

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 23, 2010

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB10-191 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, line 13, strike "~~level of performance~~" and
- 2 substitute "level of performance BASED ON THE".

- 3 Page 3, line 14, after "personnel;" insert "AND".

- 4 Page 3, strike lines 15 and 16.

- 5 Renumber succeeding subparagraph accordingly.

- 6 Page 4, line 4, strike "(1.2)" and substitute "(1.1)" and strike
- 7 "GOVERNOR'S" and substitute "STATE".

- 8 Page 4, line 5, strike "EXECUTIVE ORDER" and substitute "SECTION
- 9 22-9-105.5".

- 10 Page 4, strike lines 6 and 7.

- 11 Page 4, line 8, strike "(1.4)" and substitute "(1.2)".

- 12 Page 4, after line 9 insert:

- 13 "(1.3) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR ANY OTHER
- 14 LICENSED PERSONNEL.

1 (2.5) "PERFORMANCE STANDARDS" MEANS THE LEVELS OF
2 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO
3 SECTION 22-9-105.5.

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

7 Page 4, line 25, strike "MEET OR EXCEED".

8 Page 4, strike lines 26 and 27 and substitute "WILL SATISFY QUALITY
9 STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE,
10 DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF
11 COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF
12 THIS ARTICLE; AND".

13 Page 5, line 1, after "(f)" insert "(I)", and strike "MARCH 1," and substitute
14 "SEPTEMBER 1,".

15 Page 5, line 4, strike "(2)" and substitute "(3)".

16 Page 5, line 6, strike "DECEMBER 31, 2010," and substitute "MARCH 1,
17 2011,".

18 Page 5, line 7, strike "(2)," and substitute "(3),".

19 Page 5, line 8, strike "MARCH 1," and substitute "SEPTEMBER 1,".

20 Page 5, line 9, strike "(2)" and substitute "(3)", and after "ADDRESS." add
21 "IN PROMULGATING RULES PURSUANT TO THIS PARAGRAPH (f), THE STATE
22 BOARD SHALL CONFORM TO THE TIMELINE SET FORTH IN SECTION
23 22-9-105.5 (4).

24 (II) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
25 PROMULGATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),
26 IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
27 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
28 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
29 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL
30 ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES IN THE
31 RULES PROMULGATED BY THE STATE BOARD."

1 Page 6, line 9, strike "**Governor's**" and substitute "**State**".

2 Page 6, line 10, strike "**declaration - "** and substitute "**declaration -**
3 **membership - "**.

4 Page 6, line 21, strike "GOVERNOR." and substitute "GOVERNOR AS
5 FOLLOWS:

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

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

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

11 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL
12 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
13 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

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

16 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
17 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
18 SCHOOLS;

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

21 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
22 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
23 STUDENT COALITION; AND

24 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
25 POLICY.

26 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PURPOSE
27 OF THE COUNCIL SHALL BE TO CONSIDER OPTIONS AND MAKE
28 RECOMMENDATIONS TO THE STATE BOARD AND GENERAL ASSEMBLY THAT
29 SEEK TO ENSURE THAT EVERY EDUCATOR IS:

1 (a) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
2 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
3 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER
4 STUDENTS;

5 (b) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
6 HER EFFECTIVENESS; AND

7 (c) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
8 OTHER EDUCATORS THROUGHOUT THE STATE."

9 Page 6, after line 21, insert:

10 "(2.5) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
11 GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS,
12 REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".

13 (b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR
14 EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL
15 SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL
16 INCLUDE:

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

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

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

22 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL
23 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
24 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

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

27 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
28 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
29 SCHOOLS;

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

3 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
4 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
5 STUDENT COALITION; AND

6 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
7 POLICY.

8 (c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF
9 THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED
10 BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE
11 RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY
12 THAT SEEK TO ENSURE THAT EVERY EDUCATOR IS:

13 (I) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
14 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
15 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER
16 STUDENTS;

17 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
18 HER EFFECTIVENESS; AND

19 (III) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
20 OTHER EDUCATORS THROUGHOUT THE STATE."

21 Renumber succeeding subsections accordingly.

22 Page 6, strike line 22, and substitute:

23 "(3) THE".

