

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

PREAMENDED

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

LLS NO. 10-0474.05 Jane Ritter

SENATE BILL 10-191

SENATE SPONSORSHIP

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

HOUSE SPONSORSHIP

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

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries.>)

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

Section 1 makes legislative findings.

Section 2 adds definitions.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

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

Section 4 repeals the state licensed personnel performance evaluation council.

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

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

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

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

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

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

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

3 to read:

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

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

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

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

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

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

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

15 ==

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

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

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

1 **22-9-103. Definitions.** As used in this article, unless the context
2 otherwise requires:

3 (1.1) "COUNCIL" MEANS THE STATE COUNCIL FOR EDUCATOR
4 EFFECTIVENESS ESTABLISHED PURSUANT TO SECTION 22-9-105.5.

5 (1.2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
6 CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

7 (1.3) "EDUCATOR" MEANS A TEACHER, PRINCIPAL, OR ANY OTHER
8 LICENSED PERSONNEL.

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

12 (2.7) "QUALITY STANDARDS" MEANS THE ELEMENTS AND CRITERIA
13 ESTABLISHED TO MEASURE EFFECTIVENESS AS ESTABLISHED BY RULE OF
14 THE STATE BOARD PURSUANT TO SECTION 22-9-105.5.

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

18 **22-9-104. State board - powers and duties - rules.** (2) The
19 state board shall:

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

27 (d) Review school district and board of cooperative services

1 processes and procedures for licensed personnel performance evaluation
2 systems to assure that such systems are professionally sound; and will
3 result in a fair, adequate, and credible evaluation; AND WILL SATISFY
4 QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE,
5 DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF
6 COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF
7 THIS ARTICLE; AND

8 (f) (I) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD,
9 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
10 4 OF TITLE 21, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE
11 ISSUES SPECIFIED IN SECTION 22-9-105.5 (3) USING THE
12 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
13 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
14 REGARD TO ONE OR MORE OF THE ISSUES SPECIFIED IN SECTION 22-9-105.5
15 (3), THE STATE BOARD, ON OR BEFORE SEPTEMBER 1, 2011, SHALL
16 PROMULGATE RULES CONCERNING ANY ISSUES IN SECTION 22-9-105.5 (3)
17 THAT THE COUNCIL DID NOT ADDRESS. IN PROMULGATING RULES
18 PURSUANT TO THIS PARAGRAPH (f), THE STATE BOARD SHALL CONFORM TO
19 THE TIMELINE SET FORTH IN SECTION 22-9-105.5 (4).

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

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

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

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

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

22 ~~(H) Repealed.~~

23 ~~(b) Repealed.~~

24 ~~(4) Repealed.~~

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

27 **22-9-105.5. State council for educator effectiveness -**

1 **legislative declaration - membership - duties - recommendations -**

2 **rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

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

11 (c) THE EXECUTIVE ORDER FURTHER SETS FORTH THE MEMBERSHIP
12 OF THE FIFTEEN-PERSON COUNCIL, TO BE APPOINTED BY THE GOVERNOR AS
13 FOLLOWS:

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

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

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

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

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

24 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
25 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
26 SCHOOLS;

27 (VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH

1 THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;
2 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
3 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
4 STUDENT COALITION; AND
5 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
6 POLICY.
7 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PURPOSE
8 OF THE COUNCIL SHALL BE TO CONSIDER OPTIONS AND MAKE
9 RECOMMENDATIONS TO THE STATE BOARD AND GENERAL ASSEMBLY THAT
10 SEEK TO ENSURE THAT EVERY EDUCATOR IS:
11 (a) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
12 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
13 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER
14 STUDENTS;
15 (b) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
16 HER EFFECTIVENESS; AND
17 (c) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
18 OTHER EDUCATORS THROUGHOUT THE STATE.
19 (2.5) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
20 GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS,
21 REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".
22 (b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR
23 EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL
24 SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL
25 INCLUDE:
26 (I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;
27 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER

1 EDUCATION, OR HIS OR HER DESIGNEE;

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

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

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

9 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
10 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
11 SCHOOLS;

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

14 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
15 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
16 STUDENT COALITION; AND

17 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
18 POLICY.

