

**NOTE: The governor signed this measure on 5/17/2013.**

# An Act

HOUSE BILL 13-1257

BY REPRESENTATIVE(S) Hamner, Buckner, Duran, Fields, Fischer, Ginal, Hullinghorst, Kraft-Tharp, Labuda, Peniston, Pettersen, Rosenthal, Williams, Young, Ferrandino, Court, Pabon, Schafer;  
also SENATOR(S) Todd, Hudak, Jones, Kerr, Newell, Steadman, Tochtrop.

CONCERNING WORKING COLLABORATIVELY WITH EDUCATORS TO DEVELOP  
A DISTINCTIVE LOCAL-LEVEL PERSONNEL EVALUATION SYSTEM FOR  
EDUCATORS, AND, IN CONNECTION THEREWITH, MAKING AN  
APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 22-9-106, **amend** (1) introductory portion, (5), and (6); and **add** (1.5) as follows:

**22-9-106. Local boards of education - duties - performance evaluation system - compliance - repeal.** (1) All school districts and boards of cooperative services that employ licensed personnel, as defined in section 22-9-103 (1.5), shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services shall COMPLY WITH THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION AND SHALL consult with administrators, principals, and teachers employed within the district or participating districts in a board of cooperative services, parents, and the school district licensed personnel performance evaluation council or the board of cooperative services personnel performance evaluation council created pursuant to section 22-9-107. The performance evaluation system shall address all of the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5, and shall contain, but need not be limited to, the following information:

(1.5) (a) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES MAY ADOPT THE STATE MODEL PERFORMANCE EVALUATION SYSTEM ESTABLISHED BY THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 OR MAY DEVELOP ITS OWN LOCAL LICENSED PERSONNEL EVALUATION SYSTEM THAT COMPLIES WITH THE REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE BOARD. IF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL EVALUATION SYSTEM, THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES OR ANY INTERESTED PARTY MAY SUBMIT TO THE DEPARTMENT, OR THE DEPARTMENT MAY SOLICIT AND COLLECT, DATA RELATED TO SAID PERSONNEL EVALUATION SYSTEM FOR REVIEW BY THE DEPARTMENT.

(b) THE DEPARTMENT SHALL MONITOR SCHOOL DISTRICTS' AND BOARDS OF COOPERATIVE SERVICES' IMPLEMENTATION OF THE REQUIREMENTS FOR LOCAL LICENSED PERSONNEL EVALUATION SYSTEMS. IF, UPON INITIAL REVIEW BY THE DEPARTMENT, THE DATA SUBMITTED OR COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5) INDICATES THAT A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES IS UNABLE TO IMPLEMENT A LOCAL LICENSED PERSONNEL EVALUATION SYSTEM THAT MEETS THE OBJECTIVES OF THIS ARTICLE, THE DEPARTMENT SHALL CONDUCT A MORE THOROUGH REVIEW OF THE SCHOOL DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' PROCESSES AND PROCEDURES FOR SAID EVALUATION SYSTEM TO ENSURE THAT IT IS PROFESSIONALLY SOUND; RESULTS IN FAIR, ADEQUATE, AND CREDIBLE EVALUATIONS; SATISFIES THE QUALITY STANDARDS ESTABLISHED BY RULE OF THE STATE BOARD IN A MANNER THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND LOCATION

OF THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES; AND IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND INTENT OF THIS ARTICLE.

(c) (I) PURSUANT TO SECTION 22-11-206 (4) (b), IF THE DEPARTMENT HAS REASON TO BELIEVE THAT A LOCAL LICENSED PERSONNEL EVALUATION SYSTEM DEVELOPED BY A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES IS NOT IN SUBSTANTIAL COMPLIANCE WITH ONE OR MORE OF THE APPLICABLE STATUTORY OR REGULATORY REQUIREMENTS OF THIS ARTICLE, THE DEPARTMENT SHALL NOTIFY THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES THAT IT HAS NINETY DAYS AFTER THE DATE OF THE NOTICE TO BRING ITS LOCAL LICENSED PERSONNEL EVALUATION SYSTEM INTO COMPLIANCE. THE DEPARTMENT SHALL WORK COLLABORATIVELY WITH THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES DURING THE NINETY DAY PERIOD TO BRING THE LOCAL LICENSED PERSONNEL EVALUATION SYSTEM INTO COMPLIANCE WITH THE APPLICABLE STATUTORY OR REGULATORY REQUIREMENTS.

