

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION

includes proposed
amendments
L.001 & L.002

LLS NO. 18-0752.01 Brita Darling x2241

SENATE BILL 18-147

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A BILL FOR AN ACT

101 CONCERNING THE EDUCATOR LOAN FORGIVENESS PROGRAM TO
102 ADDRESS EDUCATOR SHORTAGES.

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://leg.colorado.gov>.)

The bill makes changes to the teacher loan forgiveness program, renaming it the educator loan forgiveness program (program), and revising the eligibility criteria for the program.

The program:

- Repays up to \$5,000 of qualified educational loans for up to 5 years for teachers and other educators employed in

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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- qualified positions under the program; and
- Targets teachers and other educators employed in hard-to-fill positions due to geography or content area.

The department of education is required to annually identify the shortage areas that qualify for the program.

Subject to available appropriations, the Colorado commission on higher education (commission) shall approve up to 100 new participants in the program each year, and the bill specifies the criteria the commission shall use to prioritize applicants, if necessary.

The program includes the educator loan forgiveness fund, and the commission shall adopt policies that ensure that loan repayment is made only on qualified loans for educators in qualified positions.

The commission shall prepare an annual report for the general assembly that includes information concerning the shortage areas identified by the department of education and information concerning the program participants.

The bill extends the repeal date of the program.

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

2 **SECTION 1.** In Colorado Revised Statutes, add 23-3.9-100.2 as
3 follows:

4 **23-3.9-100.2. Legislative declaration.** (1) THE GENERAL
5 ASSEMBLY FINDS THAT:

6 (a) COLORADO SUFFERS FROM A SHORTAGE OF TEACHERS AND
7 OTHER EDUCATORS DUE TO VARIOUS FACTORS AFFECTING THE TEACHING
8 PROFESSION, WHICH INCLUDE BUT ARE NOT LIMITED TO DECLINING
9 ENROLLMENT AND COMPLETION OF EDUCATOR PREPARATION PROGRAMS,
10 LOW EDUCATOR COMPENSATION AND BENEFITS, AN INSUFFICIENT NUMBER
11 OF EDUCATORS IN CERTAIN CONTENT AREAS, AND DIFFICULTY IN FILLING
12 EDUCATOR POSITIONS IN RURAL OR ISOLATED AREAS OF THE STATE;

13 (b) PURSUANT TO HOUSE BILL 17-1003, ENACTED IN 2017, THE
14 DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF
15 EDUCATION, WITH INPUT FROM EDUCATION AND COMMUNITY
16 STAKEHOLDERS, ANALYZED TEACHER AND OTHER EDUCATOR SHORTAGES

1 AND ISSUED A REPORT INCLUDING RECOMMENDATIONS FOR ADDRESSING
2 THESE SHORTAGES;

3 (c) AS PART OF THEIR FINDINGS, THE DEPARTMENT OF HIGHER
4 EDUCATION AND THE DEPARTMENT OF EDUCATION DETERMINED THAT THE
5 STATE HAS EDUCATOR SHORTAGES IN EARLY CHILDHOOD EDUCATION;
6 SCIENCE; MATHEMATICS; WORLD LANGUAGES; SPECIAL EDUCATION; AND
7 ART, MUSIC, AND DRAMA;

8 (d) FURTHER, SHORTAGES IN THESE CONTENT AREAS ARE MORE
9 PRONOUNCED IN RURAL AND REMOTE RURAL AREAS WHERE SCHOOL
10 DISTRICTS AND RURAL SCHOOLS FACE ADDITIONAL CHALLENGES,
11 INCLUDING INADEQUATE TEACHER COMPENSATION, LACK OF AFFORDABLE
12 HOUSING, AND AN INABILITY TO ATTRACT NEW TEACHERS TO RURAL
13 COMMUNITIES; AND

14 (e) THE DEPARTMENT OF HIGHER EDUCATION AND THE
15 DEPARTMENT OF EDUCATION FOUND THAT ONE STRATEGY FOR
16 ADDRESSING TEACHER AND OTHER EDUCATOR SHORTAGES IN
17 HARD-TO-FILL POSITIONS DUE TO TEACHING CONTENT AREA OR
18 GEOGRAPHIC LOCATION IS TO OFFER LOAN REPAYMENT OF EDUCATIONAL
19 LOANS FOR EDUCATORS WHO SERVE IN THESE HARD-TO-FILL POSITIONS IN
20 THE STATE.

