

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading 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 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 (5) "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 HIS OR HER
23 STUDENTS;

24 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
25 HER 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) EVERY PRINCIPAL IS EVALUATED USING MULTIPLE FAIR,
12 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
13 RECOMMENDATIONS PURSUANT TO THIS PARAGRAPH (a.5) SHALL REQUIRE
14 THAT EVERY PRINCIPAL IS PROVIDED WITH A PRINCIPAL DEVELOPMENT
15 PLAN.

16 (b) ON OR BEFORE MARCH 1, 2011, THE COUNCIL SHALL PROVIDE
17 THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE
18 IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION
19 SYSTEM THAT IS BASED ON QUALITY STANDARDS AND WITH
20 RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION
21 OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE
22 RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL
23 CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS
24 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 GOVERNOR,
4 STATE BOARD, AND GENERAL ASSEMBLY WITH RECOMMENDATIONS THAT
5 WILL ENSURE DEVELOPMENT OF A SET OF GUIDELINES FOR ESTABLISHING
6 PERFORMANCE STANDARDS FOR EACH CATEGORY OF LICENSED PERSONNEL
7 TO BE EVALUATED PURSUANT TO THIS ARTICLE. THE GUIDELINES SHALL
8 OUTLINE CRITERIA TO BE APPLIED IN ASSIGNING EDUCATORS TO
9 APPROPRIATE PERFORMANCE STANDARDS, WHICH SHALL INCLUDE
10 MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH.

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

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

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

1 EDUCATORS.

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

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

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

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

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

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

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

26 (h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
27 TO THE GOVERNOR, STATE BOARD, AND GENERAL ASSEMBLY FOR POLICY

1 CHANGES, AS APPROPRIATE, THAT WILL ENSURE THAT THE STANDARDS
2 AND CRITERIA APPLICABLE TO TEACHER AND PRINCIPAL LICENSURE AND
3 THE ACCREDITATION OF PREPARATION PROGRAMS ARE DIRECTLY ALIGNED
4 WITH AND SUPPORT THE PREPARATION AND LICENSURE OF EFFECTIVE
5 EDUCATORS.

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

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

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

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

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

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

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

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

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

25 (10) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD
26 SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
27 PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, USING THE

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

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

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

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

25 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
26 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
27 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST LEVEL

1 OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
2 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY
3 STANDARDS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
4 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF
5 SUBSECTION (3) OF THIS SECTION.

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

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

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

22 (b) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
23 PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) IN
24 A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
25 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
26 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
27 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL

1 ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES
2 CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD.

3 (11) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
4 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF
5 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
6 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT
7 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
8 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.
9 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
10 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
11 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
12 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
13 AND ONGOING EXPERIENCE IN COLORADO.

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

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

1 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
2 **grants, and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
3 ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS
4 FOR THE IMPLEMENTATION OF SECTION 22-9-105.5; EXCEPT THAT THE
5 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
6 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW
7 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
8 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
9 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GREAT
10 TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND
11 REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE
12 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND
13 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

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

22 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
23 THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE
24 FUND.

25 **SECTION 7.** The introductory portion to 22-9-106 (1) and
26 22-9-106 (1) (c), ___ (I) (d) (V), (1) (e), (2.5), (3.5), (4) (a), and (4.5),
27 Colorado Revised Statutes, are amended, and the said 22-9-106 is further

1 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

2 **22-9-106. Local boards of education - duties - performance**
3 **evaluation system - repeal.** (1) All school districts and boards of
4 cooperative services that employ licensed personnel, as defined in section
5 22-9-103 (1.5), shall adopt a written system to evaluate the employment
6 performance of school district and board of cooperative services licensed
7 personnel, including all teachers, principals, and administrators, with the
8 exception of licensed personnel employed by a board of cooperative
9 services for a period of six weeks or less. In developing the licensed
10 personnel performance evaluation system and any amendments thereto,
11 the local board and board of cooperative services shall consult with
12 administrators, principals, and teachers employed within the district or
13 participating districts in a board of cooperative services, parents, and the
14 school district licensed personnel performance evaluation council or the
15 board of cooperative services personnel performance evaluation council
16 created pursuant to section 22-9-107. The performance evaluation system
17 shall ADDRESS ALL OF THE PERFORMANCE STANDARDS ESTABLISHED BY
18 RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY
19 PURSUANT TO SECTION 22-9-105.5, AND SHALL contain, but ~~shall~~ NEED not
20 be limited to, the following information:

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

26 (I) Probationary teachers receive at least two documented
27 observations and one evaluation that results in a written evaluation report

1 pursuant to subsection (3) of this section each academic year;

2 (II) Nonprobationary teachers receive at least one observation
3 each year and one evaluation that results in a written evaluation report
4 pursuant to subsection (3) of this section ~~every three years~~ EACH
5 ACADEMIC YEAR ACCORDING TO THE PERFORMANCE STANDARDS _____
6 ESTABLISHED BY RULE OF THE STATE BOARD AND ADOPTED BY THE
7 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5; AND

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

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

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

20 _____
21 _____

22 (V) (A) Measuring the level of performance of all licensed
23 personnel within the school district or employed by a board of
24 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
25 EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
26 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
27 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO

1 SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
2 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
3 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
4 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
5 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

