

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0694.01 Julie Pelegrin x2700

HOUSE BILL 16-1099

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HOUSE SPONSORSHIP

Salazar,

SENATE SPONSORSHIP

(None),

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REPEAL OF THE REQUIREMENT FOR MUTUAL  
102 CONSENT ASSIGNMENTS OF NONPROBATIONARY TEACHERS.

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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/billsummaries>.)*

Under existing law, if a nonprobationary teacher (teacher) is 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 repeals this requirement. The bill requires each school district to assign or dismiss with due process each teacher who was unable to secure a mutual consent

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.*

assignment and who was placed and remains on unpaid leave as a result. In the new assignment, the teacher must receive the same level of salary and benefits that the teacher would have received if he or she had not been displaced.

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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, **add** (2)  
3 (c.7) as follows:

4           **22-63-202. Employment contracts - contracts to be in writing**  
5 **- duration - damage provision - repeal.** (2) (c.7) NO LATER THAN  
6 AUGUST 15, 2016, EACH SCHOOL DISTRICT SHALL ASSIGN TO AN  
7 AVAILABLE ASSIGNMENT WITHIN THE SCHOOL DISTRICT, OR DISMISS  
8 PURSUANT TO THE PROCEDURES SPECIFIED IN SECTION 22-63-302, ANY  
9 TEACHER WHO HELD NONPROBATIONARY STATUS AS OF MAY 20, 2010,  
10 AND WAS DISPLACED AND REMAINS ON UNPAID LEAVE AS A RESULT OF THE  
11 REQUIREMENTS OF PARAGRAPH (c.5) OF THIS SUBSECTION (2) AS IT  
12 EXISTED BEFORE THE EFFECTIVE DATE OF THIS PARAGRAPH (c.7). IN THE  
13 NEW ASSIGNMENT, THE TEACHER MUST EARN SALARY AND BENEFITS AT  
14 THE SAME LEVEL THEY WOULD HAVE BEEN HAD THE TEACHER NOT LEFT  
15 THE PREVIOUS ASSIGNMENT.

16           **SECTION 2.** In Colorado Revised Statutes, 22-63-206, **repeal** (5)  
17 as follows:

18           **22-63-206. Transfer - compensation.** (5) ~~Nothing in this section~~  
19 ~~shall be construed as requiring a receiving school to involuntarily accept~~  
20 ~~the transfer of a teacher. All transfers to positions at other schools of the~~  
21 ~~school district shall require the consent of the receiving school.~~

22           **SECTION 3.** In Colorado Revised Statutes, **repeal** 22-63-202 (2)  
23 (c.5).

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, and safety.