21 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
22 IMPLEMENTING A LOAN FORGIVENESS PROGRAM FOR EDUCATORS
23 EMPLOYED IN QUALIFIED POSITIONS IN THE STATE IS NECESSARY TO
24 ENSURE THAT THE NEEDS OF STUDENTS ARE MET IN ALL COLORADO PUBLIC
25 SCHOOLS.

26 **SECTION 2.** In Colorado Revised Statutes, 23-3.9-101, amend
27 the introductory portion, (4), and (5); repeal (3.5); and add (2.5), (3.7).

1 and (6) as follows:

2 **23-3.9-101. Definitions.** As used in this article ARTICLE 3.9,
3 unless the context otherwise requires:

4 (2.5) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR SPECIAL
5 SERVICES PROVIDER, AS THOSE TERMS ARE DEFINED IN SECTION
6 22-60.5-102; EXCEPT THAT A SPECIAL SERVICES PROVIDER NEED NOT BE
7 EMPLOYED BY A SCHOOL DISTRICT.

8 ~~(3.5) "High-poverty school" means a public school at which the~~
9 ~~number of pupils enrolled who are eligible for free lunch pursuant to the~~
10 ~~provisions of the federal "Richard B. Russell National School Lunch~~
11 ~~Act", 42 U.S.C. sec. 1751 et seq., is at least equal to or greater than~~
12 ~~twenty-eight percent of the school's student enrollment.~~

13 (3.7) "QUALIFIED LOAN" MEANS AN EDUCATIONAL LOAN INCURRED
14 WHILE COMPLETING AN APPROVED EDUCATOR PREPARATION PROGRAM, AS
15 DEFINED IN SECTION 23-1-121, OR A BACHELOR'S OR MASTER'S DEGREE IN
16 THE AREA IN WHICH THE EDUCATOR IS EMPLOYED IN A QUALIFIED
17 POSITION. THE COMMISSION SHALL DETERMINE IF A LOAN IS A QUALIFIED
18 LOAN FOR PURPOSES OF THE EDUCATOR LOAN FORGIVENESS PROGRAM
19 CREATED IN SECTION 23-3.9-102.

20 (4) "Qualified position" means:

21 (a) A HARD-TO-STAFF teaching OR SPECIAL SERVICES position in
22 a ~~high-poverty school that is a Colorado elementary public school in a~~
23 RURAL SCHOOL OR rural school district or in a facility school that is in a
24 rural school district IDENTIFIED BY THE DEPARTMENT OF EDUCATION
25 PURSUANT TO SECTION 23-3.9-102 (6); or

26 (b) A HARD-TO-STAFF teaching OR SPECIAL SERVICES position in
27 ~~math, science, special education, or linguistically diverse education in a~~

1 Colorado public school, BOARD OF COOPERATIVE SERVICES CREATED
2 PURSUANT TO ARTICLE 5 OF TITLE 22, or a facility school IN A CONTENT
3 SHORTAGE AREA IDENTIFIED BY THE DEPARTMENT OF EDUCATION
4 PURSUANT TO SECTION 23-3.9-102 (6).

5 (5) "Rural school" OR "RURAL SCHOOL district" means a school OR
6 SCHOOL district that does not include within its geographic boundaries a
7 municipality exceeding five thousand persons and that is characterized by
8 sparse, ~~widespread~~ populations IDENTIFIED BY THE DEPARTMENT OF
9 EDUCATION PURSUANT TO SECTION 23-3.9-102 (6).

10 (6) "SCHOOL" OR "PUBLIC SCHOOL" MEANS A PUBLIC SCHOOL AS
11 PROVIDED IN SECTION 22-1-101, INCLUDING A CHARTER SCHOOL
12 AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5
13 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
14 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
15 TITLE 22, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES
16 CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF TITLE 22.