16 (e) (I) The standards set by the local board for satisfactory
17 performance for licensed personnel and the criteria to be used to
18 determine whether the performance of each licensed person meets such
19 standards and other criteria for evaluation for each licensed personnel
20 position evaluated. One of the standards for measuring teacher
21 performance shall be directly related to classroom instruction and shall
22 include multiple measures of student performance. The performance
23 evaluation system shall also ensure that the standards and criteria are
24 available in writing to all licensed personnel and are communicated and
25 discussed by the person being evaluated and the evaluator prior to and
26 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS REPEALED
27 AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON

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

1 (1.5). THE PERFORMANCE EVALUATION SYSTEM SHALL ALSO ENSURE THAT
2 THE STANDARDS AND CRITERIA ARE AVAILABLE IN WRITING TO ALL
3 LICENSED PERSONNEL AND ARE COMMUNICATED AND DISCUSSED BY THE
4 PERSON BEING EVALUATED AND THE EVALUATOR PRIOR TO AND DURING
5 THE COURSE OF THE EVALUATION. THIS SUBPARAGRAPH (II) SHALL TAKE
6 EFFECT ___ AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
7 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
8 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
9 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 (2.5) (a) The council shall actively participate with the local board
15 or board of cooperative services in developing written standards for
16 evaluation that clearly specify satisfactory performance and the criteria
17 to be used to determine whether the performance of each licensed person
18 meets such standards pursuant to paragraph (e) of subsection (1) of this
19 section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE ___ AT SUCH TIME
20 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
21 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
22 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
23 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
24 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
25 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
26 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
27 IMPLEMENTATION OCCURS.

1 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
2 BOARD ___ IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT
3 CLEARLY SPECIFY PERFORMANCE STANDARDS ___ AND THE QUALITY
4 STANDARDS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER THE
5 PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS
6 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS
7 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
8 EVALUATION SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED
9 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE
10 BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL
11 PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE.
12 THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO
13 THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY
14 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

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

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

1 DEVELOPMENT OPPORTUNITIES THAT ARE INTENDED TO HELP THE TEACHER
2 OR PRINCIPAL TO ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT
3 PERFORMANCE EVALUATION.* THE TEACHER OR PRINCIPAL SHALL BE
4 GIVEN A REASONABLE PERIOD OF TIME TO REMEDIATE THE DEFICIENCIES
5 AND SHALL RECEIVE A STATEMENT OF THE RESOURCES AND ASSISTANCE
6 AVAILABLE FOR THE PURPOSE OF IMPROVING EFFECTIVENESS. THIS
7 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
8 EVALUATION SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED
9 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE
10 BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL
11 PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE.
12 THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO
13 THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY
14 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

27 (4.5) (a) Any person whose performance evaluation includes a

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

18 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A
19 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
20 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE
21 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
22 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
23 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
24 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
25 HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
26 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
27 THE DOCUMENTATION RELIED UPON IN MEASURING THE PERSON'S

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

1 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
2 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
3 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
4 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS
5 DETERMINED BY THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED
6 IN THE PRINCIPAL'S SCHOOL. FOR PRINCIPALS, THE QUALITY
7 STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

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

11 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
12 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
13 EFFECTIVE; AND

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

17 **SECTION 8. 22-11-302 (1), Colorado Revised Statutes, is**
18 **amended by THE ADDITION OF A NEW PARAGRAPH to read:**

19 **22-11-302. School district accountability committees - powers and**
20 **duties. (1) Each school district accountability committee shall have the**
21 **following powers and duties:**

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

27 **SECTION 9. 22-11-402 (1), Colorado Revised Statutes, is**

1 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2 **22-11-402. School accountability committee - powers and**
3 **duties - meetings.** (1) Each school accountability committee shall have
4 the following powers and duties:

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

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

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

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

14 **22-63-103. Definitions.** As used in this article, unless the context
15 otherwise requires:

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

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

25 **22-63-202. Employment contracts - contracts to be in writing**
26 **- duration - damage provision.** (2) (c.5) (I) THE GENERAL ASSEMBLY
27 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE

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

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

26 (III) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS DEEMED
27 EFFECTIVE DURING THE PRIOR YEAR AND HAS NOT SECURED A MUTUAL

1 CONSENT PLACEMENT SHALL BE A MEMBER OF A PRIORITY HIRING POOL,
2 WHICH SHALL ENSURE A FIRST OPPORTUNITY TO INTERVIEW FOR
3 AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL
4 DISTRICT. THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT MARCH 1, 2011,
5 OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
6 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
7 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

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

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

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

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

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

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

15 **22-63-203. Probationary teachers - renewal and nonrenewal**
16 **of employment contract - repeal.** (1) (a) EXCEPT AS PROVIDED FOR IN
17 PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section
18 shall apply only to probationary teachers and shall no longer apply when
19 the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED
20 FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS
21 PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

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

1 NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS
2 OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER
3 PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT.

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

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

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

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

24 22-63-203. Probationary teachers - removal and nonrenewal
25 of employment contract - repeal. (4) (a.5) BEGINNING WITH THE
26 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO
27 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR

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

6 *THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE PRINCIPAL'S
7 SCHOOL DISTRICT SHALL PROVIDE INPUT AND RECOMMENDATIONS TO THE
8 DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT
9 ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.*

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

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

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