONEYS CREDITED TO THE FUND AND UNEXPENDED AND UNENCUMBERED
5 AT THE END OF ANY FISCAL YEAR AND ANY INTEREST EARNED ON THE
6 INVESTMENT OR DEPOSIT OF MONEYS IN SAID FUND SHALL REMAIN IN THE
7 FUND AND SHALL NOT REVERT TO THE GENERAL FUND; EXCEPT THAT ANY
8 MONEYS REMAINING IN THE FUND AND ANY INTEREST EARNED THEREON
9 UPON THE REPEAL OF THIS SECTION SHALL REVERT TO THE GENERAL FUND.
10 IN ADDITION, THE DEPARTMENT MAY RETAIN UP TO ONE PERCENT OF THE
11 AMOUNT ANNUALLY APPROPRIATED FROM THE FUND FOR THE ACTUAL
12 COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROVISIONS
13 OF THIS PART 8.

14 **22-7-807. Repeal.** THIS PART 8 IS REPEALED, EFFECTIVE JULY 1,
15 2006.

16 **SECTION 2. Appropriation.** In addition to any other
17 appropriation, there is hereby appropriated, out of any moneys in the state
18 education fund, created in section 17 of article IX of the state constitution,
19 not otherwise appropriated, to the department of education, for the fiscal
20 year beginning July 1, 2001, the sum of five million dollars (\$5,000,000)
21 and _____ FTE, or so much thereof as may be necessary, for the
22 implementation of this act.

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