17 SECTION 3. In Colorado Revised Statutes, amend 23-3.9-102
18 as follows:

19 23-3.9-102. Educator loan forgiveness program -
20 administration - fund - eligibility. (1) (a) The general assembly hereby
21 authorizes the commission to develop and maintain a ~~teacher~~ AN
22 EDUCATOR loan forgiveness pilot program for implementation beginning
23 in the ~~2004-02~~ 2018-19 academic year for payment of all or part of the
24 principal and interest of the educational QUALIFIED loans of a ~~first-year~~
25 teacher AN EDUCATOR who is hired for a qualified position. Beginning in
26 the ~~2004-05~~ academic year, the commission is authorized to extend the
27 teacher loan forgiveness pilot program to include payment of all or part

1 of the principal and interest of the educational loans of a teacher who is
2 hired to teach in a qualified position after the teacher's first year of
3 teaching. MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND, CREATED
4 IN SUBSECTION (1)(b) OF THIS SECTION, MAY BE USED ONLY FOR repayment
5 of QUALIFIED loans through the teacher EDUCATOR loan forgiveness pilot
6 program. may be made using moneys in the teacher loan forgiveness
7 fund, created in paragraph (b) of this subsection (1), or moneys allocated
8 to the program by collegeinvest. The commission is authorized to receive
9 SEEK, ACCEPT, and expend gifts, grants, and donations for the teacher
10 EDUCATOR loan forgiveness pilot program. Only graduates of institutions
11 of higher education whose loans have collegeinvest eligibility may
12 receive repayment of their loans using moneys allocated to the program
13 by collegeinvest. THE COMMISSION SHALL TRANSMIT ALL MONEY
14 RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE
15 TREASURER, WHO SHALL CREDIT THE MONEY TO THE EDUCATOR LOAN
16 FORGIVENESS FUND, CREATED IN SUBSECTION (1)(b) OF THIS SECTION. THE
17 COMMISSION SHALL DEVELOP LOAN REPAYMENT POLICIES THAT ENSURE
18 THAT MONEY IN THE EDUCATOR LOAN FORGIVENESS FUND IS USED FOR THE
19 REPAYMENT OF QUALIFIED LOANS OF EDUCATORS EMPLOYED IN QUALIFIED
20 POSITIONS.

21 (b) There is hereby created the teacher EDUCATOR loan
22 forgiveness fund, which shall consist CONSISTS of all moneys MONEY
23 appropriated thereto TO THE FUND by the general assembly for the teacher
24 EDUCATOR loan forgiveness pilot program and any gifts, grants, and
25 donations received for said THAT purpose. Moneys MONEY in the fund are
26 hereby IS continuously appropriated to the department of higher education
27 for the teacher EDUCATOR loan forgiveness pilot program. At the end of

1 any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the
2 fund ~~shall remain therein~~ REMAINS IN THE FUND and shall not be credited
3 or transferred to the general fund or any other fund; EXCEPT THAT ON
4 SEPTEMBER 1, 2030, ANY UNEXPENDED AND UNENCUMBERED MONEY IN
5 THE FUND SHALL BE TRANSFERRED TO THE GENERAL FUND.

6 (c) SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION
7 SHALL ANNUALLY APPROVE APPLICATIONS FOR UP TO ONE HUNDRED NEW
8 PARTICIPANTS IN THE EDUCATOR LOAN FORGIVENESS PROGRAM. IF MORE
9 APPLICANTS APPLY THAN THE NUMBER OF NEW PARTICIPANTS AUTHORIZED
10 FOR THE APPLICABLE YEAR, THE COMMISSION SHALL:

11 (I) FIRST, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
12 QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL AND
13 IN A CONTENT SHORTAGE AREA;

14 (II) SECOND, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR
15 A QUALIFIED POSITION IN A RURAL SCHOOL DISTRICT OR RURAL SCHOOL;
16 AND

17 (III) THIRD, APPROVE APPLICANTS WHO HAVE CONTRACTED FOR A
18 QUALIFIED POSITION IN A CONTENT SHORTAGE AREA.