19 (c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF
20 THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED
21 BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE
22 RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY
23 THAT SEEK TO ENSURE THAT EVERY EDUCATOR IS:

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

1 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
2 HER EFFECTIVENESS; AND

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

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

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

1 WITH A STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
2 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
3 (1.5). THE MULTIPLE MEASURES OF EFFECTIVENESS FOR TEACHERS SHALL
4 BE CLEAR AND RELEVANT TO THE TEACHER'S ROLES AND RESPONSIBILITIES
5 AND SHALL HAVE THE GOAL OF IMPROVING STUDENT ACADEMIC GROWTH.

6 (b) ON OR BEFORE MARCH 1, 2011, THE COUNCIL SHALL PROVIDE
7 THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE
8 IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION
9 SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS, AND WITH
10 RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION
11 OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE
12 RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL
13 CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS
14 SECTION.

15 (c) ON OR BEFORE MARCH 1, 2011, TO DEVELOP A SET OF
16 PERFORMANCE STANDARDS TO ESTABLISH LEVELS OF EFFECTIVENESS AND
17 QUALITY STANDARDS TO MEASURE EFFECTIVENESS, TO BE USED BY
18 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES, FOR EACH
19 CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED UNDER THIS
20 ARTICLE. THE QUALITY STANDARDS SHALL OUTLINE CRITERIA TO BE
21 APPLIED IN ASSIGNING EDUCATORS TO APPROPRIATE LEVELS OF
22 EFFECTIVENESS, WHICH SHALL INCLUDE MEASURES OF STUDENT
23 LONGITUDINAL ACADEMIC GROWTH AS SET FORTH IN SECTION
24 22-11-204 (2) IN CONJUNCTION WITH EXPECTATIONS OF STUDENT
25 ACADEMIC GROWTH. FOR THE PURPOSES OF MEASURING EFFECTIVENESS,
26 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
27 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO

1 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
2 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
3 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
4 (1.5).

5 (d) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
6 TO THE STATE BOARD TO ENSURE THAT THE STATE PROVIDES EVERY
7 TEACHER AND PRINCIPAL WHO IS DETERMINED TO BE HIGHLY EFFECTIVE
8 WITH CAREER LADDERS THAT WILL HELP HIM OR HER EARN ADDITIONAL
9 PAY IN RETURN FOR SHARING EFFECTIVE PRACTICES WITH OTHER
10 EDUCATORS STATEWIDE, IN ORDER TO ADVANCE THE EFFECTIVENESS OF
11 ALL EDUCATORS IN THE STATE AND ULTIMATELY BENEFIT THE STUDENTS
12 OF COLORADO; AND

13 (e) ON OR BEFORE JULY 1, 2013, TO REPORT TO THE DEPARTMENT
14 THE RESULTS OF THE INITIAL YEAR OF IMPLEMENTATION AND TESTING OF
15 THE PERFORMANCE EVALUATION SYSTEM IN THE 2012-2013 SCHOOL YEAR.

16 (4) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD
17 SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
18 PARAGRAPHS (a) TO (d) OF SUBSECTION (3) OF THIS SECTION, USING THE
19 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
20 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
21 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (d) OF
22 SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE
23 SEPTEMBER 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN
24 SAID PARAGRAPHS (a) TO (e) THAT THE COUNCIL DID NOT ADDRESS. IN
25 PROMULGATING RULES PURSUANT TO THIS SUBSECTION (4), THE STATE
26 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

27 (I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE

1 DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF
2 COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF
3 PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON MEASURES OF
4 EFFECTIVENESS.

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

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

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

24 (B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE
25 EVALUATED BASED ON MEASURES OF EFFECTIVENESS. DEMONSTRATED
26 LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE
27 CONSIDERED IN THE ACQUISITION OF PROBATIONARY OR

1 NONPROBATIONARY STATUS.

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

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

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

22 (5) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
23 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF
24 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
25 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT
26 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
27 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.

