A BILL FOR AN ACT

CONCERNING AUTHORIZING INSTITUTIONS OF HIGHER EDUCATION TO ENTER INTO EMPLOYMENT CONTRACTS FOR NON-TENURE-TRACK CLASSROOM TEACHERS.

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.)

The bill authorizes each system of higher education and each campus of each state institution of higher education to employ an unlimited number of non-tenure-track classroom teachers under renewable 5-year employment contracts. The employment contract must
include a provision that allows the employing system or campus to
terminate the contract without penalty if the system or campus can
demonstrate financial exigencies and a provision that renders the contract
unenforceable if the employing system or campus ceases to be an
enterprise and does not have sufficient financial reserves to satisfy the
contract.

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

SECTION 1. In Colorado Revised Statutes, 24-19-104, add

(1.5) (d) as follows:

24-19-104. Terms of employment contracts - public inspection.

(1.5) (d) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
SUBSECTION (1) OF THIS SECTION OR PARAGRAPH (a) OF THIS SUBSECTION
(1.5), EACH SYSTEM OF HIGHER EDUCATION AND EACH CAMPUS OF EACH
STATE INSTITUTION OF HIGHER EDUCATION MAY HAVE IN EFFECT AN
UNLIMITED NUMBER OF TERM EMPLOYMENT CONTRACTS OR TERM
EMPLOYMENT CONTRACT EXTENSIONS HAVING A DURATION OF NOT MORE
THAN FIVE YEARS WITH AN UNLIMITED NUMBER OF
GOVERNMENT-SUPPORTED OFFICIALS OR EMPLOYEES IF THE TERM
EMPLOYMENT CONTRACTS OR TERM EMPLOYMENT CONTRACT EXTENSIONS
ARE FOR NON-TENURE-TRACK CLASSROOM TEACHING APPOINTMENTS. A
PERSON EMPLOYED PURSUANT TO A TERM EMPLOYMENT CONTRACT OR
TERM EMPLOYMENT CONTRACT EXTENSION DESCRIBED IN THIS
PARAGRAPH (d) MAY HAVE DUTIES IN ADDITION TO CLASSROOM
TEACHING, AS DESCRIBED IN THE CONTRACT OR CONTRACT EXTENSION. A
TERM EMPLOYMENT CONTRACT OR TERM EMPLOYMENT CONTRACT
EXTENSION EXECUTED PURSUANT TO THIS PARAGRAPH (d) AT A MINIMUM
SHALL INCLUDE:

(I) A PROVISION ALLOWING THE SYSTEM OF HIGHER EDUCATION OR
CAMPUS OF A STATE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE CONTRACT TO TERMINATE THE CONTRACT OR CONTRACT EXTENSION WITHOUT PENALTY IF THE SYSTEM OR CAMPUS DEMONSTRATES FINANCIAL EXIGENCIES, AS DEFINED BY THE GOVERNING POLICIES AND REGULATIONS OF THE SYSTEM OR CAMPUS; AND

(II) A PROVISION STATING THE CONTRACT OR CONTRACT EXTENSION IS UNENFORCEABLE IF, DURING THE TERM OF THE CONTRACT OR CONTRACT EXTENSION, THE SYSTEM OF HIGHER EDUCATION OR CAMPUS OF A STATE INSTITUTION OF HIGHER EDUCATION THAT IS A PARTY TO THE CONTRACT:

(A) CEASES TO BE AN ENTERPRISE, AS DEFINED IN SECTION 20 (2) (d) OF ARTICLE X OF THE STATE CONSTITUTION; AND

(B) LACKS PRESENT CASH RESERVES SUFFICIENT TO PLEDGE IRREVOCABLY TO SATISFY THE TERMS OF THE CONTRACT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.