

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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

Education
Appropriations

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 (10).

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 (10).

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 (10) 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 (10), THE STATE BOARD, ON OR BEFORE SEPTEMBER 1, 2011, SHALL
14 PROMULGATE RULES CONCERNING ANY ISSUES IN SECTION 22-9-105.5 (10)
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) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY
19 SHALL REVIEW THE RULES PROMULGATED PURSUANT TO SUBPARAGRAPH
20 (I) OF THIS PARAGRAPH (f), IN A BILL THAT IS SEPARATE FROM THE
21 ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103
22 (8)(d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES
23 SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT
24 THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL
25 RULES IN THE RULES PROMULGATED BY THE STATE BOARD. IF ONE OR
26 MORE RULES IS NOT APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO
27 THIS SUBPARAGRAPH (II), THE STATE BOARD SHALL PROMULGATE

1 EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6), C.R.S., ON SUCH
2 ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL ASSEMBLY ON OR
3 BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL REVIEW THE
4 EMERGENCY RULES PROMULGATED ACCORDING TO THE PROCESS OUTLINED
5 IN THIS SUBPARAGRAPH (II).

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7 repealed as follows:

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

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

21 ~~(3) (a) (I) Each school district and board of cooperative services~~
22 ~~shall submit to the state board or to the state licensed personnel~~
23 ~~performance evaluation council such information or data concerning said~~
24 ~~district's or board's licensed personnel performance evaluation system and~~
25 ~~its processes and procedures as may be requested by the state board or~~
26 ~~such council.~~

27 ~~(H) Repealed.~~

1 ~~(b) Repealed.~~

2 ~~(4) Repealed.~~

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

5 **22-9-105.5. State council for educator effectiveness -**
6 **legislative declaration - membership - duties - recommendations -**
7 **rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

8 (a) ON JANUARY 13, 2010, THE GOVERNOR ESTABLISHED BY
9 EXECUTIVE ORDER THE GOVERNOR'S COUNCIL FOR EDUCATOR
10 EFFECTIVENESS;

11 (b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG
12 OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING
13 RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND
14 DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND
15 TEACHER EFFECTIVENESS; AND

16 (c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
17 IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO
18 TO CODIFY IN STATUTE THE GOVERNOR'S COUNCIL FOR EDUCATOR
19 EFFECTIVENESS BECAUSE OF THE SIGNIFICANT ADDITIONAL STATUTORY
20 DUTIES AND RESPONSIBILITIES THAT THE GENERAL ASSEMBLY IS
21 ASSIGNING TO SAID COUNCIL.

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

25 (b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR
26 EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL
27 SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL

- 1 INCLUDE:
- 2 (I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;
- 3 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
- 4 EDUCATION, OR HIS OR HER DESIGNEE;
- 5 (III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF A STATE
- 6 ASSOCIATION THAT REPRESENTS EDUCATORS;
- 7 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL
- 8 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
- 9 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;
- 10 (V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH
- 11 THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL BOARDS;
- 12 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
- 13 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
- 14 SCHOOLS;
- 15 (VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH
- 16 THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;
- 17 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
- 18 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
- 19 STUDENT COALITION; AND
- 20 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
- 21 POLICY.
- 22 (c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF
- 23 THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED
- 24 BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE
- 25 RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY
- 26 THAT SEEK TO ENSURE THAT ALL LICENSED PERSONNEL ARE:
- 27 (I) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,

1 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
2 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THEIR
3 STUDENTS;

4 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE THEIR
5 EFFECTIVENESS; AND

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

8 (3) THE COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

9 (a) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
10 WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY TEACHER IS
11 EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS,
12 AND VALID METHODS. THE RECOMMENDATIONS DEVELOPED PURSUANT TO
13 THIS PARAGRAPH (a) SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF
14 THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE
15 TEACHER'S STUDENTS AND THAT EACH TEACHER IS PROVIDED WITH AN
16 OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS THROUGH A
17 TEACHER DEVELOPMENT PLAN THAT LINKS HIS OR HER EVALUATION AND
18 PERFORMANCE STANDARDS TO PROFESSIONAL DEVELOPMENT
19 OPPORTUNITIES. THE QUALITY STANDARDS FOR TEACHERS SHALL
20 INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH
21 THAT ARE CONSISTENT WITH THE MEASURES SET FORTH IN SECTION
22 22-11-204 (2) AND SHALL INCLUDE STATEWIDE SUMMATIVE ASSESSMENTS
23 AND SHALL INCLUDE INTERIM ASSESSMENT RESULTS OR EVIDENCE OF
24 STUDENT WORK, PROVIDED THAT ALL ARE RIGOROUS AND COMPARABLE
25 ACROSS CLASSROOMS AND ALIGNED WITH STATE MODEL CONTENT
26 STANDARDS AND PERFORMANCE STANDARDS DEVELOPED PURSUANT TO
27 ARTICLE 7 OF TITLE 22. FOR THE PURPOSES OF QUALITY STANDARDS,