1 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
2 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
3 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
4 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
5 AND ONGOING EXPERIENCE IN COLORADO.

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

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

20 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
21 **grants, and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
22 ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS
23 FOR THE IMPLEMENTATION OF SECTION 22-9-105.5; EXCEPT THAT THE
24 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
25 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW
26 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
27 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO

1 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GREAT
2 TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND
3 REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE
4 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND
5 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

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

14 (3) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
15 THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE
16 FUND.

17 **SECTION 7.** The introductory portion to 22-9-106 (1) and
18 22-9-106 (1) (c), ___ (I) (d) (V), (1) (e), (2.5), (3.5), (4) (a), and (4.5),
19 Colorado Revised Statutes, are amended, and the said 22-9-106 is further
20 amended BY THE ADDITION OF A NEW SUBSECTION, to read:

21 **22-9-106. Local boards of education - duties - performance**
22 **evaluation system - repeal.** (1) All school districts and boards of
23 cooperative services that employ licensed personnel, as defined in section
24 22-9-103 (1.5), shall adopt a written system to evaluate the employment
25 performance of school district and board of cooperative services licensed
26 personnel, including all teachers, principals, and administrators, with the
27 exception of licensed personnel employed by a board of cooperative

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

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

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

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

27 (III) Principals ~~who are in their first three years of employment as~~

1 principals SHALL receive one evaluation that results in a written
2 evaluation report pursuant to subsection (3) of this section each academic
3 year ~~and~~ ACCORDING TO THE PERFORMANCE STANDARDS ESTABLISHED
4 BY RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY
5 PURSUANT TO SECTION 22-9-105.5 (4).

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

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

- 12 ==
- 13 ==

14 (V) (A) Measuring the level of performance of all licensed
15 personnel within the school district or employed by a board of
16 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
17 EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
18 BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS
19 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT
20 TO SECTION 22-9-105.5 (4) IS 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) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED
25 PERSONNEL WITHIN THE SCHOOL DISTRICT. == THIS SUB-SUBPARAGRAPH
26 (B) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION
27 SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT

1 TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD
2 PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE
3 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
4 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
5 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

6 (e) (I) The standards set by the local board for satisfactory
7 performance for licensed personnel and the criteria to be used to
8 determine whether the performance of each licensed person meets such
9 standards and other criteria for evaluation for each licensed personnel
10 position evaluated. One of the standards for measuring teacher
11 performance shall be directly related to classroom instruction and shall
12 include multiple measures of student performance. The performance
13 evaluation system shall also ensure that the standards and criteria are
14 available in writing to all licensed personnel and are communicated and
15 discussed by the person being evaluated and the evaluator prior to and
16 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS REPEALED
17 AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON
18 MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION
19 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
20 SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER
21 SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF
22 STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER
23 UNTIL STATEWIDE IMPLEMENTATION OCCURS.

24 (II) THE STANDARDS SET BY THE LOCAL BOARD FOR EFFECTIVE
25 PERFORMANCE FOR LICENSED PERSONNEL AND THE CRITERIA TO BE USED
26 TO DETERMINE WHETHER THE PERFORMANCE OF EACH LICENSED PERSON
27 MEETS SUCH STANDARDS AND OTHER CRITERIA FOR EVALUATION FOR

