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

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.
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.

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*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.

<\{Rep. Fischer: would you prefer a safety clause or the 90-day conditional effective date clause?\}>