19 (2) In addition to any qualifications specified by the commission,
20 to qualify for the ~~teacher~~ EDUCATOR loan forgiveness ~~pitot~~ program, a
21 ~~teacher~~ AN EDUCATOR shall:

22 (a) Graduate from an approved ~~program of~~ EDUCATOR preparation
23 PROGRAM, AS DEFINED IN SECTION 23-1-121, OR, IF THE APPLICANT IS A
24 SPECIAL SERVICES PROVIDER, SATISFY THE SPECIAL SERVICES
25 PREPARATION REQUIREMENTS FOR LICENSURE;

26 (b) Meet licensure requirements pursuant to section 22-60.5-201
27 (1)(b) or (1)(c), SECTION 22-60.5-301 (1)(a) OR (1)(b), or SECTION

1 22-60.5-210; C.R.S.;

2 (c) (I) Demonstrate professional competencies consistent with
3 state board of education rules in the subject matter in which the teacher
4 EDUCATOR obtains a qualified position; or

5 (II) Be fully qualified under a training program approved by a
6 federal court or agency or the state department of education;

7 (d) (f) ~~Contract for the teacher's first year of teaching in a~~
8 ~~qualified position, as defined in section 23-3.9-101, (4)(b), no earlier than~~
9 ~~June 2004 2018 and no later than the end of the 2008-09 2026-27~~
10 ~~academic year; or AND~~

11 (H) ~~If the teacher is not a first-year teacher, contract to teach in a~~
12 ~~qualified position, as defined in section 23-3.9-101 (4)(b), no earlier than~~
13 ~~June 2004 and no later than the end of the 2008-09 academic year; or~~

14 (I) ~~Initially apply to participate in the program and teach in a~~
15 ~~qualified position, as defined in section 23-3.9-101 (4)(a), on or after June~~
16 ~~1, 2005, and no later than the end of the 2012-13 academic year;~~

17 (e) ~~Work at least half-time in a qualified position if employed in~~
18 ~~a rural school district, or, beginning with the fall semester of the 2005-06~~
19 ~~academic year, full-time in a qualified position if employed in a school~~
20 ~~district other than a rural school district; and~~

21 (f) Be liable for an outstanding balance on a collegeinvest
22 QUALIFIED loan. ~~or a loan through a lender with an agreement with~~
23 ~~collegeinvest to offer loans.~~

24 (3) ~~A teacher~~ AN EDUCATOR who qualifies under subsection (2)
25 of this section may be eligible for up to ~~two~~ FIVE thousand dollars in loan
26 forgiveness for the ~~first year of teaching~~ EACH YEAR OF EMPLOYMENT in
27 a qualified position and up to two thousand dollars in loan forgiveness for

1 each of the next three years of teaching in a qualified position FOR UP TO
2 A TOTAL OF FIVE YEARS.

3 (3.5) ~~Notwithstanding the provisions of subsection (3) of this~~
4 ~~section, a teacher who qualifies under subsection (2) of this section;~~
5 ~~initially applies to participate in the program in any of academic years~~
6 ~~2009-10 to 2012-13, and teaches in a high-poverty elementary school in~~
7 ~~a rural school district shall be eligible for up to four thousand dollars in~~
8 ~~loan forgiveness for each of the first two years of teaching in a qualified~~
9 ~~position and up to one thousand dollars in loan forgiveness for each of the~~
10 ~~next two years of teaching in a qualified position.~~

11 (4) ~~If a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
12 loan forgiveness pilot program through employment in a ~~high-poverty~~
13 ~~elementary school in a rural school district~~ QUALIFIED POSITION and in a
14 subsequent academic year the ~~school no longer meets the criteria to be~~
15 ~~classified as a high-poverty elementary school in a rural school district~~
16 POSITION IS NO LONGER IDENTIFIED AS A QUALIFIED POSITION PURSUANT
17 TO SUBSECTION (6) OF THIS SECTION, the ~~teacher~~ EDUCATOR may continue
18 to participate in the ~~teacher~~ EDUCATOR loan forgiveness pilot program if
19 he or she continues to ~~teach at the~~ IN THE same school POSITION IN THE
20 SAME LOCATION OR IN A DIFFERENT POSITION THAT IS A QUALIFIED
21 POSITION.

22 (5) ~~If a teacher~~ AN EDUCATOR qualifies for the ~~teacher~~ EDUCATOR
23 loan forgiveness pilot program through employment in a ~~high-poverty~~
24 ~~elementary school in a rural school district~~ and subsequently transfers to
25 a nonqualifying school POSITION, he or she forfeits participant status
26 under this section.