1 EACH LICENSED PERSONNEL POSITION EVALUATED. ONE OF THE
2 STANDARDS FOR MEASURING TEACHER EFFECTIVENESS SHALL BE
3 DIRECTLY RELATED TO CLASSROOM INSTRUCTION AND SHALL REQUIRE
4 THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE
5 ACADEMIC GROWTH OF THE TEACHER'S STUDENTS. THE STANDARDS AND
6 SHALL INCLUDE MULTIPLE MEASURES OF STUDENT PERFORMANCE IN
7 CONJUNCTION WITH STUDENT GROWTH EXPECTATIONS. FOR THE PURPOSES
8 OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC
9 GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING
10 BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND
11 CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE
12 PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN
13 SECTION 22-7-604.5 (1.5). THE PERFORMANCE EVALUATION SYSTEM
14 SHALL ALSO ENSURE THAT THE STANDARDS AND CRITERIA ARE AVAILABLE
15 IN WRITING TO ALL LICENSED PERSONNEL AND ARE COMMUNICATED AND
16 DISCUSSED BY THE PERSON BEING EVALUATED AND THE EVALUATOR PRIOR
17 TO AND DURING THE COURSE OF THE EVALUATION. THIS SUBPARAGRAPH
18 (II) SHALL TAKE EFFECT _____ AT SUCH TIME AS THE PERFORMANCE
19 EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS
20 ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED
21 BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS
22 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
23 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
24 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
25 IMPLEMENTATION OCCURS.

26 (2.5) (a) The council shall actively participate with the local board
27 or board of cooperative services in developing written standards for

1 evaluation that clearly specify satisfactory performance and the criteria
2 to be used to determine whether the performance of each licensed person
3 meets such standards pursuant to paragraph (e) of subsection (1) of this
4 section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE AT SUCH TIME
5 AS THE 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 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
13 BOARD IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT
14 CLEARLY SPECIFY LEVELS OF EFFECTIVENESS AND THE MEASURES OF
15 EFFECTIVENESS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER
16 THE PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS
17 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS
18 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
19 EVALUATION SYSTEM BASED ON MEASURES OF EFFECTIVENESS
20 ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED
21 BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IS
22 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
23 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
24 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
25 IMPLEMENTATION OCCURS.

26 (3.5) (a) A teacher or principal whose performance is deemed to
27 be unsatisfactory pursuant to paragraph (e) of subsection (1) of this

1 section shall be given notice of deficiencies. A remediation plan to
2 correct ~~said~~ THE deficiencies shall be developed by the district or the
3 board of cooperative services and the teacher or principal. The teacher
4 or principal shall be given a reasonable period of time to remediate the
5 deficiencies and shall receive a statement of the resources and assistance
6 available for the purposes of correcting the performance or the
7 deficiencies. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE AT SUCH
8 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON MEASURES OF
9 EFFECTIVENESS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
10 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
11 (4) IS IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
12 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
13 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
14 IMPLEMENTATION OCCURS.

15 (b) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED TO
16 BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS
17 SECTION SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE
18 EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE
19 DOCUMENTATION RELIED UPON IN MEASURING THE EDUCATOR'S
20 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL
21 DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO
22 OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO
23 APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT
24 PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE
25 BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL
26 ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF
27 INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND

1 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
2 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. A
3 REMEDIATION PLAN TO CORRECT THE DEFICIENCIES SHALL BE DEVELOPED
4 BY THE DISTRICT OR THE BOARD OF COOPERATIVE SERVICES AND THE
5 TEACHER OR PRINCIPAL. THE TEACHER OR PRINCIPAL SHALL BE GIVEN A
6 REASONABLE PERIOD OF TIME TO REMEDIATE THE DEFICIENCIES AND SHALL
7 RECEIVE A STATEMENT OF THE RESOURCES AND ASSISTANCE AVAILABLE
8 FOR THE PURPOSE OF IMPROVING EFFECTIVENESS. THIS PARAGRAPH (b)
9 SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION
10 SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT
11 TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD
12 PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE
13 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
14 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
15 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

1 (4.5) (a) Any person whose performance evaluation includes a
2 remediation plan shall be given an opportunity to improve his or her
3 performance through the implementation of the plan. If the next
4 performance evaluation shows that the person is performing satisfactorily,
5 no further action shall be taken concerning the original performance
6 evaluation. If ~~such~~ THE evaluation shows the person is still not
7 performing satisfactorily, the evaluator shall either make additional
8 recommendations for improvement or may recommend the dismissal of
9 the person, which dismissal shall be in accordance with the provisions of
10 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS
11 REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION
12 SYSTEM BASED ON MEASURES OF EFFECTIVENESS ESTABLISHED PURSUANT
13 TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD
14 PURSUANT TO SECTION 22-9-105.5 (4) IS IMPLEMENTED STATEWIDE. THE
15 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
16 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
17 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

