

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 13-0837.01 Jane Ritter x4342

HOUSE BILL 13-1257

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HOUSE SPONSORSHIP

Hamner,

SENATE SPONSORSHIP

Todd,

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House Committees

Education  
Appropriations

Senate Committees

State, Veterans, & Military Affairs  
Appropriations

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A BILL FOR AN ACT

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

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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>.)*

If a local board of education or board of cooperative services develops its own distinctive personnel evaluation system for educators

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

SENATE  
Amended 2nd Reading  
May 3, 2013

HOUSE  
3rd Reading Unamended  
April 19, 2013

HOUSE  
Amended 2nd Reading  
April 18, 2013

that meets or exceeds the requirements established by statute and the state board of education, the local board of education or board of cooperative services must do so in conjunction with the superintendent and any teachers' association that has a master employment contract or that demonstrates support from a majority of teachers in the school district or districts of the board of cooperative services.

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

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

4           **22-9-106. Local boards of education - duties - performance**  
5 **evaluation system - compliance - repeal.** (1) All school districts and  
6 boards of cooperative services that employ licensed personnel, as defined  
7 in section 22-9-103 (1.5), shall adopt a written system to evaluate the  
8 employment performance of school district and board of cooperative  
9 services licensed personnel, including all teachers, principals, and  
10 administrators, with the exception of licensed personnel employed by a  
11 board of cooperative services for a period of six weeks or less. In  
12 developing the licensed personnel performance evaluation system and any  
13 amendments thereto, the local board and board of cooperative services  
14 shall COMPLY WITH THE PROVISIONS OF SUBSECTION (1.5) OF THIS SECTION  
15 AND SHALL consult with administrators, principals, and teachers employed  
16 within the district or participating districts in a board of cooperative  
17 services, parents, and the school district licensed personnel performance  
18 evaluation council or the board of cooperative services personnel  
19 performance evaluation council created pursuant to section 22-9-107. The  
20 performance evaluation system shall address all of the performance  
21 standards established by rule of the state board and adopted by the general  
22 assembly pursuant to section 22-9-105.5, and shall contain, but need not

1 be limited to, the following information:

2 (1.5) (a) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES  
3 MAY ADOPT THE STATE MODEL PERFORMANCE EVALUATION SYSTEM  
4 ESTABLISHED BY THE RULES PROMULGATED BY THE STATE BOARD  
5 PURSUANT TO SECTION 22-9-105.5 OR MAY DEVELOP ITS OWN LOCAL  
6 LICENSED PERSONNEL EVALUATION SYSTEM THAT COMPLIES WITH THE  
7 REQUIREMENTS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES  
8 PROMULGATED BY THE STATE BOARD. IF A SCHOOL DISTRICT OR BOARD OF  
9 COOPERATIVE SERVICES DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL  
10 EVALUATION SYSTEM, THE LOCAL BOARD OR BOARD OF COOPERATIVE  
11 SERVICES OR ANY INTERESTED PARTY MAY SUBMIT TO THE DEPARTMENT,  
12 OR THE DEPARTMENT MAY SOLICIT AND COLLECT, DATA RELATED TO SAID  
13 PERSONNEL EVALUATION SYSTEM FOR REVIEW BY THE DEPARTMENT.

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

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

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

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

23 (A) EXTENDING THE TIME FRAME FOR COMPLIANCE;

24 (B) IMPOSING INTERVENTIONS SPECIFIED IN ARTICLE 11 OF TITLE  
25 22; OR

26 (C) AS A LAST RESORT, REQUIRING THE SCHOOL DISTRICT OR  
27 BOARD OF COOPERATIVE SERVICES TO IMPLEMENT SOME OR ALL OF THE

1 STATE MODEL SYSTEM. A SCHOOL DISTRICT OR BOARD OF COOPERATIVE  
2 SERVICES SHALL ONLY BE REQUIRED TO IMPLEMENT THOSE ASPECTS OF  
3 THE STATE MODEL SYSTEM THAT ARE DEEMED NECESSARY TO BRING THE  
4 LOCAL LICENSED PERSONNEL EVALUATION SYSTEM INTO COMPLIANCE.

5 (III) IF THE DEPARTMENT DETERMINES THAT THE NONCOMPLIANCE  
6 IS SUBSTANTIAL ENOUGH TO CALL INTO QUESTION THE VALIDITY OF THE  
7 EDUCATOR EVALUATION RATINGS, THE DEPARTMENT MAY TAKE  
8 APPROPRIATE ACTION THAT MAY INCLUDE INVALIDATING THE SCHOOL  
9 DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' EDUCATOR RATINGS FOR  
10 THE EVALUATION CYCLES IN QUESTION. IF THE DEPARTMENT DETERMINES  
11 THAT THE NONCOMPLIANCE REQUIRES INVALIDATING THE SCHOOL  
12 DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' EDUCATOR RATINGS:

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

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

24 (d) THE GENERAL ASSEMBLY FINDS THAT, FOR PURPOSES OF  
25 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE REVIEW OF  
26 LOCAL LICENSED PERSONNEL EVALUATION SYSTEMS AS PROVIDED FOR IN  
27 THIS SUBSECTION (1.5) IS AN IMPORTANT COMPONENT OF AN

1 ACCOUNTABLE PROGRAM TO MEET STATE ACADEMIC STANDARDS AND,  
2 THEREFORE, MAY BE FUNDED FROM MONEYS IN THE STATE EDUCATION  
3 FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE  
4 CONSTITUTION.

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

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

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

21 **22-9-104. State board - powers and duties - rules.** (2) The state  
22 board shall:

23 (d) ~~Review school district and board of cooperative services~~  
24 ~~processes and procedures for licensed personnel performance evaluation~~  
25 ~~systems to assure that such systems are professionally sound; will result~~  
26 ~~in a fair, adequate, and credible evaluation; and will satisfy quality~~  
27 ~~standards in a manner that is appropriate to the size, demographics, and~~

1 ~~location of the school district or board of cooperative services, and that~~  
2 ~~is consistent with the purposes of this article; and~~

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

11           (a) \$100,440 and 1.0 FTE for personal services; and

12           (b) \$19,653 for operating expenses.

13       **SECTION 4. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.