

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 10-0474.05 Jane Ritter

SENATE BILL 10-191

SENATE SPONSORSHIP

Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel

HOUSE SPONSORSHIP

Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENSURING QUALITY INSTRUCTION THROUGH EDUCATOR**
102 **EFFECTIVENESS (EQUITEE).**

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 creates a strategy based on educator effectiveness to develop greater opportunities for educators and enhance education for students throughout Colorado.

Section 1 makes legislative findings.

Section 2 adds definitions.

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.

SENATE
Amended 3rd Reading
April 30, 2010

SENATE
Amended 2nd Reading
April 29, 2010

Section 3 requires the state board of education (state board) to work with the governor's council for educator effectiveness (council), as created by executive order, to promulgate rules concerning a system to evaluate the effectiveness of educators (system).

Section 4 repeals the state licensed personnel performance evaluation council.

Section 5 references the council and lists additional duties for the council. Among those duties are developing recommendations for the state board regarding teacher evaluations and granting and revoking nonprobationary status. The council is also charged with developing a set of guidelines for establishing levels of effectiveness for different categories of educators, making recommendations regarding career ladders for teachers and principals, and making recommendations concerning a state plan for the equitable distribution of highly effective teachers and principals. If the council fails to make recommendations to the state board by December 31, 2010, the state board shall, on or before March 1, 2011, promulgate rules concerning any of the items concerning which the council was charged to make recommendations.

Section 6 requires a school district board of education or board of cooperative services to meet or exceed the guidelines established by the state board when creating its performance evaluation system. Standards are provided for a school district board of education to use when evaluating principals.

Sections 7 and 10 redefine a probationary teacher as a teacher who has not completed 3 consecutive years of demonstrated effectiveness or a nonprobationary teacher who has had 2 consecutive years of demonstrated ineffectiveness, as defined by rule of the state board.

Sections 8 and 11 require teacher placement by mutual consent of the teacher and the receiving school. Each teacher employment contract shall contain a provision stating that the teacher may be assigned to a particular school only upon the consent of the receiving school. If a teacher is unable to secure a position after 2 hiring cycles, he or she will be placed on unpaid leave without benefits until he or she earns a position, at which time his or her benefits and years of experience will be reinstated.

Section 9 allows demonstrated effectiveness to be a factor in cancelling employment contracts when there is a justifiable decrease in the number of teaching positions.

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

2 **SECTION 1.** 22-9-102, Colorado Revised Statutes, is amended

3 to read:

1 **22-9-102. Legislative declaration.** (1) The general assembly
2 hereby declares that:

3 (a) A system ~~of performance evaluation~~ TO EVALUATE THE
4 EFFECTIVENESS OF LICENSED PERSONNEL is crucial to improving the
5 quality of education in this state and declares that such a system shall be
6 applicable to all licensed personnel in the school districts and boards of
7 cooperative services throughout the state; AND

8 (b) The purposes of the evaluation shall be to:

9 (I) Serve as a basis for the improvement of instruction;

10 (II) ~~to~~ Enhance the implementation of programs of curriculum;

11 (III) ~~to~~ Serve as a measurement of the professional growth and
12 development of licensed personnel;

13 (IV) ~~and to~~ Evaluate the level of performance BASED ON THE
14 EFFECTIVENESS of licensed personnel; AND

15 =

16 (V) PROVIDE A BASIS FOR MAKING DECISIONS IN THE AREAS OF
17 HIRING, COMPENSATION, PROMOTION, ASSIGNMENT, PROFESSIONAL
18 DEVELOPMENT, EARNING AND RETAINING NONPROBATIONARY STATUS,
19 DISMISSAL, AND NONRENEWAL OF CONTRACT.

20 (2) The general assembly further declares that a professionally
21 sound and credible system ~~of~~ TO EVALUATE THE EFFECTIVENESS OF
22 licensed personnel ~~performance evaluation~~ shall be designed with the
23 involvement of licensed personnel and citizens of the school district or
24 board of cooperative services.

25 (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
26 INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC
27 SCHOOLS, ACTING AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL

1 ADMINISTRATORS, ARE KEY TO THE EDUCATIONAL PROGRESS OF THEIR
2 CHILDREN.

3 **SECTION 2.** 22-9-103, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
5 read:

6 **22-9-103. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (1.1) "COUNCIL" MEANS THE STATE COUNCIL FOR EDUCATOR
9 EFFECTIVENESS ESTABLISHED PURSUANT TO SECTION 22-9-105.5. ___

10 (1.4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
11 CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

12 (2.5) "PERFORMANCE STANDARDS" MEANS THE LEVELS OF
13 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO
14 SECTION 22-9-105.5 (4).

15 (2.6) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE
16 CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF
17 A SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES
18 THE EDUCATION PROGRAM IN THE SCHOOL.

19 (2.7) "QUALITY STANDARDS" MEANS THE ELEMENTS AND CRITERIA
20 ESTABLISHED TO MEASURE EFFECTIVENESS AS ESTABLISHED BY RULE OF
21 THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4).

22 (3.5) "PRINCIPAL DEVELOPMENT PLAN" MEANS A WRITTEN
23 AGREEMENT DEVELOPED BY A PRINCIPAL AND DISTRICT ADMINISTRATION
24 THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE PRINCIPAL'S
25 EFFECTIVENESS. THE PRINCIPAL DEVELOPMENT PLAN SHALL INCLUDE
26 PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

27 (5) "TEACHER DEVELOPMENT PLAN" MEANS A WRITTEN

1 AGREEMENT MUTUALLY DEVELOPED BY A TEACHER AND HIS OR HER
2 PRINCIPAL THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE
3 TEACHER'S EFFECTIVENESS. THE TEACHER DEVELOPMENT PLAN MAY
4 INCLUDE BUT NEED NOT BE LIMITED TO CONSIDERATION OF INDUCTION
5 AND MENTORSHIP PROGRAMS, USE OF HIGHLY EFFECTIVE TEACHERS AS
6 INSTRUCTIONAL LEADERS OR COACHES, AND APPROPRIATE PROFESSIONAL
7 DEVELOPMENT ACTIVITIES.

8 (6) "TEACHER" MEANS A PERSON WHO HOLDS AN ALTERNATIVE,
9 INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE
10 PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED BY A
11 SCHOOL DISTRICT OR A CHARTER SCHOOL IN THE STATE TO INSTRUCT,
12 DIRECT, OR SUPERVISE AN EDUCATION PROGRAM.