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

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

27 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,

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

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

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

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

17 **SECTION 8.** 22-63-103 (7), Colorado Revised Statutes, is
18 amended to read:

19 **22-63-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

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

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

3 **22-63-202. Employment contracts - contracts to be in writing**
4 **- duration - damage provision.** (2) (c.5) THE GENERAL ASSEMBLY
5 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE
6 DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE PRINCIPAL
7 NEEDS THE ABILITY TO SELECT TEACHERS WHO SUPPORT THE
8 INSTRUCTIONAL MODEL OF HIS OR HER SCHOOL. THEREFORE, EACH
9 EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL
10 CONTAIN A PROVISION STATING THAT A TEACHER MAY BE ASSIGNED TO A
11 PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE RECEIVING SCHOOL.
12 IF THE TEACHER IS UNABLE TO SECURE AN ASSIGNMENT AT A SCHOOL OF
13 THE SCHOOL DISTRICT AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT
14 SHALL PLACE THE TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE
15 TEACHER IS ABLE TO SECURE AN ASSIGNMENT. IF THE TEACHER SECURES
16 AN ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON
17 UNPAID LEAVE, THE SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S
18 SALARY AND BENEFITS AT THE LEVEL THEY WOULD HAVE BEEN IF THE
19 TEACHER HAD NOT BEEN PLACED ON UNPAID LEAVE.

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

22 **22-63-202. Employment contracts - contracts to be in writing**
23 **- duration - damage provision.** (3) A teacher may be suspended
24 temporarily during the contractual period until the date of dismissal as
25 ordered by the board pursuant to section 22-63-302 or may have his OR
26 HER employment contract cancelled during the contractual period when
27 there is a justifiable decrease in the number of teaching positions. The

1 manner in which employment contracts will be cancelled when there is
2 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be
3 included in any contract between the board of education of the school
4 district and school district employees ~~If there is no such contract~~
5 ~~provision, when a justifiable reduction in the number of teaching~~
6 ~~positions within a particular endorsement area occurs, the employment~~
7 ~~contracts of first-year probationary teachers who are occupying such~~
8 ~~positions shall be cancelled first. Further reductions in the number of~~
9 ~~teaching positions through the cancellation of employment contracts of~~
10 ~~second-year and third-year probationary teachers and nonprobationary~~
11 ~~teachers shall be made in accordance with an established policy of the~~
12 ~~board of education of the school district. The provisions of this~~
13 ~~subsection (3) concerning the cancellation of employment contracts shall~~
14 ~~not create any property right or contract right, express or implied, for~~
15 ~~second-year and third-year probationary teachers~~ OR IN AN ESTABLISHED
16 POLICY OF THE BOARD, WHICH CONTRACT OR POLICY SHALL INCLUDE THE
17 CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN
18 DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT
19 OF THE DECREASE IN TEACHING POSITIONS.

20 **SECTION 11.** 22-63-203 (1), (2) (b) (III), and (2) (b) (IV),
21 Colorado Revised Statutes, are amended to read:

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

1 PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

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

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

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

23 (IV) The three CONSECUTIVE school years of DEMONSTRATED
24 EFFECTIVENESS AND continuous employment required for the
25 probationary period shall not be deemed to be interrupted by the
26 acceptance by a probationary teacher of the position of chief
27 administrative officer in said school district, but the period of time during

1 which such teacher serves in such capacity shall not be included in
2 computing said probationary period.

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

5 **22-63-203. Probationary teachers - removal and nonrenewal**
6 **of employment contract - repeal.** (4) (a.5) BEGINNING WITH THE
7 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO
8 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR
9 NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A
10 PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR
11 OF EMPLOYMENT.

12 **SECTION 13.** 22-63-206, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

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

19 **SECTION 14. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.