24 Page 6, line 24, strike "DECEMBER 31, 2010," and substitute "MARCH 1,
25 2011,".

26 Page 6, line 25, strike "THAT:" and substitute "THAT EVERY TEACHER IS
27 EVALUATED USING MULTIPLE FAIR,".

28 Page 6, strike line 26.

1 Page 7, line 1, strike "SUBPARAGRAPH (I)" and substitute "PARAGRAPH
2 (a)".

3 Page 7, line 8, strike "INCLUDE, BUT NEED" and substitute "INCLUDE".

4 Page 7, line 9, strike "NOT BE LIMITED TO,".

5 Page 7, strike lines 11 through 14 and substitute "SECTION 22-11-204(2)".

6 Page 7, line 15, strike "SUBJECT AND GRADE LEVEL." and substitute "AND
7 SHALL INCLUDE STATEWIDE SUMMATIVE ASSESSMENTS AND MAY INCLUDE
8 INTERIM ASSESSMENT RESULTS AND EVIDENCE OF STUDENT WORK,
9 PROVIDED THAT ALL ARE RIGOROUS AND COMPARABLE ACROSS
10 CLASSROOMS AND ALIGNED WITH STATE MODEL CONTENT STANDARDS
11 AND PERFORMANCE STANDARDS DEVELOPED PURSUANT TO ARTICLE 7 OF
12 TITLE 22. FOR THE PURPOSES OF MEASURING EFFECTIVENESS,
13 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
14 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
15 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
16 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
17 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
18 (1.5).".

19 Page 7, strike lines 19 through 23 and substitute:

20 "(b) ON OR BEFORE MARCH 1, 2011, THE COUNCIL SHALL PROVIDE
21 THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE
22 IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION
23 SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS, AND WITH
24 RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION
25 OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE
26 RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL
27 CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS
28 SECTION.".

29 Reletter succeeding paragraphs accordingly.

30 Page 7, line 24, strike "DECEMBER 31, 2010," and substitute "MARCH 1,
31 2011,".

- 1 Page 7, strike line 25 and substitute "PERFORMANCE STANDARDS TO
2 ESTABLISH LEVELS OF EFFECTIVENESS AND QUALITY STANDARDS TO
3 MEASURE EFFECTIVENESS, TO BE USED BY SCHOOL DISTRICTS AND BOARDS
4 OF COOPERATIVE SERVICES, FOR EACH".
- 5 Page 7, line 27, strike "GUIDELINES" and substitute "QUALITY
6 STANDARDS".
- 7 Page 8, line 3, strike "(2)." and substitute "(2) IN CONJUNCTION WITH
8 EXPECTATIONS OF STUDENT ACADEMIC GROWTH. FOR THE PURPOSES OF
9 MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC
10 GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING
11 BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND
12 CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE
13 PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN
14 SECTION 22-7-604.5 (1.5).".
- 15 Page 8, line 4, strike "DECEMBER 31, 2010," and substitute "MARCH 1,
16 2011,".
- 17 Page 8, line 5, after "THAT" insert "THE STATE PROVIDES".
- 18 Page 8, line 7, strike "SHALL HAVE ACCESS TO A CAREER LADDER" and
19 substitute "WITH CAREER LADDERS".
- 20 Page 8, strike lines 12 through 15 and substitute:
- 21 "(e) ON OR BEFORE JULY 1, 2013, TO REPORT TO THE DEPARTMENT
22 THE RESULTS OF THE INITIAL YEAR OF IMPLEMENTATION AND TESTING OF
23 THE PERFORMANCE EVALUATION SYSTEM IN THE 2012-2013 SCHOOL
24 YEAR.".
- 25 Page 8, line 16, strike "(3)" and substitute "(4)(a)", and strike "MARCH
26 1, 2011," and substitute, "SEPTEMBER 1, 2011,".
- 27 Page 8, line 18, strike "(2)" and substitute "(3)".
- 28 Page 8, line 20, strike "DECEMBER 31, 2010," and substitute "MARCH 1,
29 2011,".
- 30 Page 8, line 22, strike "(2)" and substitute "(3)".

1 Page 8, line 23, strike "MARCH 1, 2011," and substitute, "SEPTEMBER 1,
2 2011,"

3 Page 8, line 24, strike "(d)" and substitute "(e)" and after "ADDRESS." add
4 "IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (4), THE STATE
5 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

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

11 (II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL
12 PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED
13 PURSUANT TO THIS SUBSECTION (4). ON OR BEFORE FEBRUARY 15, 2012,
14 THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS
15 PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (4).

16 (III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE
17 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
18 THIS SUBSECTION (4), THE NEW PERFORMANCE EVALUATION SYSTEM THAT
19 IS BASED ON MEASURES OF EFFECTIVENESS SHALL BE IMPLEMENTED AND
20 TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b)
21 OF SUBSECTION (3) OF THIS SECTION.