1 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
2 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
3 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
4 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
5 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
6 (1.5). THE QUALITY STANDARDS FOR TEACHERS SHALL BE CLEAR AND
7 RELEVANT TO THE TEACHER'S ROLES AND RESPONSIBILITIES AND SHALL
8 HAVE THE GOAL OF IMPROVING STUDENT ACADEMIC GROWTH. THE
9 COUNCIL SHALL INCLUDE IN ITS RECOMMENDATIONS A DEFINITION OF
10 EFFECTIVENESS AND ITS RELATION TO QUALITY STANDARDS. THE
11 DEFINITION OF EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED
12 TO, CRITERIA THAT WILL BE USED TO DIFFERENTIATE BETWEEN
13 PERFORMANCE STANDARDS. THE DEFINED PERFORMANCE STANDARDS
14 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, "HIGHLY EFFECTIVE",
15 "EFFECTIVE", AND "INEFFECTIVE". THE COUNCIL SHALL CONSIDER
16 WHETHER ADDITIONAL PERFORMANCE STANDARDS SHOULD BE
17 ESTABLISHED.

18 (a.5) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE
19 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY
20 PRINCIPAL IS EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
21 RIGOROUS, AND VALID METHODS. THE RECOMMENDATIONS PURSUANT TO
22 THIS PARAGRAPH (a.5) SHALL REQUIRE THAT EVERY PRINCIPAL IS
23 PROVIDED WITH A PRINCIPAL DEVELOPMENT PLAN.

24 (b) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
25 WITH RECOMMENDATIONS CONCERNING THE IMPLEMENTATION AND
26 TESTING OF THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED
27 ON QUALITY STANDARDS AND WITH RECOMMENDATIONS FOR THE

1 SUBSEQUENT STATEWIDE IMPLEMENTATION OF THE NEW PERFORMANCE
2 EVALUATION SYSTEM. THE RECOMMENDATIONS MADE PURSUANT TO THIS
3 PARAGRAPH (b) SHALL CONFORM TO THE TIMELINE SET FORTH IN
4 SUBSECTION (3) OF THIS SECTION.

5 (b.5) ON OR BEFORE MARCH 1, 2011, TO MAKE
6 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE
7 INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC
8 SCHOOLS, TO THE EFFECT THAT PARENTS SHOULD ACT AS PARTNERS WITH
9 TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS;

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

18 (d) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
19 TO THE STATE BOARD STATEWIDE DEFINITIONS OF PRINCIPAL
20 EFFECTIVENESS AND TEACHER EFFECTIVENESS, EACH OF WHICH SHALL BE
21 CENTERED ON AN EDUCATOR'S DEMONSTRATED ABILITY TO ACHIEVE AND
22 SUSTAIN ADEQUATE STUDENT GROWTH AND SHALL INCLUDE A SET OF
23 PROFESSIONAL SKILLS AND COMPETENCIES RELATED TO IMPROVED
24 STUDENT OUTCOMES;

25 (e) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
26 TO THE STATE BOARD GUIDELINES FOR ADEQUATE IMPLEMENTATION OF A
27 HIGH-QUALITY EDUCATOR EVALUATION SYSTEM THAT SHALL ADDRESS, AT

1 A MINIMUM, THE FOLLOWING ISSUES:

2 (I) ONGOING TRAINING ON THE USE OF THE SYSTEM THAT IS
3 SUFFICIENT TO ENSURE THAT ALL EVALUATORS AND EDUCATORS HAVE A
4 FULL UNDERSTANDING OF THE EVALUATION SYSTEM AND ITS
5 IMPLEMENTATION. THE TRAINING MAY INCLUDE SUCH ACTIVITIES AS
6 CONDUCTING JOINT TRAINING SESSIONS FOR EVALUATORS AND
7 EDUCATORS.

8 (II) EVALUATION RESULTS THAT ARE NORMED TO ENSURE
9 CONSISTENCY AND FAIRNESS;

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

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

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

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

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

25 (g) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
26 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
27 SUPPORT LOCAL SCHOOL DISTRICTS' USE OF EVALUATION DATA FOR

1 DECISIONS IN AREAS SUCH AS COMPENSATION, PROMOTION, RETENTION,
2 REMOVAL, AND PROFESSIONAL DEVELOPMENT; AND

3 (h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
4 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
5 ENSURE THAT THE STANDARDS AND CRITERIA APPLICABLE TO TEACHER
6 AND PRINCIPAL LICENSURE AND THE ACCREDITATION OF PREPARATION
7 PROGRAMS ARE DIRECTLY ALIGNED WITH AND SUPPORT THE PREPARATION
8 AND LICENSURE OF EFFECTIVE EDUCATORS.