13 **SECTION 3.** 22-9-104 (2) (c) and (2) (d), Colorado Revised
14 Statutes, are amended, and the said 22-9-104 (2) is further amended BY
15 THE ADDITION OF A NEW PARAGRAPH, to read:

16 **22-9-104. State board - powers and duties - rules.** (2) The
17 state board shall:

18 (c) ~~Consult with the state licensed personnel performance~~
19 ~~evaluation council created in section 22-9-105 with regard to the~~
20 ~~guidelines relating to~~ PURSUANT TO SECTION 22-9-105.5, WORK WITH THE
21 COUNCIL TO PROMULGATE RULES CONCERNING the planning, development,
22 implementation, and assessment of A SYSTEM TO EVALUATE THE
23 EFFECTIVENESS OF licensed personnel; ~~performance evaluation systems;~~
24 ~~and~~

25 (d) Review school district and board of cooperative services
26 processes and procedures for licensed personnel performance evaluation
27 systems to assure that such systems are professionally sound; ~~and~~ will

1 result in a fair, adequate, and credible evaluation; AND WILL SATISFY
2 QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE,
3 DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF
4 COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF
5 THIS ARTICLE; AND

6 (f) (I) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD,
7 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
8 4 OF TITLE 24, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE
9 ISSUES SPECIFIED IN SECTION 22-9-105.5 (3) USING THE
10 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
11 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
12 REGARD TO ONE OR MORE OF THE ISSUES SPECIFIED IN SECTION 22-9-105.5
13 (3), THE STATE BOARD, ON OR BEFORE SEPTEMBER 1, 2011, SHALL
14 PROMULGATE RULES CONCERNING ANY ISSUES IN SECTION 22-9-105.5 (3)
15 THAT THE COUNCIL DID NOT ADDRESS. IN PROMULGATING RULES
16 PURSUANT TO THIS PARAGRAPH (f), THE STATE BOARD SHALL CONFORM TO
17 THE TIMELINE SET FORTH IN SECTION 22-9-105.5.

18 (II) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
19 PROMULGATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),
20 IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
21 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
22 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
23 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL
24 ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES IN THE
25 RULES PROMULGATED BY THE STATE BOARD.

26 **SECTION 4. Repeal.** 22-9-105, Colorado Revised Statutes, is
27 repealed as follows:

1 **22-9-105. State licensed personnel performance evaluation**
2 **council created - duties.** ~~(1) The state board shall appoint an advisory~~
3 ~~state licensed personnel performance evaluation council, which shall~~
4 ~~consist of the following members: Seven licensed personnel, each from~~
5 ~~a different school district, four of whom shall be teachers; three citizens,~~
6 ~~each from a different school district; a representative from an existing~~
7 ~~council whose members are deans of education; and one member from the~~
8 ~~department of education. The council shall elect its chair. No more than~~
9 ~~six members shall belong to any one political party.~~

10 ~~(2) Said council shall meet regularly and shall report to the state~~
11 ~~board on the planning and development of and on the professional~~
12 ~~quality, credibility, implementation, and assessment of licensed personnel~~
13 ~~performance evaluation systems and their processes and procedures.~~

14 ~~(3) (a) (I) Each school district and board of cooperative services~~
15 ~~shall submit to the state board or to the state licensed personnel~~
16 ~~performance evaluation council such information or data concerning said~~
17 ~~district's or board's licensed personnel performance evaluation system and~~
18 ~~its processes and procedures as may be requested by the state board or~~
19 ~~such council.~~

20 ~~(H) Repealed.~~

21 ~~(b) Repealed.~~

22 ~~(4) Repealed.~~

23 **SECTION 5.** Article 9 of title 22, Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW SECTION to read:

25 **22-9-105.5. State council for educator effectiveness -**
26 **legislative declaration - membership - duties - recommendations -**
27 **rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

1 (a) ON JANUARY 13, 2010, THE GOVERNOR ESTABLISHED BY
2 EXECUTIVE ORDER THE GOVERNOR'S COUNCIL FOR EDUCATOR
3 EFFECTIVENESS;

4 (b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG
5 OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING
6 RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND
7 DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND
8 TEACHER EFFECTIVENESS; AND

9 (c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
10 IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO
11 TO CODIFY IN STATUTE THE GOVERNOR'S COUNCIL FOR EDUCATOR
12 EFFECTIVENESS BECAUSE OF THE SIGNIFICANT ADDITIONAL STATUTORY
13 DUTIES AND RESPONSIBILITIES THAT THE GENERAL ASSEMBLY IS
14 ASSIGNING TO SAID COUNCIL.

15 (2) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
16 GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS,
17 REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".

18 (b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR
19 EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL
20 SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL
21 INCLUDE:

22 (I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

23 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
24 EDUCATION, OR HIS OR HER DESIGNEE;

25 (III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF A STATE
26 ASSOCIATION THAT REPRESENTS EDUCATORS;

27 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL

1 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
2 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

3 (V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH
4 THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL BOARDS;

5 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
6 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
7 SCHOOLS;

8 (VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH
9 THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;

10 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
11 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
12 STUDENT COALITION; AND

13 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
14 POLICY.

15 (c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF
16 THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED
17 BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE
18 RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY
19 THAT SEEK TO ENSURE THAT ALL LICENSED PERSONNEL ARE:

20 (I) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
21 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
22 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THEIR
23 STUDENTS;

24 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE THEIR
25 EFFECTIVENESS; AND

26 (III) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
27 OTHER EDUCATORS THROUGHOUT THE STATE.

