

**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**

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**SENATE SPONSORSHIP**

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

**HOUSE SPONSORSHIP**

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**Senate Committees**

Education  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

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

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**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.

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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 UPON RECEIPT OF SUCH NOTICE, THE STATE TREASURER SHALL TRANSFER  
10 TO THE FUND THE AMOUNT OF THE DIFFERENCE OUT OF THE CONTINGENCY  
11 RESERVE FUND, CREATED PURSUANT TO SECTION 22-54-117 FOR THE  
12 IMPLEMENTATION OF SECTION 22-9-105.5. IF THERE IS AN INSUFFICIENT  
13 AMOUNT IN THE CONTINGENCY RESERVE FUND, THE STATE TREASURER  
14 SHALL TRANSFER TO THE FUND ANY REMAINING AMOUNT OF THE  
15 DIFFERENCE FROM THE STATE EDUCATION FUND, CREATED IN SECTION 17  
16 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION  
17 OF SECTION 22-9-105.5.

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

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

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

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

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

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

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

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

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

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

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

- 16 \_\_\_\_\_
- 17 \_\_\_\_\_

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

1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1 of the personnel whom he or she is responsible for evaluating. No person  
2 shall be issued a principal or administrator license or have a principal or  
3 administrator license renewed unless the state board determines that such  
4 person has received education and training approved by the department  
5 of education.

6 (4.5) (a) Any person whose performance evaluation includes a  
7 remediation plan shall be given an opportunity to improve his or her  
8 performance through the implementation of the plan. If the next  
9 performance evaluation shows that the person is performing satisfactorily,  
10 no further action shall be taken concerning the original performance  
11 evaluation. If ~~such~~ THE evaluation shows the person is still not  
12 performing satisfactorily, the evaluator shall either make additional  
13 recommendations for improvement or may recommend the dismissal of  
14 the person, which dismissal shall be in accordance with the provisions of  
15 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS  
16 REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION  
17 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS  
18 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT  
19 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF  
20 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE  
21 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE  
22 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1  
23 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

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

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

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

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

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

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

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

26 **22-11-302. School district accountability committees - powers and**  
27 **duties.** (1) Each school district accountability committee shall have the

1 following powers and duties:

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

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

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

13 **22-11-402. School accountability committee - powers and**  
14 **duties - meetings.** (1) Each school accountability committee shall have  
15 the following powers and duties:

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

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

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

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

25 **22-63-103. Definitions.** As used in this article, unless the context  
26 otherwise requires:

27 (7) "Probationary teacher" means a teacher who has not completed



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

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

9 **22-63-202. Employment contracts - contracts to be in writing**  
10 **- duration - damage provision.** (2) (c.5) (I) THE GENERAL ASSEMBLY  
11 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON  
12 THE DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE  
13 PRINCIPAL NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE  
14 DEMONSTRATED EFFECTIVENESS, HAVE UNIQUE QUALIFICATIONS AND  
15 TEACHING EXPERIENCES THAT SUPPORT THE INSTRUCTIONAL MODEL OF HIS  
16 OR HER SCHOOL, AND ARE ALIGNED TO THE SCHOOL'S CULTURE AND  
17 MISSION. THEREFORE, EACH EMPLOYMENT CONTRACT EXECUTED  
18 PURSUANT TO THIS SECTION SHALL CONTAIN A PROVISION STATING THAT  
19 A TEACHER MAY BE ASSIGNED TO A PARTICULAR SCHOOL ONLY WITH THE  
20 CONSENT OF THE HIRING PRINCIPAL AND WITH INPUT FROM AT LEAST TWO  
21 PRACTICING TEACHERS, AND AFTER A REVIEW OF THE TEACHER'S  
22 DEMONSTRATED EFFECTIVENESS, UNIQUE QUALIFICATIONS AND POTENTIAL  
23 CONTRIBUTIONS TO THE SCHOOL'S EDUCATIONAL PROGRAMS, SUCCESSFUL  
24 YEARS OF TEACHING EXPERIENCE, AND FIT WITH THE SCHOOL'S CULTURE  
25 AND MISSION.

26 (II) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO, DURING  
27 THE PRIOR SCHOOL YEAR, WAS DEEMED SATISFACTORY, OR WAS DEEMED

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

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

1 WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY  
2 TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY  
3 TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

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

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

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

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

16 (C) THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT 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 (IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A  
26 MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT  
27 AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT SHALL PLACE THE

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

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

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

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

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

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

10 **22-63-202. Employment contracts - contracts to be in writing**  
11 **- duration - damage provision.** (3) A teacher may be suspended  
12 temporarily during the contractual period until the date of dismissal as  
13 ordered by the board pursuant to section 22-63-302 or may have his OR  
14 HER employment contract cancelled during the contractual period when  
15 there is a justifiable decrease in the number of teaching positions. The  
16 manner in which employment contracts will be cancelled when there is  
17 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be  
18 included in any contract between the board of education of the school  
19 district and school district employees ~~If there is no such contract~~  
20 ~~provision, when a justifiable reduction in the number of teaching~~  
21 ~~positions within a particular endorsement area occurs, the employment~~  
22 ~~contracts of first-year probationary teachers who are occupying such~~  
23 ~~positions shall be cancelled first. Further reductions in the number of~~  
24 ~~teaching positions through the cancellation of employment contracts of~~  
25 ~~second-year and third-year probationary teachers and nonprobationary~~  
26 ~~teachers shall be made in accordance with an established policy of the~~  
27 ~~board of education of the school district. The provisions of this~~

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

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

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

24 (b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE  
25 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS  
26 PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE  
27 BOARD PURSUANT TO SECTION 22-9-105.5, THE PROVISIONS OF THIS

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

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

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

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

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

26 22-63-203. Probationary teachers - removal and nonrenewal  
27 of employment contract - repeal. (4) (a.5) (I) BEGINNING WITH THE



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

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

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

21 **22-63-203.5. Nonprobationary portability.** BEGINNING WITH  
22 THE 2014-2015 SCHOOL YEAR, A NONPROBATIONARY TEACHER, EXCEPT  
23 FOR A NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE  
24 PERFORMANCE EVALUATIONS WITH AN INEFFECTIVE RATING, WHO IS  
25 EMPLOYED BY A SCHOOL DISTRICT AND IS SUBSEQUENTLY HIRED BY A  
26 DIFFERENT SCHOOL DISTRICT MAY PROVIDE TO THE HIRING SCHOOL  
27 DISTRICT EVIDENCE OF HIS OR HER STUDENT ACADEMIC GROWTH DATA

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

7

8 **SECTION 16.** 22-63-206, Colorado Revised Statutes, is amended  
9 BY THE ADDITION OF A NEW SUBSECTION to read:

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

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