9 (i) ON OR BEFORE JULY 1, 2013, AND JULY 1 EACH YEAR
10 THEREAFTER DURING THE IMPLEMENTATION OF THE PERFORMANCE
11 EVALUATION SYSTEM, THE DEPARTMENT SHALL REPORT TO THE COUNCIL
12 THE RESULTS OF THE IMPLEMENTATION AND TESTING OF THE
13 PERFORMANCE EVALUATION SYSTEM. BASED ON THE RESULTS OF THE
14 REPORTS, THE COUNCIL MAY MAKE ADDITIONAL RECOMMENDATIONS TO
15 BE INCORPORATED IN THE FOLLOWING STAGE OF IMPLEMENTATION.

16 (j) THE COUNCIL SHALL DEVELOP AN IMPLEMENTATION PLAN FOR
17 ITS RECOMMENDATIONS AND WILL IDENTIFY TASKS AND THE ASSOCIATED
18 COSTS AT THE STATE AND DISTRICT LEVELS. THE RECOMMENDATIONS
19 SHALL INCLUDE AN IMPLEMENTATION COST ANALYSIS, INCLUDING
20 ASSESSMENT CHANGES, ASSESSMENT PILOT STUDY, STAFF TRAINING,
21 RESEARCH, DATA REVIEW, AND ANY OTHER TASKS INCLUDED IN THE
22 COUNCIL'S RECOMMENDATIONS. IT IS INCUMBENT ON THE COUNCIL TO
23 CONSULT WITH THE DEPARTMENT AND EXPERT PRACTITIONERS FAMILIAR
24 WITH SCHOOL FINANCE AND TO REPORT BY MARCH 1, 2011, ON THE COSTS
25 TO IMPLEMENT THE COUNCIL'S RECOMMENDATIONS.

26 (3.5) THE RECOMMENDATIONS MADE BY THE COUNCIL TO THE
27 STATE BOARD PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS

1 VOTE. FOR ANY ISSUE THAT THE COUNCIL WAS UNABLE TO REACH A
2 CONSENSUS, THE COUNCIL SHALL PROVIDE TO THE STATE BOARD THE
3 REASONS IT WAS UNABLE TO REACH A CONSENSUS.

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

7 (5) THE COUNCIL'S RECOMMENDATIONS MAY INCLUDE CHANGES
8 TO EXISTING STATUTES OR RULES, IF APPROPRIATE, AS WELL AS
9 RECOMMENDATIONS FOR LOCAL IMPLEMENTATION.

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

18 (7) THE COUNCIL MAY ESTABLISH WORKING GROUPS, TASK
19 FORCES, OR OTHER STRUCTURES FROM WITHIN ITS MEMBERSHIP OR
20 OUTSIDE ITS MEMBERSHIP AS NEEDED TO ADDRESS SPECIFIC ISSUES OR TO
21 ASSIST IN ITS WORK.

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

24 (9) UNLESS OTHERWISE PROVIDED FOR, THE OFFICE OF THE
25 GOVERNOR AND THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH THE
26 SUPPORT, INFORMATION, DATA, ANALYTICAL INFORMATION, AND
27 ADMINISTRATIVE SUPPORT NECESSARY TO DO ITS WORK.

1 (10) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD
2 SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
3 PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, USING THE
4 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
5 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
6 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (h) OF
7 SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE
8 SEPTEMBER 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN
9 SAID PARAGRAPHS (a) TO (h) THAT THE COUNCIL DID NOT ADDRESS. IN
10 PROMULGATING RULES PURSUANT TO THIS SUBSECTION (10), THE STATE
11 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

12 (I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE
13 DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF
14 COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF
15 PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON QUALITY
16 STANDARDS.

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

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

1 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
2 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
3 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST LEVEL
4 OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
5 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY
6 STANDARDS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
7 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF
8 SUBSECTION (3) OF THIS SECTION.

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

13 (V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE
14 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
15 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST AND
16 SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014
17 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS
18 BASED ON QUALITY STANDARDS SHALL BE FINALIZED ON A STATEWIDE
19 BASIS.

20 (B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL
21 CONTINUE TO BE EVALUATED BASED ON QUALITY STANDARDS.
22 DEMONSTRATED EFFECTIVENESS OR INEFFECTIVENESS SHALL BE
23 CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR
24 NONPROBATIONARY STATUS.

25 (b) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY
26 SHALL REVIEW THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a)
27 OF THIS SUBSECTION (10) IN A BILL THAT IS SEPARATE FROM THE ANNUAL

1 RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d),
2 C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES
3 SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT
4 THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL
5 RULES CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD. IF
6 ONE OR MORE RULES IS NOT APPROVED BY THE GENERAL ASSEMBLY
7 PURSUANT TO THIS PARAGRAPH (b), THE STATE BOARD SHALL
8 PROMULGATE EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6),
9 C.R.S., ON SUCH ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL
10 ASSEMBLY ON OR BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL
11 REVIEW THE EMERGENCY RULES PROMULGATED ACCORDING TO THE
12 PROCESS OUTLINED IN THIS PARAGRAPH (b).

13 (11) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
14 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF
15 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
16 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT
17 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
18 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.
19 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
20 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
21 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
22 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
23 AND ONGOING EXPERIENCE IN COLORADO.