1 (3) THE COUNCIL SHALL HAVE THE FOLLOWING DUTIES:
2 (a) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
3 WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY TEACHER IS
4 EVALUATED USING MULTIPLE FAIR, ___ TRANSPARENT, TIMELY, RIGOROUS,
5 AND VALID METHODS. THE RECOMMENDATIONS DEVELOPED PURSUANT TO
6 THIS PARAGRAPH (a) SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF
7 THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE
8 TEACHER'S STUDENTS AND THAT EACH TEACHER IS PROVIDED WITH AN
9 OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS THROUGH A
10 TEACHER DEVELOPMENT PLAN THAT LINKS HIS OR HER EVALUATION AND
11 PERFORMANCE STANDARDS TO PROFESSIONAL DEVELOPMENT
12 OPPORTUNITIES. THE QUALITY STANDARDS FOR ___ TEACHERS SHALL
13 INCLUDE ___ MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH
14 THAT ARE CONSISTENT WITH THE MEASURES SET FORTH IN SECTION
15 22-11-204(2) AND SHALL INCLUDE STATEWIDE SUMMATIVE ASSESSMENTS
16 AND SHALL INCLUDE INTERIM ASSESSMENT RESULTS OR EVIDENCE OF
17 STUDENT WORK, PROVIDED THAT ALL ARE RIGOROUS AND COMPARABLE
18 ACROSS CLASSROOMS AND ALIGNED WITH STATE MODEL CONTENT
19 STANDARDS AND PERFORMANCE STANDARDS DEVELOPED PURSUANT TO
20 ARTICLE 7 OF TITLE 22. FOR THE PURPOSES OF QUALITY STANDARDS,
21 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
22 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
23 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
24 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
25 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
26 (1.5). THE QUALITY STANDARDS FOR TEACHERS SHALL BE CLEAR AND
27 RELEVANT TO THE TEACHER'S ROLES AND RESPONSIBILITIES AND SHALL

1 HAVE THE GOAL OF IMPROVING STUDENT ACADEMIC GROWTH. THE
2 COUNCIL SHALL INCLUDE IN ITS RECOMMENDATIONS A DEFINITION OF
3 EFFECTIVENESS AND ITS RELATION TO QUALITY STANDARDS. THE
4 DEFINITION OF EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED
5 TO, CRITERIA THAT WILL BE USED TO DIFFERENTIATE BETWEEN
6 PERFORMANCE STANDARDS. THE DEFINED PERFORMANCE STANDARDS
7 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, "HIGHLY EFFECTIVE",
8 "EFFECTIVE", AND "INEFFECTIVE". THE COUNCIL SHALL CONSIDER
9 WHETHER ADDITIONAL PERFORMANCE STANDARDS SHOULD BE
10 ESTABLISHED.

11 (a.5) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE
12 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY
13 PRINCIPAL IS EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
14 RIGOROUS, AND VALID METHODS. THE RECOMMENDATIONS PURSUANT TO
15 THIS PARAGRAPH (a.5) SHALL REQUIRE THAT EVERY PRINCIPAL IS
16 PROVIDED WITH A PRINCIPAL DEVELOPMENT PLAN.

17 (b) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
18 WITH RECOMMENDATIONS CONCERNING THE IMPLEMENTATION AND
19 TESTING OF THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED
20 ON QUALITY STANDARDS AND WITH RECOMMENDATIONS FOR THE
21 SUBSEQUENT STATEWIDE IMPLEMENTATION OF THE NEW PERFORMANCE
22 EVALUATION SYSTEM. THE RECOMMENDATIONS MADE PURSUANT TO THIS
23 PARAGRAPH (b) SHALL CONFORM TO THE TIMELINE SET FORTH IN
24 SUBSECTION (3) OF THIS SECTION.

25 (b.5) ON OR BEFORE MARCH 1, 2011, TO MAKE
26 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE
27 INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC

1 SCHOOLS, TO THE EFFECT THAT PARENTS SHOULD ACT AS PARTNERS WITH
2 TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS;

3 (c) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE ___ STATE
4 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE DEVELOPMENT OF
5 A SET OF GUIDELINES FOR ESTABLISHING PERFORMANCE STANDARDS FOR
6 EACH CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED PURSUANT
7 TO THIS ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE
8 APPLIED IN ASSIGNING EDUCATORS TO APPROPRIATE PERFORMANCE
9 STANDARDS, WHICH SHALL INCLUDE MEASURES OF STUDENT
10 LONGITUDINAL ACADEMIC GROWTH.

11 (d) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
12 TO THE STATE BOARD STATEWIDE DEFINITIONS OF PRINCIPAL
13 EFFECTIVENESS AND TEACHER EFFECTIVENESS, EACH OF WHICH SHALL BE
14 CENTERED ON AN EDUCATOR'S DEMONSTRATED ABILITY TO ACHIEVE AND
15 SUSTAIN ADEQUATE STUDENT GROWTH AND SHALL INCLUDE A SET OF
16 PROFESSIONAL SKILLS AND COMPETENCIES RELATED TO IMPROVED
17 STUDENT OUTCOMES;

18 (e) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
19 TO THE STATE BOARD GUIDELINES FOR ADEQUATE IMPLEMENTATION OF A
20 HIGH-QUALITY EDUCATOR EVALUATION SYSTEM THAT SHALL ADDRESS, AT
21 A MINIMUM, THE FOLLOWING ISSUES:

22 (I) ONGOING TRAINING ON THE USE OF THE SYSTEM THAT IS
23 SUFFICIENT TO ENSURE THAT ALL EVALUATORS AND EDUCATORS HAVE A
24 FULL UNDERSTANDING OF THE EVALUATION SYSTEM AND ITS
25 IMPLEMENTATION. THE TRAINING MAY INCLUDE SUCH ACTIVITIES AS
26 CONDUCTING JOINT TRAINING SESSIONS FOR EVALUATORS AND
27 EDUCATORS.

1 (II) EVALUATION RESULTS THAT ARE NORMED TO ENSURE
2 CONSISTENCY AND FAIRNESS;

3 (III) EVALUATION RUBRICS AND TOOLS THAT ARE DEEMED FAIR,
4 TRANSPARENT, RIGOROUS, AND VALID;

5 (IV) EVALUATIONS THAT ARE CONDUCTED USING SUFFICIENT TIME
6 AND FREQUENCY, AT LEAST ANNUALLY, TO GATHER SUFFICIENT DATA
7 UPON WHICH TO BASE THE RATINGS CONTAINED IN AN EVALUATION;

8 (V) PROVISION OF ADEQUATE TRAINING AND COLLABORATIVE TIME
9 TO ENSURE THAT EDUCATORS FULLY UNDERSTAND AND HAVE THE
10 RESOURCES TO RESPOND TO STUDENT ACADEMIC GROWTH DATA; AND

11 (VI) STUDENT DATA THAT IS MONITORED AT LEAST ANNUALLY TO
12 ENSURE THE CORRELATION BETWEEN STUDENT ACADEMIC GROWTH AND
13 OUTCOMES WITH EDUCATOR EFFECTIVENESS RATINGS;

14 (f) ON OR BEFORE MARCH 1, 2011, TO ADOPT AND RECOMMEND TO
15 THE STATE BOARD A RUBRIC FOR IDENTIFYING MULTIPLE ADDITIONAL
16 QUALITY STANDARDS, IN ADDITION TO STUDENT ACADEMIC GROWTH, THAT
17 ARE RIGOROUS, TRANSPARENT, VALID, AND FAIR;

18 (g) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
19 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
20 SUPPORT LOCAL SCHOOL DISTRICTS' USE OF EVALUATION DATA FOR
21 DECISIONS IN AREAS SUCH AS COMPENSATION, PROMOTION, RETENTION,
22 REMOVAL, AND PROFESSIONAL DEVELOPMENT; AND

23 (h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
24 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
25 ENSURE THAT THE STANDARDS AND CRITERIA APPLICABLE TO TEACHER
26 AND PRINCIPAL LICENSURE AND THE ACCREDITATION OF PREPARATION
27 PROGRAMS ARE DIRECTLY ALIGNED WITH AND SUPPORT THE PREPARATION

1 AND LICENSURE OF EFFECTIVE EDUCATORS.

2 (i) ON OR BEFORE JULY 1, 2013, AND JULY 1 EACH YEAR
3 THEREAFTER DURING THE IMPLEMENTATION OF THE PERFORMANCE
4 EVALUATION SYSTEM, THE DEPARTMENT SHALL REPORT TO THE COUNCIL
5 THE RESULTS OF THE IMPLEMENTATION AND TESTING OF THE
6 PERFORMANCE EVALUATION SYSTEM. BASED ON THE RESULTS OF THE
7 REPORTS, THE COUNCIL MAY MAKE ADDITIONAL RECOMMENDATIONS TO
8 BE INCORPORATED IN THE FOLLOWING STAGE OF IMPLEMENTATION.

9 (j) THE COUNCIL SHALL DEVELOP AN IMPLEMENTATION PLAN FOR
10 ITS RECOMMENDATIONS AND WILL IDENTIFY TASKS AND THE ASSOCIATED
11 COSTS AT THE STATE AND DISTRICT LEVELS. THE RECOMMENDATIONS
12 SHALL INCLUDE AN IMPLEMENTATION COST ANALYSIS, INCLUDING
13 ASSESSMENT CHANGES, ASSESSMENT PILOT STUDY, STAFF TRAINING,
14 RESEARCH, DATA REVIEW, AND ANY OTHER TASKS INCLUDED IN THE
15 COUNCIL'S RECOMMENDATIONS. IT IS INCUMBENT ON THE COUNCIL TO
16 CONSULT WITH A GROUP OF EXPERT PRACTITIONERS FAMILIAR WITH
17 SCHOOL FINANCE AND TO REPORT BY MARCH 1, 2011, ON THE COSTS TO
18 IMPLEMENT THE COUNCIL'S RECOMMENDATIONS.

19 (3.5) THE RECOMMENDATIONS MADE BY THE COUNCIL TO THE
20 STATE BOARD PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS
21 VOTE. FOR ANY ISSUE THAT THE COUNCIL WAS UNABLE TO REACH A
22 CONSENSUS, THE COUNCIL SHALL PROVIDE TO THE STATE BOARD THE
23 REASONS IT WAS UNABLE TO REACH A CONSENSUS.

24 (4) THE COUNCIL'S RECOMMENDATIONS SHALL CONSIST, AT A
25 MINIMUM, OF RECOMMENDATIONS THAT ARE APPLICABLE TO SCHOOL
26 PRINCIPALS AND TEACHERS.

27 (5) THE COUNCIL'S RECOMMENDATIONS MAY INCLUDE CHANGES

1 TO EXISTING STATUTES OR RULES, IF APPROPRIATE, AS WELL AS
2 RECOMMENDATIONS FOR LOCAL IMPLEMENTATION.

3 (6) IN MAKING ITS RECOMMENDATIONS, THE COUNCIL SHALL
4 INCLUDE THE EFFECT OF DISTRICT- AND SCHOOL-LEVEL CONDITIONS, AS
5 MEASURED BY THE NINE PERFORMANCE STANDARDS SET FORTH IN THE
6 COMPREHENSIVE APPRAISAL FOR THE DISTRICT IMPROVEMENT RUBRIC AND
7 BIANNUAL TEACHING, EMPOWERING, LEADING, AND LEARNING INITIATIVE
8 SURVEY OF SCHOOL WORKING CONDITIONS, AS WELL AS ANY ADDITIONAL
9 METHODS OF ASSESSING SUCH CONDITIONS IDENTIFIED BY THE COUNCIL AS
10 VALID, TRANSPARENT, AND RELIABLE.

11 (7) THE COUNCIL MAY ESTABLISH WORKING GROUPS, TASK
12 FORCES, OR OTHER STRUCTURES FROM WITHIN ITS MEMBERSHIP OR
13 OUTSIDE ITS MEMBERSHIP AS NEEDED TO ADDRESS SPECIFIC ISSUES OR TO
14 ASSIST IN ITS WORK.

15 (8) ALL RECOMMENDATIONS MADE BY THE COUNCIL PURSUANT TO
16 THIS SECTION SHALL REFLECT A CONSENSUS OF ITS MEMBERS.

17 (9) UNLESS OTHERWISE PROVIDED FOR, THE OFFICE OF THE
18 GOVERNOR AND THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH THE
19 SUPPORT, INFORMATION, DATA, ANALYTICAL INFORMATION, AND
20 ADMINISTRATIVE SUPPORT NECESSARY TO DO ITS WORK.

21 (10) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD
22 SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
23 PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, USING THE
24 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
25 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
26 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (h) OF
27 SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE

1 SEPTEMBER 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN
2 SAID PARAGRAPHS (a) TO (h) THAT THE COUNCIL DID NOT ADDRESS. IN
3 PROMULGATING RULES PURSUANT TO THIS SUBSECTION (10), THE STATE
4 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

5 (I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE
6 DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF
7 COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF
8 PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON QUALITY
9 STANDARDS.

10 (II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL
11 PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED
12 PURSUANT TO THIS SUBSECTION (10). ON OR BEFORE FEBRUARY 15, 2012,
13 THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS
14 PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (10).

15 (III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE
16 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
17 THIS SUBSECTION (10), THE NEW PERFORMANCE EVALUATION SYSTEM
18 THAT IS BASED ON QUALITY STANDARDS SHALL BE IMPLEMENTED AND
19 TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b)
20 OF SUBSECTION (3) OF THIS SECTION.

21 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
22 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
23 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST LEVEL
24 OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
25 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY
26 STANDARDS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
27 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF

1 SUBSECTION (3) OF THIS SECTION.

2 (B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE
3 EVALUATED BASED ON QUALITY STANDARDS. DEMONSTRATED
4 EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE CONSIDERED IN
5 THE ACQUISITION OF PROBATIONARY OR NONPROBATIONARY STATUS.

6 (V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE
7 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
8 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST AND
9 SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014
10 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS
11 BASED ON QUALITY STANDARDS SHALL BE FINALIZED ON A STATEWIDE
12 BASIS.

13 (B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL
14 CONTINUE TO BE EVALUATED BASED ON QUALITY STANDARDS.
15 DEMONSTRATED EFFECTIVENESS OR INEFFECTIVENESS SHALL BE
16 CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR
17 NONPROBATIONARY STATUS.

18 (b) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
19 PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) IN
20 A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
21 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
22 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
23 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL
24 ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES
25 CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD.

26 (11) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
27 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF

1 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
2 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT
3 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
4 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.
5 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
6 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
7 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
8 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
9 AND ONGOING EXPERIENCE IN COLORADO.

10 (12) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
11 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN
12 RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND,
13 CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY
14 AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE
15 PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT
16 TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING
17 AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER
18 AVAILABLE IN THE TEACHER EFFECTIVENESS EVALUATION FUND. ALL
19 POSITION DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED
20 PURSUANT TO THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION
21 IS SUBJECT TO AVAILABLE FUNDING.

22 **SECTION 6.** Article 9 of title 22, Colorado Revised Statutes, is
23 amended BY THE ADDITION OF A NEW SECTION to read:

24 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
25 **grants, and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
26 ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS
27 FOR THE IMPLEMENTATION OF SECTION 22-9-105.5; EXCEPT THAT THE

1 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
2 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW
3 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
4 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
5 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GREAT
6 TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND
7 REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE
8 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND
9 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

10 (2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
11 OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS
12 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
13 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
14 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
15 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
16 THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
17 FUND OR ANOTHER FUND.

18 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
19 THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE
20 FUND.

21 **SECTION 7.** The introductory portion to 22-9-106 (1) and
22 22-9-106 (1) (c), ___ (I) (d) (V), (1) (e), (2.5), (3.5), (4) (a), and (4.5),
23 Colorado Revised Statutes, are amended, and the said 22-9-106 is further
24 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25 **22-9-106. Local boards of education - duties - performance**
26 **evaluation system - repeal.** (1) All school districts and boards of
27 cooperative services that employ licensed personnel, as defined in section

1 22-9-103 (1.5), shall adopt a written system to evaluate the employment
2 performance of school district and board of cooperative services licensed
3 personnel, including all teachers, principals, and administrators, with the
4 exception of licensed personnel employed by a board of cooperative
5 services for a period of six weeks or less. In developing the licensed
6 personnel performance evaluation system and any amendments thereto,
7 the local board and board of cooperative services shall consult with
8 administrators, principals, and teachers employed within the district or
9 participating districts in a board of cooperative services, parents, and the
10 school district licensed personnel performance evaluation council or the
11 board of cooperative services personnel performance evaluation council
12 created pursuant to section 22-9-107. The performance evaluation system
13 shall ADDRESS ALL OF THE PERFORMANCE STANDARDS ESTABLISHED BY
14 RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY
15 PURSUANT TO SECTION 22-9-105.5, AND SHALL contain, but shall NEED not
16 be limited to, the following information:

17 (c) The frequency and duration of the evaluations, which shall be
18 on a regular basis and of such frequency and duration as to ensure the
19 collection of a sufficient amount of data from which reliable conclusions
20 and findings may be drawn. At a minimum, the performance evaluation
21 system shall ensure that:

22 (I) Probationary teachers receive at least two documented
23 observations and one evaluation that results in a written evaluation report
24 pursuant to subsection (3) of this section each academic year;

25 (II) Nonprobationary teachers receive at least one observation
26 each year and one evaluation that results in a written evaluation report
27 pursuant to subsection (3) of this section ~~every three years~~ EACH

1 ACADEMIC YEAR ACCORDING TO THE PERFORMANCE STANDARDS _____
2 ESTABLISHED BY RULE OF THE STATE BOARD AND ADOPTED BY THE
3 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5; AND

4 (III) Principals ~~who are in their first three years of employment as~~
5 ~~principals~~ SHALL receive one evaluation that results in a written
6 evaluation report pursuant to subsection (3) of this section each academic
7 year ~~and~~ ACCORDING TO THE PERFORMANCE STANDARDS _____ ESTABLISHED
8 BY RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY
9 PURSUANT TO SECTION 22-9-105.5.

10 (IV) ~~Principals who are in their fourth or subsequent years of~~
11 ~~employment as principals~~ receive at least one evaluation that results in a
12 ~~written evaluation report pursuant to subsection (3) of this section every~~
13 ~~three academic years.~~

14 (d) The purposes of the evaluation, which shall include but need
15 not be limited to:

- 16 _____
- 17 _____

18 (V) (A) Measuring the level of performance of all licensed
19 personnel within the school district or employed by a board of
20 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
21 EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
22 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
23 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
24 SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
25 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
26 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
27 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1

1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

2 (B) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED
3 PERSONNEL WITHIN THE SCHOOL DISTRICT. THIS SUB-SUBPARAGRAPH
4 (B) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION
5 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS
6 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT
7 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
8 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
9 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
10 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
11 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

12 (e) (I) The standards set by the local board for satisfactory
13 performance for licensed personnel and the criteria to be used to
14 determine whether the performance of each licensed person meets such
15 standards and other criteria for evaluation for each licensed personnel
16 position evaluated. One of the standards for measuring teacher
17 performance shall be directly related to classroom instruction and shall
18 include multiple measures of student performance. The performance
19 evaluation system shall also ensure that the standards and criteria are
20 available in writing to all licensed personnel and are communicated and
21 discussed by the person being evaluated and the evaluator prior to and
22 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS REPEALED
23 AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON
24 QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE
25 RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
26 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND
27 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE

1 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
2 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
3 IMPLEMENTATION OCCURS.

4 (II) THE STANDARDS SET BY THE LOCAL BOARD FOR EFFECTIVE
5 PERFORMANCE FOR LICENSED PERSONNEL AND THE CRITERIA TO BE USED
6 TO DETERMINE WHETHER THE PERFORMANCE OF EACH LICENSED PERSON
7 MEETS SUCH STANDARDS AND OTHER CRITERIA FOR EVALUATION FOR
8 EACH LICENSED PERSONNEL POSITION EVALUATED. ONE OF THE
9 STANDARDS FOR MEASURING TEACHER EFFECTIVENESS SHALL BE
10 DIRECTLY RELATED TO CLASSROOM INSTRUCTION AND SHALL REQUIRE
11 THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE
12 ACADEMIC GROWTH OF THE TEACHER'S STUDENTS. THE DISTRICT
13 ACCOUNTABILITY COMMITTEE SHALL PROVIDE INPUT AND
14 RECOMMENDATIONS CONCERNING THE ASSESSMENT TOOLS USED TO
15 MEASURE STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER
16 EVALUATIONS. THE STANDARDS SHALL INCLUDE MULTIPLE MEASURES OF
17 STUDENT PERFORMANCE IN CONJUNCTION WITH STUDENT GROWTH
18 EXPECTATIONS. FOR THE PURPOSES OF MEASURING EFFECTIVENESS,
19 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
20 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
21 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
22 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
23 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
24 (1.5). THE PERFORMANCE EVALUATION SYSTEM SHALL ALSO ENSURE THAT
25 THE STANDARDS AND CRITERIA ARE AVAILABLE IN WRITING TO ALL
26 LICENSED PERSONNEL AND ARE COMMUNICATED AND DISCUSSED BY THE
27 PERSON BEING EVALUATED AND THE EVALUATOR PRIOR TO AND DURING

1 THE COURSE OF THE EVALUATION. THIS SUBPARAGRAPH (II) SHALL TAKE
2 EFFECT ___ AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
3 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
4 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
5 SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
6 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
7 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
8 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
9 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

10 (2.5) (a) The council shall actively participate with the local board
11 or board of cooperative services in developing written standards for
12 evaluation that clearly specify satisfactory performance and the criteria
13 to be used to determine whether the performance of each licensed person
14 meets such standards pursuant to paragraph (e) of subsection (1) of this
15 section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE ___ AT SUCH TIME
16 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
17 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
18 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
19 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
20 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
21 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
22 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
23 IMPLEMENTATION OCCURS.

24 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
25 BOARD ___ IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT
26 CLEARLY SPECIFY PERFORMANCE STANDARDS ___ AND THE QUALITY
27 STANDARDS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER THE

1 PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS
2 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS
3 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
4 EVALUATION SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED
5 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE
6 BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL
7 PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE.
8 THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO
9 THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY
10 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

11 (3.5) (a) A teacher or principal whose performance is deemed to
12 be unsatisfactory pursuant to paragraph (e) of subsection (1) of this
13 section shall be given notice of deficiencies. A remediation plan to
14 correct ~~said~~ THE deficiencies shall be developed by the district or the
15 board of cooperative services and the teacher or principal AND SHALL
16 INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE
17 INTENDED TO HELP THE TEACHER OR PRINCIPAL TO ACHIEVE AN EFFECTIVE
18 RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION. The teacher or
19 principal shall be given a reasonable period of time to remediate the
20 deficiencies and shall receive a statement of the resources and assistance
21 available for the purposes of correcting the performance or the
22 deficiencies. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE AT SUCH
23 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
24 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
25 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
26 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
27 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE

1 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
2 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
3 IMPLEMENTATION OCCURS.

4 (b) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED TO
5 BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS
6 SECTION SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE
7 EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE
8 DOCUMENTATION RELIED UPON IN MEASURING THE LICENSED PERSONNEL'S
9 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL
10 DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO
11 OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO
12 APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT
13 PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE
14 BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL
15 ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF
16 INEFFECTIVENESS TO THE SUPERINTENDENT OR HIS OR HER DESIGNEE OF
17 THE SCHOOL DISTRICT AND SHALL PLACE THE BURDEN UPON THE
18 NONPROBATIONARY TEACHER TO DEMONSTRATE THAT A RATING OF
19 EFFECTIVENESS WAS APPROPRIATE. THE SUPERINTENDENT'S DESIGNEE
20 SHALL NOT BE THE PRINCIPAL WHO CONDUCTED THE EVALUATION. A
21 REMEDIATION PLAN TO CORRECT THE DEFICIENCIES SHALL BE DEVELOPED
22 BY THE DISTRICT OR THE BOARD OF COOPERATIVE SERVICES AND
23 SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE
24 INTENDED TO HELP THE TEACHER OR PRINCIPAL TO ACHIEVE AN EFFECTIVE
25 RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION. THE TEACHER
26 OR PRINCIPAL SHALL BE GIVEN A REASONABLE PERIOD OF TIME TO
27 REMEDIATE THE DEFICIENCIES AND SHALL RECEIVE A STATEMENT OF THE

1 RESOURCES AND ASSISTANCE AVAILABLE FOR THE PURPOSE OF IMPROVING
2 EFFECTIVENESS. THIS PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME
3 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
4 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
5 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
6 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
7 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
8 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
9 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
10 IMPLEMENTATION OCCURS.

11 (4) (a) Except as provided in paragraph (b) of this subsection (4),
12 no person shall be responsible for the evaluation of licensed personnel
13 unless ~~such~~ THE person has a principal or administrator license issued
14 pursuant to article 60.5 of this title OR IS A DESIGNEE OF A PERSON WITH
15 A PRINCIPAL OR ADMINISTRATOR LICENSE and has received education and
16 training in evaluation skills approved by the department of education that
17 will enable him or her to make fair, professional, and credible evaluations
18 of the personnel whom he or she is responsible for evaluating. No person
19 shall be issued a principal or administrator license or have a principal or
20 administrator license renewed unless the state board determines that such
21 person has received education and training approved by the department
22 of education.