22 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
23 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
24 THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST LEVEL OF
25 IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
26 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF
27 EFFECTIVENESS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
28 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF
29 SUBSECTION (3) OF THIS SECTION.

30 (B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE
31 EVALUATED BASED ON MEASURES OF EFFECTIVENESS. DEMONSTRATED
32 LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE
33 CONSIDERED IN THE ACQUISITION OF PROBATIONARY OR
34 NONPROBATIONARY STATUS.

1 (V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE
2 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
3 THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST AND
4 SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014
5 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS
6 BASED ON MEASURES OF EFFECTIVENESS SHALL BE FINALIZED ON A
7 STATEWIDE BASIS.

8 (B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL
9 CONTINUE TO BE EVALUATED BASED ON MEASURES OF EFFECTIVENESS.
10 DEMONSTRATED LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL
11 BE CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR
12 NONPROBATIONARY STATUS.

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

21 (5) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
22 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF
23 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
24 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT
25 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
26 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.
27 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
28 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
29 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
30 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
31 AND ONGOING EXPERIENCE IN COLORADO.

32 (6) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
33 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN
34 RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND,
35 CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY
36 AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE
37 PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT

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

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

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

22 (2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
23 OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS
24 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
25 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
26 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
27 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
28 THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
29 FUND OR ANOTHER FUND.

30 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
31 THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE
32 FUND."

33 Renumber succeeding sections accordingly.

34 Page 8, line 26, strike "(1)(d)(III),".

- 1 Page 9, strike line 18 and substitute "shall ADDRESS ALL OF THE
2 PERFORMANCE STANDARDS".
- 3 Page 9, line 19, after "BOARD" insert "AND ADOPTED BY THE GENERAL
4 ASSEMBLY".
- 5 Page 9, line 20, strike "22-9-104 (2) (f)," and substitute "22-9-105.5 (4),".
- 6 Page 10, line 6, strike "GUIDELINES FOR MEASURES OF" and substitute
7 "PERFORMANCE STANDARDS".
- 8 Page 10, line 7, strike "EFFECTIVENESS" and after "BOARD" insert "AND
9 ADOPTED BY THE GENERAL ASSEMBLY".
- 10 Page 10, line 8, strike "22-9-104 (2) (f);" and substitute "22-9-105.5 (4);".
- 11 Page 10, line 12, strike "GUIDELINES FOR MEASURES OF" and substitute
12 "PERFORMANCE STANDARDS".
- 13 Page 10, line 13, strike "EFFECTIVENESS", and after "BOARD" insert "AND
14 ADOPTED BY THE GENERAL ASSEMBLY".
- 15 Page 10, line 14, strike "22-9-104 (2) (f)." and substitute "22-9-105.5
16 (4).".
- 17 Page 10, strike lines 21 through 27.
- 18 Page 11, strike lines 1 through 7.
- 19 Page 11, strike lines 11 through 14 and substitute "EFFECTIVE AT SUCH
20 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
21 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
22 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
23 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
24 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
25 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
26 IMPLEMENTATION OCCURS."
- 27 Page 11, line 16, strike "DISTRICT OR EMPLOYED BY A BOARD OF" and
28 substitute "DISTRICT."

1 Page 11, line 17, strike "COOPERATIVE SERVICES."

2 Page 11, strike lines 18 through 21 and substitute "EFFECT AT SUCH TIME
3 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
4 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
5 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
6 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
7 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
8 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
9 IMPLEMENTATION OCCURS."

10 Page 12, strike lines 6 through 9 and substitute "REPEALED AT SUCH TIME
11 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
12 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
13 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
14 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
15 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
16 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
17 IMPLEMENTATION OCCURS."

18 Page 12, line 16, after "INSTRUCTION" insert "AND SHALL REQUIRE THAT
19 AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE
20 ACADEMIC GROWTH OF THE TEACHER'S STUDENTS. THE STANDARDS".

21 Page 12, line 17, strike "PERFORMANCE." and substitute "PERFORMANCE
22 IN CONJUNCTION WITH STUDENT GROWTH EXPECTATIONS. FOR THE
23 PURPOSES OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT
24 ACADEMIC GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS,
25 INCLUDING BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY,
26 AND CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE
27 PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN
28 SECTION 22-7-604.5 (1.5)."

29 Page 12, line 22, strike "MARCH 1,".

30 Page 12, strike lines 23 through 25 and substitute "AT SUCH TIME AS THE
31 PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
32 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
33 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
34 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
35 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR

1 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
2 IMPLEMENTATION OCCURS."