24 (12) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
25 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN
26 RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND,
27 CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY

1 AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE
2 PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT
3 TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING
4 AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER
5 AVAILABLE IN THE TEACHER EFFECTIVENESS EVALUATION FUND. ALL
6 POSITION DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED
7 PURSUANT TO THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION
8 IS SUBJECT TO AVAILABLE FUNDING.

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

11 22-9-105.7. Great teachers and leaders fund - created - gifts,
12 grants, and donations. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
13 ACCEPT, AND EXPEND FEDERAL GRANTS FOR THE IMPLEMENTATION OF
14 SECTION 22-9-105.5; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A
15 GIFT, GRANT, OR DONATION EXCEPT FROM FEDERAL MONEYS THAT IS
16 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW
17 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL FEDERAL MONEYS
18 RECEIVED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
19 TO THE GREAT TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY
20 CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN
21 THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR
22 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING
23 SECTION 22-9-105.5.

24 (2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
25 OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS
26 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
27 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED

1 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
2 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
3 THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
4 FUND OR ANOTHER FUND.

5 (3) FOR FISCAL YEARS 2010-2011 AND 2011-2012, IF TWO
6 HUNDRED FIFTY THOUSAND DOLLARS IS NOT CREDITED TO THE FUND
7 THROUGH FEDERAL GRANTS ON OR BEFORE SEPTEMBER 30, 2010, THE
8 COMMISSIONER SHALL NOTIFY THE STATE TREASURER OF THE DIFFERENCE.
9 AS PROVIDED FOR IN SECTION 22-54-117 (1) (g), UPON RECEIPT OF SUCH
10 NOTICE, THE STATE TREASURER SHALL TRANSFER TO THE FUND THE
11 AMOUNT OF THE DIFFERENCE OUT OF THE CONTINGENCY RESERVE FUND,
12 CREATED PURSUANT TO SECTION 22-54-117 FOR THE IMPLEMENTATION OF
13 SECTION 22-9-105.5. IF THERE IS AN INSUFFICIENT AMOUNT IN THE
14 CONTINGENCY RESERVE FUND, THE STATE TREASURER SHALL TRANSFER
15 TO THE FUND ANY REMAINING AMOUNT OF THE DIFFERENCE FROM THE
16 STATE EDUCATION FUND, CREATED IN SECTION 17 (4) OF ARTICLE IX OF
17 THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SECTION
18 22-9-105.5.

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

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

26 **22-9-106. Local boards of education - duties - performance**
27 **evaluation system - repeal.** (1) All school districts and boards of

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

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

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

26 (II) Nonprobationary teachers receive at least one observation
27 each year and one evaluation that results in a written evaluation report

1 pursuant to subsection (3) of this section ~~every three years~~ EACH
2 ACADEMIC YEAR ACCORDING TO THE PERFORMANCE STANDARDS _____
3 ESTABLISHED BY RULE OF THE STATE BOARD AND ADOPTED BY THE
4 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5; AND

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

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

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

- 17 _____
- 18 _____

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

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

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

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

1 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
2 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
3 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
4 IMPLEMENTATION OCCURS.

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

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

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

25 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
26 BOARD IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT
27 CLEARLY SPECIFY PERFORMANCE STANDARDS AND THE QUALITY

1 STANDARDS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER THE
2 PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS
3 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS
4 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
5 EVALUATION SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED
6 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE
7 BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL
8 PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE.
9 THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO
10 THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY
11 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

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

5 (b) (I) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED
6 TO BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF
7 THIS SECTION SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
8 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
9 THE DOCUMENTATION RELIED UPON IN MEASURING HIS OR HER
10 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES.

11 (II) EACH SCHOOL DISTRICT SHALL ENSURE THAT A
12 NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF
13 INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN
14 ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED,
15 WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM,
16 THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY
17 TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE
18 SUPERINTENDENT OR HIS OR HER DESIGNEE OF THE SCHOOL DISTRICT AND
19 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
20 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. IF
21 THERE IS NO COLLECTIVE BARGAINING AGREEMENT IN PLACE, FOLLOWING
22 THE RULING OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, THE
23 APPEALING TEACHER MAY REQUEST A REVIEW BY A MUTUALLY
24 AGREED-UPON THIRD PARTY. THE DECISION OF THE THIRD PARTY SHALL
25 REVIEW WHETHER THE DECISION WAS ARBITRARY OR CAPRICIOUS AND
26 SHALL BE BINDING ON BOTH PARTIES. THE COST OF ANY SUCH REVIEW
27 SHALL BE BORNE EQUALLY BY BOTH PARTIES. WHERE A COLLECTIVE