23 (4.5) (a) Any person whose performance evaluation includes a
24 remediation plan shall be given an opportunity to improve his or her
25 performance through the implementation of the plan. If the next
26 performance evaluation shows that the person is performing satisfactorily,
27 no further action shall be taken concerning the original performance

1 evaluation. If ~~such~~ THE evaluation shows the person is still not
2 performing satisfactorily, the evaluator shall either make additional
3 recommendations for improvement or may recommend the dismissal of
4 the person, which dismissal shall be in accordance with the provisions of
5 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS
6 REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION
7 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS
8 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT
9 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
10 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
11 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
12 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
13 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

14 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A
15 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
16 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE
17 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
18 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
19 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
20 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
21 HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
22 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
23 THE DOCUMENTATION RELIED UPON IN MEASURING THE PERSON'S
24 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL
25 DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO
26 OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO
27 APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT

1 PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE
2 BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL
3 ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF
4 INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND
5 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
6 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE
7 APPEAL PROCESS SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE
8 NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS
9 OF NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION
10 REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR A PERSON
11 WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, THE EVALUATOR
12 SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS FOR IMPROVEMENT
13 OR MAY RECOMMEND THE DISMISSAL OF THE PERSON, WHICH DISMISSAL
14 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 63 OF THIS
15 TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH (b) SHALL TAKE
16 EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED
17 ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND
18 THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
19 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND
20 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
21 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
22 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
23 IMPLEMENTATION OCCURS. ___

24 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
25 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
26 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
27 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS

1 DETERMINED BY THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED
2 IN THE PRINCIPAL'S SCHOOL. FOR PRINCIPALS, THE QUALITY
3 STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

4 (a) ACHIEVEMENT AND ACADEMIC GROWTH FOR THOSE STUDENTS
5 ENROLLED IN THE PRINCIPAL'S SCHOOL, AS MEASURED BY THE COLORADO
6 GROWTH MODEL SET FORTH IN SECTION 22-11-202;

7 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
8 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
9 EFFECTIVE; AND

10 (c) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
11 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS INEFFECTIVE BUT ARE
12 IMPROVING IN EFFECTIVENESS.

13 **SECTION 8. 22-11-302 (1), Colorado Revised Statutes, is**
14 **amended by THE ADDITION OF THE FOLLOWING NEW**
15 **PARAGRAPHS to read:**

16 **22-11-302. School district accountability committees - powers and**
17 **duties. (1) Each school district accountability committee shall have the**
18 **following powers and duties:**

19 **(d) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY**
20 **BASIS TO PRINCIPALS CONCERNING THE DEVELOPMENT AND USE OF**
21 **ASSESSMENT TOOLS USED FOR THE PURPOSE OF MEASURING AND**
22 **EVALUATING STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER**
23 **EVALUATIONS.**

24 **(e) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE**
25 **PRINCIPAL'S SCHOOL SHALL PROVIDE INPUT AND RECOMMENDATIONS TO**
26 **THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT**
27 **ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.**

1 **SECTION 9.** 22-11-402 (1), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3 **22-11-402. School accountability committee - powers and**
4 **duties - meetings.** (1) Each school accountability committee shall have
5 the following powers and duties:

6 (e) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY
7 BASIS TO DISTRICT ACCOUNTABILITY COMMITTEES AND DISTRICT
8 ADMINISTRATION CONCERNING:

9 (I) PRINCIPAL DEVELOPMENT PLANS FOR THEIR PRINCIPAL
10 PURSUANT TO SECTION 22-9-106; AND

11 (II) PRINCIPAL EVALUATIONS CONDUCTED PURSUANT TO SECTION
12 22-9-106.

13 **SECTION 10.** 22-63-103 (7), Colorado Revised Statutes, is
14 amended to read:

15 **22-63-103. Definitions.** As used in this article, unless the context
16 otherwise requires:

17 (7) "Probationary teacher" means a teacher who has not completed
18 ~~three full years of continuous employment with the employing school~~
19 ~~district and who has not been reemployed for the fourth year~~
20 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS OR A
21 NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE YEARS OF
22 DEMONSTRATED INEFFECTIVENESS, AS DEFINED BY RULE ADOPTED BY THE
23 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5.

24 **SECTION 11.** 22-63-202 (2), Colorado Revised Statutes, is
25 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26 **22-63-202. Employment contracts - contracts to be in writing**
27 **- duration - damage provision.** (2) (c.5) (I) THE GENERAL ASSEMBLY

1 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE
2 DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE PRINCIPAL
3 NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE DEMONSTRATED
4 EFFECTIVENESS, HAVE UNIQUE QUALIFICATIONS AND TEACHING
5 EXPERIENCES THAT SUPPORT THE INSTRUCTIONAL MODEL OF HIS OR HER
6 SCHOOL, AND ARE ALIGNED TO THE SCHOOL'S CULTURE AND MISSION.
7 THEREFORE, EACH EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS
8 SECTION SHALL CONTAIN A PROVISION STATING THAT A TEACHER MAY BE
9 ASSIGNED TO A PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE
10 RECEIVING SCHOOL AFTER A REVIEW OF THE TEACHER'S DEMONSTRATED
11 EFFECTIVENESS, UNIQUE QUALIFICATIONS AND POTENTIAL CONTRIBUTIONS
12 TO THE SCHOOL'S EDUCATIONAL PROGRAMS, SUCCESSFUL YEARS OF
13 TEACHING EXPERIENCE, AND FIT WITH THE SCHOOL'S CULTURE AND
14 MISSION.

15 (II) ANY ACTIVE NONPROBATIONARY TEACHER WHO DURING THE
16 PRIOR YEAR WAS DEEMED SATISFACTORY, OR WAS DEEMED EFFECTIVE IN
17 A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED EVALUATION
18 SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO EFFECTIVE, AND
19 HAS NOT SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER
20 OF A PRIORITY HIRING POOL, WHICH SHALL ENSURE A FIRST OPPORTUNITY
21 TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR SHE IS
22 QUALIFIED IN THE SCHOOL DISTRICT. THIS SUBPARAGRAPH (II) IS
23 REPEALED, EFFECTIVE MARCH 1, 2011, OR AT SUCH TIME AS THE STATE
24 BOARD PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR
25 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f),
26 WHICHEVER OCCURS FIRST.

