

## **Guarantees and Protections for Colorado K-12 Public School Teachers**

### ***Association, Freedom of.***

**22-61-102.** “No contract or other employment arrangement executed or made by and between any school district and teacher shall require by inference or otherwise that said teacher become a member of or belong to any group or organization.”

**22-63-206.** Transfer assignments to a different grade, school or subject cannot be made for teachers in any way that discriminates “because of ... membership or nonmembership in any group or organization.”

### ***Compensation.***

**22-32-110.** School boards must reimburse district employees “for expenses incurred in the performance of their duties.”

**22-63-401.** A school district’s salary schedule or teacher compensation policy cannot be selectively applied against any particular teacher, nor can it be changed in the middle of the school year to reduce anyone’s salary.

**22-63-403.** Any teacher who is dismissed prior to the end of her employment contract is entitled to all unpaid *pro rata* salary (exceptions apply).

### ***Employment Contracts.***

**22-63-202.** All teacher employment contracts must be in writing; “If a teacher or chief administrative officer does not accept the terms of the employment contract within thirty days of receipt, the district shall be authorized to open the position to additional candidates.”

### ***Employment Status.***

**22-5-117.** Any teacher transferred from a district to work at a BOCES retains their seniority & tenured status.

**22-63-202.** All “effective” rated non-probationary teachers without a position get priority hiring privileges, including those who are laid off due to structural changes (e.g., turnaround, closures).

**22-63-203.5.** Nonprobationary (tenured) teachers who transfer to another district are guaranteed to keep their status by providing evidence of two years’ effective ratings.

**22-63-205.** Teachers temporarily exchanged with another school district or government agency retain their insurance, retirement and workers’ compensation benefits.

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**22-63-206.** Teachers who enter “an economic work-learn program” retain their salary schedule status and benefits.

**22-68.5-102.** Data collected through the state’s educator identifier system cannot be used to negatively sanction individual teachers.

### ***Insurance.***

**22-32-110.** School boards must provide group health, life, or accident insurance covering all employees; school boards must procure liability insurance to cover the district, board, and all employees thereof.

### ***Job Security.***

**22-63-301.** “No teacher shall be dismissed for temporary illness, leave of absence previously approved by the board, or military leave of absence.”

**22-63-302.** Nonprobationary teacher dismissal proceedings (exceptions are made & rights waived if teacher is convicted or pleads no contest to certain stipulated crimes against children or drug offenses):

- Must be mailed notice of dismissal within 3 days of Board recommendation
- Entitled to object to recommendation and request hearing within 5 days
- Right to jointly choose “impartial hearing officer”
- Cannot be required to pay for any hearing officer expenses
- Right to unilaterally request a private hearing
- Recommendations to retain teacher cannot be made with any conditions attached
- Right to appeal unfavorable decisions directly to court of appeals

### ***Liability.***

*TEACHER AND SCHOOL ADMINISTRATOR PROTECTION ACT (22-12-101 et seq.)*

*\*\* Note: This act does not supersede the provisions of the federal law protecting special-needs students (IDEA)*

**22-12-104.** “An educational entity and its employees are immune from suit for taking an action regarding the supervision, grading, suspension, expulsion, or discipline of a student while the student is on the property of the educational entity or under the supervision of the educational entity or its employees; except that immunity shall not apply if the action is committed willfully and wantonly and violates a statute, rule, or regulation or a clearly articulated policy of the educational entity.”

**22-12-105.** Anyone age 10 to 18 who intentionally makes a false accusation against a teacher shall be subject to fines up to \$2,000.

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**22-12-106.** Teacher defendants are entitled to payment of attorney fees for any frivolous case brought against them.

### ***Miscellaneous.***

**22-32-109.** School boards cannot infringe on teacher's right to reasonably display the American flag.

### ***Nondiscrimination.***

**22-32-110.** School boards cannot discriminate among employees based on "religion, creed, color, sex, sexual orientation, marital status, racial or ethnic background, national origin, ancestry, or participation in community affairs."

**22-63-206.** Transfer assignments to a different grade, school or subject cannot be made for teachers in any way that discriminates "because of sex, sexual orientation, marital status, race, creed, color, religion, national origin, ancestry...."

**22-63-401.** A school district's salary schedule or teacher compensation policy cannot be selectively applied against any particular teacher, nor can it be changed in the middle of the school year to reduce anyone's salary.

### ***Performance Evaluations.***

**22-9-105.5.** Teachers are guaranteed a process of appeal on evaluation ratings of "ineffective."

**22-9-106.** Teachers rated "ineffective" are given a reasonable period of time to address deficiencies identified in their evaluation.

### ***Personal Information, Nondisclosure.***

**24-72-201 et seq.** Colorado Open Records Act excludes "home addresses, telephone numbers, financial information, and other information maintained because of the employer-employee relationship" from disclosure.

### ***Physical Safety.***

**22-3-101 et seq.** School districts are required to provide all teachers of chemistry lab and appropriate vocational activities with appropriate eye protection.

**22-32-109.1.** School boards must provide employee training for incidents to ensure school safety, must protect employees who are victims of student assault or disorderly conduct (including mandatory 3-day suspension).

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### ***Policy and Governance.***

**22-9-105.5.** (SB 191) Four of 15 spots on Governor's Council for Educator Effectiveness reserved for current teachers.

**22-11-301.** Each school district accountability committee (DAC) must be represented by at least one teacher from the district.

**22-11-401.** Each school accountability committee (SAC) must be represented by at least one teacher from the school.

**22-32.5-108.** Any new waiver included on a school or district innovation plan requires affirmative support from a majority of affected teachers.

**22-63-202.** In non-unionized districts (i.e., "without a teachers association"), teacher placement policies are developed by an 8-person committee (including 4 teachers).

### ***Professional Development.***

**22-2-504.** From 2009-10 to 2011-12, CDE provided all teachers who earned National Board of Professional and Teaching Standards certification a \$1,600 stipend.

**22-7-701 et seq.** For the state's Teacher Development Grant fund, school districts must show evidence of teacher involvement in choosing and approving professional development activities.

### ***Unemployment Benefits.***

**8-70-101 et seq.** School district former employees are entitled to the same unemployment insurance benefits as authorized in state law.

### ***Workers' Compensation.***

**8-40-201 et seq.** Teachers and all school district employees are entitled to state workers' compensation benefits as stipulated under the terms of state law.

### ***Workplace Conditions.***

**22-2-503.** Every other year CDE must administer a survey to all public school teachers in order to assess the state of teaching and learning conditions.

Current Colorado Revised Statutes available at <http://www.lexisnexis.com/hottopics/Colorado/>