

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 15, 2013  
Date

Committee on Education.

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

HB13-1257 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, line 3, strike "portion;" and substitute
- 2 "portion, (5), and (6);".
- 3 Page 2, line 5, after "**system** -" insert "**compliance** -".
- 4 Page 3, line 1, after "(1.5)" insert "(a)".
- 5 Page 3, line 4, after "OWN" insert "LOCAL LICENSED".
- 6 Page 3, line 7, strike "LOCAL BOARD" and substitute "SCHOOL DISTRICT".
- 7 Page 3, line 8, strike "DISTINCTIVE" and substitute "LOCAL LICENSED".
- 8 Page 3, strike lines 9 through 15 and substitute "SYSTEM, THE LOCAL
- 9 BOARD OR BOARD OF COOPERATIVE SERVICES OR ANY INTERESTED PARTY
- 10 MAY SUBMIT TO THE DEPARTMENT, OR THE DEPARTMENT MAY SOLICIT
- 11 AND COLLECT, DATA RELATED TO SAID PERSONNEL EVALUATION SYSTEM
- 12 FOR REVIEW BY THE DEPARTMENT.
- 13 (b) THE DEPARTMENT SHALL MONITOR SCHOOL DISTRICTS' AND
- 14 BOARDS OF COOPERATIVE SERVICES' IMPLEMENTATION OF THE
- 15 REQUIREMENTS FOR LOCAL LICENSED PERSONNEL EVALUATION SYSTEMS.
- 16 IF, UPON INITIAL REVIEW BY THE DEPARTMENT, THE DATA SUBMITTED OR
- 17 COLLECTED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1.5)
- 18 INDICATES THAT A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES

1 IS UNABLE TO IMPLEMENT A LOCAL LICENSED PERSONNEL EVALUATION  
2 SYSTEM THAT MEETS THE OBJECTIVES OF THIS ARTICLE, THE DEPARTMENT  
3 SHALL CONDUCT A MORE THOROUGH REVIEW OF THE SCHOOL DISTRICT'S  
4 OR BOARD OF COOPERATIVE SERVICES' PROCESSES AND PROCEDURES FOR  
5 SAID EVALUATION SYSTEM TO ENSURE THAT IT IS PROFESSIONALLY SOUND;  
6 RESULTS IN FAIR, ADEQUATE, AND CREDIBLE EVALUATIONS; SATISFIES THE  
7 QUALITY STANDARDS ESTABLISHED BY RULE OF THE STATE BOARD IN A  
8 MANNER THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND  
9 LOCATION OF THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES;  
10 AND IS CONSISTENT WITH THE GOALS, OBJECTIVES, AND INTENT OF THIS  
11 ARTICLE.

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

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

31 (A) EXTENDING THE TIME FRAME FOR COMPLIANCE;  
32 (B) IMPOSING INTERVENTIONS SPECIFIED IN ARTICLE 11 OF TITLE  
33 22; OR

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

40 (III) IF THE DEPARTMENT DETERMINES THAT THE NONCOMPLIANCE  
41 IS SUBSTANTIAL ENOUGH TO CALL INTO QUESTION THE VALIDITY OF THE

1 EDUCATOR EVALUATION RATINGS, THE DEPARTMENT MAY TAKE  
2 APPROPRIATE ACTION THAT MAY INCLUDE INVALIDATING THE SCHOOL  
3 DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' EDUCATOR RATINGS FOR  
4 THE EVALUATION CYCLES IN QUESTION.

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~~  
28 ~~location of the school district or board of cooperative services, and that~~  
29 ~~is consistent with the purposes of this article; and".~~

30 Renumber succeeding section accordingly.

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