(II) IF, AT THE END OF THE NINETY-DAY PERIOD, THE DEPARTMENT FINDS THAT THE LOCAL LICENSED PERSONNEL EVALUATION SYSTEM IS NOT SUBSTANTIALLY IN COMPLIANCE WITH THE APPLICABLE STATUTORY OR REGULATORY REQUIREMENTS, THE DEPARTMENT SHALL DETERMINE THE APPROPRIATE REMEDIES TO CORRECT THE IDENTIFIED AREAS OF NONCOMPLIANCE, INCLUDING BUT NOT LIMITED TO:

(A) EXTENDING THE TIME FRAME FOR COMPLIANCE;

(B) IMPOSING INTERVENTIONS SPECIFIED IN ARTICLE 11 OF TITLE 22;  
OR

(C) AS A LAST RESORT, REQUIRING THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES TO IMPLEMENT SOME OR ALL OF THE STATE MODEL SYSTEM. A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL ONLY BE REQUIRED TO IMPLEMENT THOSE ASPECTS OF THE STATE MODEL SYSTEM THAT ARE DEEMED NECESSARY TO BRING THE LOCAL LICENSED PERSONNEL EVALUATION SYSTEM INTO COMPLIANCE.

(III) IF THE DEPARTMENT DETERMINES THAT THE NONCOMPLIANCE IS SUBSTANTIAL ENOUGH TO CALL INTO QUESTION THE VALIDITY OF THE EDUCATOR EVALUATION RATINGS, THE DEPARTMENT MAY TAKE APPROPRIATE ACTION THAT MAY INCLUDE INVALIDATING THE SCHOOL

DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' EDUCATOR RATINGS FOR THE EVALUATION CYCLES IN QUESTION. IF THE DEPARTMENT DETERMINES THAT THE NONCOMPLIANCE REQUIRES INVALIDATING THE SCHOOL DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' EDUCATOR RATINGS:

(A) A TEACHER WHO RECEIVED A RATING OF EFFECTIVE OR HIGHLY EFFECTIVE SHALL RETAIN THAT RATING; AND

(B) A TEACHER WHO RECEIVED A RATING OF PARTIALLY EFFECTIVE OR INEFFECTIVE SHALL RECEIVE A "NO SCORE" RATING FOR THE YEAR IN QUESTION. HOWEVER, IF IN THE FOLLOWING ACADEMIC YEAR, THE DEPARTMENT DETERMINES THAT THE SCHOOL DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' LOCAL LICENSED PERSONNEL EVALUATION SYSTEM IS COMPLIANT WITH THE REQUIREMENTS OF THIS ARTICLE AND THE TEACHER RECEIVES A PERFORMANCE EVALUATION RATING OF INEFFECTIVE OR PARTIALLY EFFECTIVE, THIS RATING SHALL HAVE THE CONSEQUENCE OF A SECOND CONSECUTIVE INEFFECTIVE RATING.

(d) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE REVIEW OF LOCAL LICENSED PERSONNEL EVALUATION SYSTEMS AS PROVIDED FOR IN THIS SUBSECTION (1.5) IS AN IMPORTANT COMPONENT OF AN ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND, THEREFORE, MAY BE FUNDED FROM MONEYS IN THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(5) The school district or board of cooperative services licensed personnel performance evaluation system, processes, and procedures ~~may~~ MUST be in accord with the ~~guidelines~~ RULES adopted by the state board. The system shall be developed after consultation with the school district or board of cooperative services licensed personnel performance evaluation council created pursuant to section 22-9-107 with regard to the planning, development, adoption, and implementation of such system, and said council shall conduct a continuous evaluation of said system.

(6) PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, the ~~state board~~ DEPARTMENT shall approve any school district's or board of cooperative services' ~~existing~~ LOCAL licensed personnel performance evaluation system and related processes and procedures ~~if~~ TO DETERMINE WHETHER such system, processes, and procedures are consistent with this article.

**SECTION 2.** In Colorado Revised Statutes, 22-9-104, **repeal** (2) (d) as follows:

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

~~(d) Review school district and board of cooperative services processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound; will result in a fair, adequate, and credible evaluation; and will satisfy quality standards in a manner that is appropriate to the size, demographics, and location of the school district or board of cooperative services, and that is consistent with the purposes of this article; and~~

**SECTION 3. Appropriation.** (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2013, the sum of \$120,093 and 1.0 FTE, or so much thereof as may be necessary, to be allocated to educator effectiveness unit administration for the implementation of this act as follows:

- (a) \$100,440 and 1.0 FTE for personal services; and
- (b) \$19,653 for operating expenses.

**SECTION 4. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO