A BILL FOR AN ACT

CONCERNING THE REQUIREMENT THAT FIFTY PERCENT OF AN EDUCATOR'S PERFORMANCE EVALUATION BE DETERMINED BY STUDENT ACADEMIC GROWTH.

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.)

Senate Bill 10-191, concerning educator effectiveness, included a requirement that at least 50% of a teacher's or principal's performance evaluation (evaluation) be determined by the academic growth of the teacher's students or the students in the principal's school. The bill eliminates that requirement, but allows academic growth to be no more...
than 20% of the evaluation.

The bill also allows a local board of education or board of cooperative services that adopts its own local licensed personnel evaluation system to exempt teachers or principals who have either an existing effective or highly effective rating from the annual requirements of such system for a period not to exceed 3 years. If a local board of education or board of cooperative services decides to provide such an exemption, the teacher or principal retains the rating he or she received on his or her most recent evaluation for the exemption period. A teacher or principal who has been exempt from evaluations pursuant to this bill may request a new evaluation prior to the end of the exemption period. The rating from such a new evaluation will become the teacher's or principal's new performance evaluation rating.

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

SECTION 1. In Colorado Revised Statutes, 22-9-105.5, amend
(2) (c) (I) and (3) (a) as follows:

22-9-105.5. State council for educator effectiveness - legislative
declaration - membership - duties - recommendations - rules.
(2) (c) The purpose of the council shall be the same as that of the
governor's council for educator effectiveness established by executive
order, and shall be to consider options and make recommendations to the
state board and the general assembly that seek to ensure that all licensed
personnel are:

(I) Evaluated using multiple fair, transparent, timely, rigorous, and
valid methods. at least fifty percent of which evaluation is determined by
the academic growth of their students; A SCHOOL DISTRICT IS NOT
REQUIRED TO USE THE ACADEMIC GROWTH OF STUDENTS IN LICENSED
PERSONNEL PERFORMANCE EVALUATIONS, BUT SUCH DATA MAY BE USED
AT A PERCENTAGE NOT TO EXCEED TWENTY PERCENT. THE SCHOOL
DISTRICT LICENSED PERSONNEL PERFORMANCE EVALUATION COUNCIL FOR
THAT DISTRICT SHALL DETERMINE THE PERCENTAGE OF STUDENT
ACADEMIC GROWTH DATA TO BE USED, AND THE ASSESSMENT TOOLS OR
TESTS TO BE USED TO MEASURE SUCH GROWTH, IN EVALUATIONS FOR THAT
DISTRICT.

(3) The council shall have the following duties:

(a) On or before March 1, 2011, to provide the state board with
recommendations that will ensure that every teacher is evaluated using
multiple fair, transparent, timely, rigorous, and valid methods. The
recommendations developed pursuant to this paragraph (a) shall MAY
require that at least fifty percent
A PORTION, NOT TO EXCEED TWENTY
PERCENT, of the evaluation is determined by the academic growth of the
teacher's students and MUST REQUIRE that each teacher is provided with
an opportunity to improve his or her effectiveness through a teacher
development plan that links his or her evaluation and performance
standards to professional development opportunities. The quality
standards for teachers shall include measures of student longitudinal
academic growth that are consistent with the measures set forth in section
22-11-204 (2) and may include interim assessment results or evidence of
student work, provided that all are rigorous and comparable across
classrooms and aligned with state model content standards and
performance standards developed pursuant to article 7 of this title. For the
purposes of quality standards, expectations of student academic growth
shall take into consideration diverse factors, including but not limited to
special education, student mobility, and classrooms with a student
population in which ninety-five percent meet the definition of high-risk
student as defined in section 22-7-604.5 (1.5). The quality standards for
teachers shall be clear and relevant to the teacher's roles and
responsibilities and shall have the goal of improving student academic
growth. The council shall include in its recommendations a definition of
effectiveness and its relation to quality standards. The definition of
effectiveness shall include, but need not be limited to, criteria that will be
used to differentiate between performance standards. The defined
performance standards shall include, but need not be limited to, "highly
effective", "effective", and "ineffective". The council shall consider
whether additional performance standards should be established.