27 (6) (a) FOR PURPOSES OF DEFINING A "QUALIFIED POSITION"

1 PURSUANT TO SUBSECTION (4) OF THIS SECTION, the department of
2 education shall annually identify: ~~the public schools in the state that~~
3 ~~qualify as high-poverty elementary schools in~~

4 (I) Rural school districts BASED ON THE GEOGRAPHIC SIZE OF THE
5 DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE,
6 URBANIZED AREA;

7 (II) RURAL SCHOOLS, WHICH MAY INCLUDE BUT ARE NOT LIMITED
8 TO INDIVIDUAL SCHOOLS OF A SCHOOL DISTRICT EVEN THOUGH THE
9 SCHOOL DISTRICT AS A WHOLE IS NOT IDENTIFIED AS A RURAL SCHOOL
10 DISTRICT IF THE DEPARTMENT OF EDUCATION DETERMINES THAT, AS A
11 FUNCTION OF GEOGRAPHIC CHARACTERISTICS, THE SCHOOL IS
12 EXPERIENCING EDUCATOR SHORTAGES THAT ARE NOT EXPERIENCED BY
13 OTHER SCHOOLS OF THE SCHOOL DISTRICT.

14 (III) CONTENT SHORTAGE AREAS, WHICH MAY INCLUDE THOSE
15 IDENTIFIED BY THE DEPARTMENT OF HIGHER EDUCATION AND
16 DEPARTMENT OF EDUCATION IN THEIR NOVEMBER 2017 REPORT,
17 "COLORADO'S TEACHER SHORTAGES: ATTRACTING AND RETAINING
18 EXCELLENT EDUCATORS", AS WELL AS OTHER CONTENT SHORTAGE AREAS
19 SPECIFIC TO COLORADO THAT DEVELOP OVER THE COURSE OF THE
20 EDUCATOR LOAN FORGIVENESS PROGRAM. THE DEPARTMENT OF
21 EDUCATION MAY IDENTIFY CONTENT SHORTAGE AREAS GENERALLY AND
22 FOR SPECIFIC GEOGRAPHIC AREAS OF THE STATE.

23 (IV) HARD-TO-FILL EDUCATOR POSITIONS DUE TO GEOGRAPHY OR
24 CONTENT SHORTAGE AREA, OR BOTH.

25 (b) AS PART OF ITS ANNUAL IDENTIFICATION OF RURAL SCHOOLS,
26 SCHOOL DISTRICTS, AND CONTENT SHORTAGE AREAS, THE DEPARTMENT OF
27 EDUCATION SHALL CONSIDER EDUCATION AND COMMUNITY STAKEHOLDER

1 FEEDBACK.

2 SECTION 4. In Colorado Revised Statutes, amend 23-3.9-103
3 as follows:

4 23-3.9-103. Reporting. NOTWITHSTANDING THE PROVISIONS OF
5 SECTION 24-1-136 (11)(a)(I) TO THE CONTRARY, on or before December
6 15, ~~2002~~ 2018, and on or before each December 15 EACH YEAR thereafter
7 IN WHICH AN EDUCATOR IS PARTICIPATING IN THE PROGRAM, the
8 commission shall prepare an annual report that includes, but is not limited
9 to, THE SHORTAGE AREAS IDENTIFIED BY THE DEPARTMENT OF EDUCATION,
10 the number of participants in the program, THE PUBLIC SCHOOLS IN WHICH
11 THE PARTICIPANTS ARE TEACHING, the amount of funds applied toward
12 loan forgiveness and the sources of those funds, AND THE LENGTH OF TIME
13 THE PARTICIPANT HAS REMAINED IN THE PROGRAM AND HAS REMAINED
14 TEACHING IN THE PUBLIC SCHOOL OR WITHIN THE SAME SCHOOL DISTRICT.
15 The commission shall provide notice to the education committees of the
16 senate and the house of representatives that the report is available to the
17 members of the committees upon request.

18 SECTION 5. In Colorado Revised Statutes, amend 23-3.9-104
19 as follows:

20 23-3.9-104. Repeal of article. This article ARTICLE 3.9 is
21 repealed, effective ~~July 1, 2019~~ SEPTEMBER 1, 2030.

22 SECTION 6. Act subject to petition - effective date. This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2018 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.