1 BARGAINING AGREEMENT IS IN PLACE, EITHER PARTY MAY CHOOSE TO OPT
2 INTO THIS PROCESS. THE SUPERINTENDENT'S DESIGNEE SHALL NOT BE THE
3 PRINCIPAL WHO CONDUCTED THE EVALUATION. FOR A NONPROBATIONARY
4 TEACHER, A REMEDIATION PLAN TO CORRECT THE DEFICIENCIES SHALL BE
5 DEVELOPED BY THE DISTRICT OR THE BOARD OF COOPERATIVE SERVICES
6 AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES
7 THAT ARE INTENDED TO HELP THE NONPROBATIONARY TEACHER TO
8 ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE
9 EVALUATION. THE NONPROBATIONARY TEACHER SHALL BE GIVEN A
10 REASONABLE PERIOD OF TIME TO REMEDIATE THE DEFICIENCIES AND SHALL
11 RECEIVE A STATEMENT OF THE RESOURCES AND ASSISTANCE AVAILABLE
12 FOR THE PURPOSE OF IMPROVING EFFECTIVENESS.

13 (III) THIS PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS
14 THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS
15 ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED
16 BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED
17 THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED
18 STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH
19 IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1,
20 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION
21 OCCURS.

22 (4) (a) Except as provided in paragraph (b) of this subsection (4),
23 no person shall be responsible for the evaluation of licensed personnel
24 unless ~~such~~ THE person has a principal or administrator license issued
25 pursuant to article 60.5 of this title OR IS A DESIGNEE OF A PERSON WITH
26 A PRINCIPAL OR ADMINISTRATOR LICENSE and has received education and
27 training in evaluation skills approved by the department of education that

1 will enable him or her to make fair, professional, and credible evaluations
2 of the personnel whom he or she is responsible for evaluating. No person
3 shall be issued a principal or administrator license or have a principal or
4 administrator license renewed unless the state board determines that such
5 person has received education and training approved by the department
6 of education.

7 (4.5) (a) Any person whose performance evaluation includes a
8 remediation plan shall be given an opportunity to improve his or her
9 performance through the implementation of the plan. If the next
10 performance evaluation shows that the person is performing satisfactorily,
11 no further action shall be taken concerning the original performance
12 evaluation. If ~~such~~ THE evaluation shows the person is still not
13 performing satisfactorily, the evaluator shall either make additional
14 recommendations for improvement or may recommend the dismissal of
15 the person, which dismissal shall be in accordance with the provisions of
16 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS
17 REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION
18 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS
19 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT
20 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
21 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
22 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
23 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
24 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

25 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A
26 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
27 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE

1 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
2 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
3 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
4 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
5 HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
6 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
7 THE DOCUMENTATION RELIED UPON IN MEASURING THE PERSON'S
8 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL
9 DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO
10 OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO
11 APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT
12 PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE
13 BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL
14 ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF
15 INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND
16 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
17 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE
18 APPEAL PROCESS SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE
19 NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS
20 OF NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION
21 REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR A PERSON
22 WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, THE EVALUATOR
23 SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS FOR IMPROVEMENT
24 OR MAY RECOMMEND THE DISMISSAL OF THE PERSON, WHICH DISMISSAL
25 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 63 OF THIS
26 TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH (b) SHALL TAKE
27 EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED

1 ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND
2 THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
3 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND
4 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
5 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
6 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
7 IMPLEMENTATION OCCURS. ___

8 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
9 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
10 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
11 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS
12 DETERMINED BY ___ THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED
13 IN THE PRINCIPAL'S SCHOOL. ___ FOR PRINCIPALS, THE ___ QUALITY
14 STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

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

18 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
19 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
20 EFFECTIVE; AND

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

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

27 **22-11-302. School district accountability committees - powers and**

1 **duties.** (1) Each school district accountability committee shall have the
2 following powers and duties:

3 (d) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY
4 BASIS TO PRINCIPALS CONCERNING THE DEVELOPMENT AND USE OF
5 ASSESSMENT TOOLS USED FOR THE PURPOSE OF MEASURING AND
6 EVALUATING STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER
7 EVALUATIONS.

8 (e) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE
9 PRINCIPAL'S SCHOOL SHALL PROVIDE INPUT AND RECOMMENDATIONS TO
10 THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT
11 ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.

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

14 **22-11-402. School accountability committee - powers and**
15 **duties - meetings.** (1) Each school accountability committee shall have
16 the following powers and duties:

17 (e) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY
18 BASIS TO DISTRICT ACCOUNTABILITY COMMITTEES AND DISTRICT
19 ADMINISTRATION CONCERNING:

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

22 (II) PRINCIPAL EVALUATIONS CONDUCTED PURSUANT TO SECTION
23 22-9-106.