SECTION 2. In Colorado Revised Statutes, 22-9-106, amend (1)
introductory portion, (1) (e) (II), (7) introductory portion, and (7) (a); and
add (1.5) (a.5) as follows:

22-9-106. Local boards of education - duties - performance
evaluation system - compliance - rules. (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. A LOCAL
BOARD OR BOARD OF COOPERATIVE SERVICES MAY, AT ITS DISCRETION,
EXEMPT TEACHERS AND PRINCIPALS WHO HAVE EITHER AN EXISTING
EFFECTIVE OR HIGHLY EFFECTIVE RATING FROM THE REQUIREMENTS OF ITS
PERFORMANCE EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE
YEARS. IF A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES
TO PROVIDE SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS
THE RATING HE OR SHE RECEIVED ON HIS OR HER MOST RECENT
EVALUATION FOR THE EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL
MAY REQUEST A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF
THE EXEMPTION PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW
PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION
PERIOD, THE RESULTING PERFORMANCE EVALUATION RATING BECOMES
THE TEACHER'S OR PRINCIPAL'S NEW ESTABLISHED RATING. In 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:

(e) (II) The standards set by the local board for effective
performance for licensed personnel and the criteria to be used to
determine whether the performance of each licensed person meets such
standards and other criteria for evaluation for each licensed personnel
position evaluated. One of the standards for measuring teacher
effectiveness shall be directly related to classroom instruction and shall
require that at least fifty percent of the evaluation is determined by the
academic growth of the teacher's students. The district accountability
committee shall provide input and recommendations concerning the
assessment tools used to measure student academic growth as it relates to
teacher evaluations. MAY REQUIRE THAT A PORTION, NOT TO EXCEED
TWENTY PERCENT, OF THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE TEACHER’S STUDENTS. THE SCHOOL DISTRICT PERSONNEL PERFORMANCE EVALUATION COUNCIL FOR THAT DISTRICT SHALL DETERMINE THE PERCENTAGE OF STUDENT ACADEMIC GROWTH DATA TO BE USED, AND THE ASSESSMENT TOOLS OR TESTS TO BE USED TO MEASURE SUCH GROWTH, IN EVALUATIONS FOR THAT DISTRICT. The standards shall include multiple measures of student performance in conjunction with student growth expectations. For the purposes of measuring effectiveness, expectations of student academic growth shall take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The performance evaluation system shall also ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation. This subparagraph (II) shall take effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.

(1.5) (a.5) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES THAT DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL EVALUATION SYSTEM PURSUANT TO THIS SUBSECTION (1.5) MAY EXEMPT TEACHERS OR
PRINCIPALS WHO HAVE EITHER AN EXISTING EFFECTIVE OR HIGHLY EFFECTIVE RATING FROM THE ANNUAL REQUIREMENTS OF SUCH EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS. IF A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES TO PROVIDE SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS THE RATING HE OR SHE RECEIVED ON HIS OR HER MOST RECENT EVALUATION FOR THE EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL MAY REQUEST A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD, THE RESULTING PERFORMANCE EVALUATION RATING BECOMES THE TEACHER'S OR PRINCIPAL'S NEW ESTABLISHED RATING.

(7) Every principal shall be evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this subsection (7) shall require that at least fifty percent of the evaluation is determined by the academic growth of the students enrolled in the principal's school. If a collective bargaining agreement does not exist in a school district, then the school district licensed personnel performance evaluation council for that district shall determine the percentage of student academic growth data to be used, and the assessment tools or tests to be used to measure such growth, in evaluations for that district. For principals, the quality standards shall include, but need not be limited to:

(a) Achievement and academic growth for those students enrolled in the principal's school, as measured by the Colorado growth model set forth in section 22-11-202.
THE LOCAL BOARD AGREED TO USE TO MEASURE SUCH GROWTH;

SECTION 3. 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. <\{Safety clause?\}>