3 Page 13, line 4, strike "MARCH 1, 2011,".

4 Page 13, strike lines 5 through 7 and substitute "AT SUCH TIME AS THE
5 PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
6 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
7 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
8 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
9 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
10 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
11 IMPLEMENTATION OCCURS."

12 Page 13, line 9, strike "OR BOARD OF COOPERATIVE SERVICES".

13 Page 13, strike lines 15 through 18 and substitute "EFFECT AT SUCH TIME
14 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
15 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
16 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
17 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
18 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
19 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
20 IMPLEMENTATION OCCURS."

21 Page 13, line 27, strike "MARCH 1,".

22 Page 14, strike lines 1 through 3 and substitute "AT SUCH TIME AS THE
23 PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
24 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
25 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
26 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
27 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
28 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
29 IMPLEMENTATION OCCURS."

30 Page 14, line 6, strike "BE GIVEN NOTICE OF DEFICIENCIES." and substitute
31 "RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION
32 SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION
33 RELIED UPON IN MEASURING THE EDUCATOR'S PERFORMANCE, AND
34 IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL DISTRICT SHALL ENSURE

1 THAT A NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF
2 INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN
3 ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED,
4 WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM,
5 THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY
6 TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE
7 SUPERINTENDENT OF THE SCHOOL DISTRICT AND SHALL PLACE THE
8 BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT
9 A RATING OF EFFECTIVENESS WAS APPROPRIATE."

10 Page 14, strike lines 13 through 15 and substitute "AT SUCH TIME AS THE
11 PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
12 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
13 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
14 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
15 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
16 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
17 IMPLEMENTATION OCCURS."

18 Page 15, strike lines 11 through 14 and substitute "REPEALED, EFFECTIVE
19 AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON
20 MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION
21 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
22 SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER
23 SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF
24 STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER
25 UNTIL STATEWIDE IMPLEMENTATION OCCURS."

26 Page 15, line 21, after "EFFECTIVELY," insert "HE OR SHE SHALL RECEIVE
27 WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A
28 RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN
29 MEASURING THE EDUCATOR'S PERFORMANCE, AND IDENTIFICATION OF
30 DEFICIENCIES. EACH SCHOOL DISTRICT SHALL ENSURE THAT A
31 NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF
32 INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN
33 ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED,
34 WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM,
35 THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY
36 TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE
37 SUPERINTENDENT OF THE SCHOOL DISTRICT AND SHALL PLACE THE
38 BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT

1 A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE APPEAL PROCESS
2 SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE NONPROBATIONARY
3 TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS OF
4 NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION
5 REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR AN EDUCATOR
6 WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, "

7 Page 15, strike lines 26 and 27 and substitute "(b) SHALL TAKE EFFECT AT
8 SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON
9 MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION
10 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
11 SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER
12 SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF
13 STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER
14 UNTIL STATEWIDE IMPLEMENTATION OCCURS."

15 Page 16, strike lines 1 and 2.

16 Page 16, line 6, strike "SIXTY-SIX" and substitute "FIFTY".

17 Page 16, line 7, strike "A COMBINATION OF".

18 Page 16, line 8, strike "SCHOOL AND THE" and substitute "SCHOOL."

19 Page 16, strike line 9.

20 Page 16, line 10, strike "TEACHERS IN THE PRINCIPAL'S SCHOOL."

21 Page 17, line 4, strike "PURSUANT TO" and substitute "ADOPTED BY THE
22 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5 (4)."

23 Page 17, strike line 5.

24 Page 19, strike lines 1 through 9 and substitute:

25 **"of employment contract - repeal.** (1) (a) EXCEPT AS PROVIDED FOR IN
26 PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section
27 shall apply only to probationary teachers and shall no longer apply when
28 the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED
29 FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS
30 PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

1 (b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE
2 PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
3 EFFECTIVENESS PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED
4 BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4), THE
5 PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO PROBATIONARY
6 TEACHERS AND SHALL NO LONGER APPLY WHEN THE TEACHER HAS BEEN
7 GRANTED NONPROBATIONARY STATUS AS A RESULT OF THREE
8 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED
9 THROUGH HIS OR HER PERFORMANCE EVALUATIONS AND CONTINUOUS
10 EMPLOYMENT."

11 Page 19, after line 27 insert:

12 "SECTION 12. 22-63-203 (4), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

14 **22-63-203. Probationary teachers - removal and nonrenewal**
15 **of employment contract - repeal.** (4) (a.5) BEGINNING WITH THE
16 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO
17 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR
18 NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A
19 PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR
20 OF EMPLOYMENT."

21 Renumber succeeding sections accordingly.

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