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

26 **22-63-103. Definitions.** As used in this article, unless the context
27 otherwise requires:

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

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

10 **22-63-202. Employment contracts - contracts to be in writing**
11 **- duration - damage provision.** (2) (c.5) (I) THE GENERAL ASSEMBLY
12 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON
13 THE DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE
14 PRINCIPAL NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE
15 DEMONSTRATED EFFECTIVENESS, HAVE UNIQUE QUALIFICATIONS AND
16 TEACHING EXPERIENCES THAT SUPPORT THE INSTRUCTIONAL MODEL OF HIS
17 OR HER SCHOOL, AND ARE ALIGNED TO THE SCHOOL'S CULTURE AND
18 MISSION. THEREFORE, EACH EMPLOYMENT CONTRACT EXECUTED
19 PURSUANT TO THIS SECTION SHALL CONTAIN A PROVISION STATING THAT
20 A TEACHER MAY BE ASSIGNED TO A PARTICULAR SCHOOL ONLY WITH THE
21 CONSENT OF THE HIRING PRINCIPAL AND WITH INPUT FROM AT LEAST TWO
22 PRACTICING TEACHERS, AND AFTER A REVIEW OF THE TEACHER'S
23 DEMONSTRATED EFFECTIVENESS, UNIQUE QUALIFICATIONS AND POTENTIAL
24 CONTRIBUTIONS TO THE SCHOOL'S EDUCATIONAL PROGRAMS, SUCCESSFUL
25 YEARS OF TEACHING EXPERIENCE, AND FIT WITH THE SCHOOL'S CULTURE
26 AND MISSION.

27 (II) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO, DURING

1 THE PRIOR SCHOOL YEAR, WAS DEEMED SATISFACTORY, OR WAS DEEMED
2 EFFECTIVE IN A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED
3 EVALUATION SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO
4 EFFECTIVE, AND HAS NOT SECURED A MUTUAL CONSENT PLACEMENT
5 SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH PRIORITY HIRING
6 POOL SHALL ENSURE THE NONPROBATIONARY TEACHER A FIRST
7 OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR
8 SHE IS QUALIFIED IN A SCHOOL DISTRICT.

9 (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY
10 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET
11 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE
12 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL
13 FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH
14 (c.5), A SCHOOL DISTRICT SHALL CONSIDER PROBATIONARY AND
15 NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS
16 BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA
17 MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA
18 OF EFFECTIVENESS DESCRIBED IN SECTION 22-9-106. UPON NOTICE TO THE
19 NONPROBATIONARY TEACHER, THE DEPARTMENT OF HUMAN RESOURCES
20 FOR THE SCHOOL DISTRICT SHALL IMMEDIATELY PROVIDE THE
21 NONPROBATIONARY TEACHER WITH A LIST OF ALL VACANT POSITIONS FOR
22 WHICH HE OR SHE IS QUALIFIED, AS WELL AS A LIST OF VACANCIES IN ANY
23 AREA IDENTIFIED BY THE SCHOOL DISTRICT TO BE AN AREA OF CRITICAL
24 NEED. AN APPLICATION FOR A VACANCY SHALL BE MADE TO THE
25 PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF THE APPLICATION
26 PROVIDED BY THE NONPROBATIONARY TEACHER TO THE SCHOOL DISTRICT.
27 THE NONPROBATIONARY TEACHER SHALL BE INTERVIEWED BY THE

1 PRINCIPAL UNLESS THE POSITION IS FILLED BEFORE AN INTERVIEW OCCURS.
2 WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY
3 TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY
4 TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

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

14 (III) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS
15 DEEMED EFFECTIVE DURING THE PRIOR SCHOOL YEAR AND HAS NOT
16 SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A
17 PRIORITY HIRING POOL, WHICH PRIORITY HIRING POOL SHALL ENSURE THE
18 NONPROBATIONARY TEACHER A FIRST OPPORTUNITY TO INTERVIEW FOR
19 AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL
20 DISTRICT.

21 (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY
22 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET
23 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE
24 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER
25 REMOVAL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH (c.5), A
26 SCHOOL DISTRICT SHALL CONSIDER PROBATIONARY AND
27 NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS

1 BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA
2 MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA
3 OF EFFECTIVENESS DESCRIBED IN SECTION 22-9-106. UPON NOTICE TO
4 THE NONPROBATIONARY TEACHER, THE SCHOOL DISTRICT SHALL
5 IMMEDIATELY PROVIDE THE NONPROBATIONARY TEACHER WITH A LIST OF
6 ALL VACANT POSITIONS FOR WHICH HE OR SHE IS QUALIFIED, AS WELL AS
7 A LIST OF VACANCIES IN ANY AREA IDENTIFIED BY THE SCHOOL DISTRICT
8 TO BE AN AREA OF CRITICAL NEED. AN APPLICATION FOR A VACANCY
9 SHALL BE MADE TO THE PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF
10 THE APPLICATION PROVIDED BY THE NONPROBATIONARY TEACHER TO THE
11 SCHOOL DISTRICT. THE NONPROBATIONARY TEACHER SHALL BE
12 INTERVIEWED BY THE PRINCIPAL UNLESS THE POSITION IS FILLED BEFORE
13 AN INTERVIEW OCCURS. WHEN A PRINCIPAL RECOMMENDS APPOINTMENT
14 OF A NONPROBATIONARY TEACHER APPLICANT TO A VACANT POSITION,
15 THE NONPROBATIONARY TEACHER SHALL BE TRANSFERRED TO THAT
16 POSITION.