27 (III) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS DEEMED

1 EFFECTIVE DURING THE PRIOR YEAR AND HAS NOT SECURED A MUTUAL
2 CONSENT PLACEMENT SHALL BE A MEMBER OF A PRIORITY HIRING POOL,
3 WHICH SHALL ENSURE A FIRST OPPORTUNITY TO INTERVIEW FOR
4 AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL
5 DISTRICT. THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT MARCH 1, 2011,
6 OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
7 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
8 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

9 (IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A
10 MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT
11 AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT SHALL PLACE THE
12 TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE TEACHER IS ABLE TO
13 SECURE AN ASSIGNMENT. IF THE TEACHER SECURES AN ASSIGNMENT AT
14 A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON UNPAID LEAVE, THE
15 SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S SALARY AND BENEFITS
16 AT THE LEVEL THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN
17 PLACED ON UNPAID LEAVE. NOTHING IN THIS SECTION SHALL LIMIT THE
18 ABILITY OF SCHOOL DISTRICTS TO PLACE TEACHERS IN TWELVE-MONTH OR
19 OTHER LIMITED TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO,
20 TEACHING ASSIGNMENTS, SUBSTITUTE ASSIGNMENTS, OR INSTRUCTIONAL
21 SUPPORT ROLES, DURING THE PERIOD IN WHICH THE TEACHER IS
22 ATTEMPTING TO SECURE A MUTUAL CONSENT ASSIGNMENT. SUCH AN
23 ASSIGNMENT SHALL NOT CONSTITUTE A MUTUAL CONSENT ASSIGNMENT
24 AND SHALL NOT BE DEEMED TO INTERRUPT THE PERIOD IN WHICH THE
25 TEACHER IS REQUIRED TO SECURE A MUTUAL CONSENT ASSIGNMENT
26 BEFORE THE DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE. THE
27 PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED IN WHOLE OR IN

1 PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE STATE BOARD OF
2 EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED THAT THE LOCAL
3 SCHOOL BOARD APPLYING FOR THE WAIVER, IN CONJUNCTION WITH THE
4 SUPERINTENDENT AND TEACHERS ASSOCIATION, IF APPLICABLE,
5 DEMONSTRATES THAT THE WAIVER IS IN THE BEST INTEREST OF STUDENTS
6 ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS THE EQUITABLE
7 DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT RESULT IN
8 PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE TEACHER IN A
9 SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO IMPLEMENT A
10 PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN PURSUANT TO
11 ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF THIS
12 PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED FOR A REQUEST
13 THAT PERMITS A HIRING CYCLE EXCEEDING TWO YEARS.

14 **SECTION 12.** 22-63-202 (3), Colorado Revised Statutes, is
15 amended to read:

16 **22-63-202. Employment contracts - contracts to be in writing**
17 **- duration - damage provision.** (3) A teacher may be suspended
18 temporarily during the contractual period until the date of dismissal as
19 ordered by the board pursuant to section 22-63-302 or may have his OR
20 HER employment contract cancelled during the contractual period when
21 there is a justifiable decrease in the number of teaching positions. The
22 manner in which employment contracts will be cancelled when there is
23 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be
24 included in any contract between the board of education of the school
25 district and school district employees ~~If there is no such contract~~
26 ~~provision, when a justifiable reduction in the number of teaching~~
27 ~~positions within a particular endorsement area occurs, the employment~~

1 ~~contracts of first-year probationary teachers who are occupying such~~
2 ~~positions shall be cancelled first. Further reductions in the number of~~
3 ~~teaching positions through the cancellation of employment contracts of~~
4 ~~second-year and third-year probationary teachers and nonprobationary~~
5 ~~teachers shall be made in accordance with an established policy of the~~
6 ~~board of education of the school district. The provisions of this~~
7 ~~subsection (3) concerning the cancellation of employment contracts shall~~
8 ~~not create any property right or contract right, express or implied, for~~
9 ~~second-year and third-year probationary teachers~~ OR IN AN ESTABLISHED
10 POLICY OF THE BOARD, WHICH CONTRACT OR POLICY SHALL INCLUDE THE
11 CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN
12 DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT
13 OF THE DECREASE IN TEACHING POSITIONS.

14 **SECTION 13.** 22-63-203 (1), (2) (b) (III), and (2) (b) (IV),
15 Colorado Revised Statutes, are amended to read:

16 **22-63-203. Probationary teachers - renewal and nonrenewal**
17 **of employment contract - repeal.** (1) (a) EXCEPT AS PROVIDED FOR IN
18 PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section
19 shall apply only to probationary teachers and shall no longer apply when
20 the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED
21 FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS
22 PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

23 (b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE
24 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS
25 PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE
26 BOARD PURSUANT TO SECTION 22-9-105.5, THE PROVISIONS OF THIS
27 SECTION SHALL APPLY ONLY TO PROBATIONARY TEACHERS AND SHALL NO

1 LONGER APPLY WHEN THE TEACHER HAS BEEN GRANTED
2 NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS
3 OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER
4 PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT.

5 (2) (b) For purposes of paragraph (a) of this subsection (2):

6 (III) The three CONSECUTIVE school years of DEMONSTRATED
7 EFFECTIVENESS AND continuous employment required for the
8 probationary period shall not be deemed to be interrupted by the
9 temporary illness of a probationary teacher. A leave of absence approved
10 by the board of a school district or a military leave of absence pursuant
11 to article 3 of title 28, C.R.S., shall not be considered to be an interruption
12 of the CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS AND
13 continuous employment required for the probationary period, but the time
14 of such leaves of absence shall not be included in computing the required
15 probationary period.

16 (IV) The three CONSECUTIVE school years of DEMONSTRATED
17 EFFECTIVENESS AND continuous employment required for the
18 probationary period shall not be deemed to be interrupted by the
19 acceptance by a probationary teacher of the position of chief
20 administrative officer in said school district, but the period of time during
21 which such teacher serves in such capacity shall not be included in
22 computing said probationary period.

23 SECTION 14. 22-63-203 (4), Colorado Revised Statutes, is
24 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

25 22-63-203. Probationary teachers - removal and nonrenewal
26 of employment contract - repeal. (4) (a.5) BEGINNING WITH THE
27 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO

1 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR
2 NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A
3 PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR
4 OF EMPLOYMENT. THIS PARAGRAPH (a.5) SHALL BE REPEALED AFTER THE
5 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS HAS
6 BEEN IMPLEMENTED PURSUANT TO SECTION 22-9-105.5.

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8 **SECTION 15.** 22-63-206, Colorado Revised Statutes, is amended
9 BY THE ADDITION OF A NEW SUBSECTION to read:

10 **22-63-206. Transfer - compensation.** (5) NOTHING IN THIS
11 SECTION SHALL BE CONSTRUED AS REQUIRING A RECEIVING SCHOOL TO
12 INVOLUNTARILY ACCEPT THE TRANSFER OF A TEACHER. ALL TRANSFERS
13 TO POSITIONS AT OTHER SCHOOLS OF THE SCHOOL DISTRICT SHALL
14 REQUIRE THE CONSENT OF THE RECEIVING SCHOOL.

15 **SECTION 16. Safety clause.** The general assembly hereby finds,
16 determines, and declares that this act is necessary for the immediate
17 preservation of the public peace, health, and safety.