17 (C) THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT AT SUCH TIME
18 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
19 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
20 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
21 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
22 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
23 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
24 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
25 IMPLEMENTATION OCCURS.

26 (IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A
27 MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT

1 AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT SHALL PLACE THE
2 TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE TEACHER IS ABLE TO
3 SECURE AN ASSIGNMENT. IF THE TEACHER SECURES AN ASSIGNMENT AT
4 A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON UNPAID LEAVE, THE
5 SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S SALARY AND BENEFITS
6 AT THE LEVEL THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN
7 PLACED ON UNPAID LEAVE.

8 (V) NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF A
9 SCHOOL DISTRICT TO PLACE A TEACHER IN A TWELVE-MONTH OR OTHER
10 LIMITED-TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO, A
11 TEACHING ASSIGNMENT, SUBSTITUTE ASSIGNMENT, OR INSTRUCTIONAL
12 SUPPORT ROLE DURING THE PERIOD IN WHICH THE TEACHER IS ATTEMPTING
13 TO SECURE A MUTUAL CONSENT ASSIGNMENT. SUCH AN ASSIGNMENT
14 SHALL NOT CONSTITUTE A MUTUAL CONSENT ASSIGNMENT AND SHALL NOT
15 BE DEEMED TO INTERRUPT THE PERIOD IN WHICH THE TEACHER IS
16 REQUIRED TO SECURE A MUTUAL CONSENT ASSIGNMENT BEFORE THE
17 DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE.

18 (VI) THE PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED
19 IN WHOLE OR IN PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE
20 STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED
21 THAT THE LOCAL SCHOOL BOARD APPLYING FOR THE WAIVER, IN
22 CONJUNCTION WITH THE SUPERINTENDENT AND TEACHERS ASSOCIATION,
23 IF APPLICABLE, DEMONSTRATES THAT THE WAIVER IS IN THE BEST
24 INTEREST OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS
25 THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT
26 RESULT IN PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE
27 TEACHER IN A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO

1 IMPLEMENT A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN
2 PURSUANT TO ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE
3 PROVISIONS OF THIS PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED
4 FOR A REQUEST THAT EXTENDS THE TIME FOR SECURING A MUTUAL
5 CONSENT ASSIGNMENT FOR MORE THAN TWO YEARS.

6 (VII) THIS PARAGRAPH (c.5) SHALL APPLY AS A RESULT OF SCHOOL
7 CLOSURE, CONSOLIDATION, RECONSTITUTION, DROP IN ENROLLMENT,
8 REDUCTION IN BUILDING, PHASE OUT, OR REDUCTION IN PROGRAM.

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

11 **22-63-202. Employment contracts - contracts to be in writing**
12 **- duration - damage provision.** (3) A teacher may be suspended
13 temporarily during the contractual period until the date of dismissal as
14 ordered by the board pursuant to section 22-63-302 or may have his OR
15 HER employment contract cancelled during the contractual period when
16 there is a justifiable decrease in the number of teaching positions. The
17 manner in which employment contracts will be cancelled when there is
18 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be
19 included in any contract between the board of education of the school
20 district and school district employees ~~If there is no such contract~~
21 ~~provision, when a justifiable reduction in the number of teaching~~
22 ~~positions within a particular endorsement area occurs, the employment~~
23 ~~contracts of first-year probationary teachers who are occupying such~~
24 ~~positions shall be cancelled first. Further reductions in the number of~~
25 ~~teaching positions through the cancellation of employment contracts of~~
26 ~~second-year and third-year probationary teachers and nonprobationary~~
27 ~~teachers shall be made in accordance with an established policy of the~~

1 ~~board of education of the school district. The provisions of this~~
2 ~~subsection (3) concerning the cancellation of employment contracts shall~~
3 ~~not create any property right or contract right, express or implied, for~~
4 ~~second-year and third-year probationary teachers OR IN AN ESTABLISHED~~
5 ~~POLICY OF THE BOARD, WHICH CONTRACT OR POLICY SHALL INCLUDE THE~~
6 ~~CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN~~
7 ~~DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT~~
8 ~~OF THE DECREASE IN TEACHING POSITIONS. EFFECTIVE FEBRUARY 15,~~
9 ~~2012, THE CONTRACT OR POLICY SHALL INCLUDE CONSIDERATION OF~~
10 ~~PROBATIONARY AND NONPROBATIONARY STATUS AND THE NUMBER OF~~
11 ~~YEARS A TEACHER HAS BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT~~
12 ~~THAT THESE CRITERIA MAY BE CONSIDERED ONLY AFTER THE~~
13 ~~CONSIDERATION OF THE CRITERIA DESCRIBED IN SECTION 22-9-106 AND~~
14 ~~ONLY IF THE CONTRACT OR POLICY IS IN THE BEST INTEREST OF THE~~
15 ~~STUDENTS ENROLLED IN THE SCHOOL DISTRICT.~~

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

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

25 (b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE
26 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS
27 PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE

1 BOARD PURSUANT TO SECTION 22-9-105.5, THE PROVISIONS OF THIS
2 SECTION SHALL APPLY ONLY TO PROBATIONARY TEACHERS AND SHALL NO
3 LONGER APPLY WHEN THE TEACHER HAS BEEN GRANTED
4 NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS
5 OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER
6 PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT.

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

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

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

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

27 **22-63-203. Probationary teachers - removal and nonrenewal**

1 of employment contract - repeal. (4) (a.5) (I) BEGINNING WITH THE
2 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO
3 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR
4 NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A
5 PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR
6 OF EMPLOYMENT. THIS PARAGRAPH (a.5) SHALL BE REPEALED AFTER THE
7 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS HAS
8 BEEN IMPLEMENTED PURSUANT TO SECTION 22-9-105.5.

9 (II) A PROBATIONARY TEACHER WHO IS DEEMED TO BE
10 PERFORMING SATISFACTORILY IN ANY OF SCHOOL YEARS 2010-2011,
11 2011-2012, AND 2012-2013 SHALL, FOR PURPOSES OF ARTICLE 9 OF THIS
12 TITLE, BE DEEMED TO HAVE PERFORMED EFFECTIVELY DURING THE SAME
13 SCHOOL YEAR OR YEARS. BEGINNING WITH THE 2013-2014 SCHOOL YEAR,
14 ALL TEACHERS SHALL BE EVALUATED IN ACCORDANCE WITH THE NEW
15 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF
16 EFFECTIVENESS; HOWEVER, A SCHOOL DISTRICT MAY EXTEND THE
17 PROBATIONARY STATUS OF A TEACHER WHO HAS THREE CONSECUTIVE
18 SATISFACTORY RATINGS AS OF JULY 1, 2013 BY NO MORE THAN ONE YEAR.

19 **SECTION 15.** Part 2 of article 63 of title 22, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION
21 to read:

22 **22-63-203.5. Nonprobationary portability.** BEGINNING WITH
23 THE 2014-2015 SCHOOL YEAR, A NONPROBATIONARY TEACHER, EXCEPT
24 FOR A NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE
25 PERFORMANCE EVALUATIONS WITH AN INEFFECTIVE RATING, WHO IS
26 EMPLOYED BY A SCHOOL DISTRICT AND IS SUBSEQUENTLY HIRED BY A
27 DIFFERENT SCHOOL DISTRICT MAY PROVIDE TO THE HIRING SCHOOL

1 DISTRICT EVIDENCE OF HIS OR HER STUDENT ACADEMIC GROWTH DATA
2 AND PERFORMANCE EVALUATIONS FOR THE PRIOR TWO YEARS FOR THE
3 PURPOSES OF RETAINING NONPROBATIONARY STATUS. IF, UPON PROVIDING
4 SUCH DATA, THE NONPROBATIONARY TEACHER CAN SHOW TWO
5 CONSECUTIVE PERFORMANCE EVALUATIONS WITH EFFECTIVENESS RATINGS
6 IN GOOD STANDING, HE OR SHE SHALL BE GRANTED NONPROBATIONARY
7 STATUS IN THE HIRING SCHOOL DISTRICT.

8 **SECTION 16.** 22-54-117 (1), Colorado Revised Statutes, is
9 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

10 **22-54-117. Contingency reserve - capital construction**
11 **expenditures reserve - fund - lottery proceeds contingency reserve.**

12 (1) (g) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS
13 SUBSECTION (1) TO THE CONTRARY, AS PROVIDED FOR IN SECTION
14 22-9-105.7 (3) AND UPON RECEIPT OF NOTICE FROM THE COMMISSIONER,
15 FOR FISCAL YEARS 2010-2011 AND 2011-2012, THE STATE TREASURER
16 SHALL DEDUCT AN AMOUNT NOT TO EXCEED ONE HUNDRED TWENTY-FIVE
17 THOUSAND DOLLARS FROM THE CONTINGENCY RESERVE FUND AND
18 TRANSFER SUCH AMOUNT TO THE GREAT TEACHERS AND LEADERS FUND,
19 CREATED IN SECTION 22-9-105.7.

20

21 **SECTION 17.** 22-63-206, Colorado Revised Statutes, is amended
22 BY THE ADDITION OF A NEW SUBSECTION to read:

23 **22-63-206. Transfer - compensation.** (5) NOTHING IN THIS
24 SECTION SHALL BE CONSTRUED AS REQUIRING A RECEIVING SCHOOL TO
25 INVOLUNTARILY ACCEPT THE TRANSFER OF A TEACHER. ALL TRANSFERS
26 TO POSITIONS AT OTHER SCHOOLS OF THE SCHOOL DISTRICT SHALL
27 REQUIRE THE CONSENT OF THE RECEIVING SCHOOL.

1 **SECTION 18. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, and safety.