

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0474.05 Jane Ritter

SENATE BILL 10-191

SENATE SPONSORSHIP

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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~~ EFFECTIVENESS of
14 licensed personnel;

15 (V) SUPPORT THE DEPARTMENT IN ANALYZING THE EQUITABLE
16 DISTRIBUTION OF EFFECTIVE LICENSED PERSONNEL; AND

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

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

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

1 read:

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

4 (1.2) "COUNCIL" MEANS THE GOVERNOR'S COUNCIL FOR EDUCATOR
5 EFFECTIVENESS ESTABLISHED PURSUANT TO EXECUTIVE ORDER
6 B 2010-001, DATED JANUARY 13, 2010, AND REFERENCED IN SECTION
7 22-9-105.5.

8 (1.4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
9 CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

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

13 **22-9-104. State board - powers and duties - rules.** (2) The
14 state board shall:

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

22 (d) Review school district and board of cooperative services
23 processes and procedures for licensed personnel performance evaluation
24 systems to assure that such systems are professionally sound; ~~and~~ will
25 result in a fair, adequate, and credible evaluation; AND MEET OR EXCEED
26 THE GUIDELINES FOR MEASURES OF EFFECTIVENESS ESTABLISHED BY RULE
27 OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (3); AND

1 (f) ON OR BEFORE MARCH 1, 2011, THE STATE BOARD, PURSUANT
2 TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE
3 21, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES
4 SPECIFIED IN SECTION 22-9-105.5 (2) USING THE RECOMMENDATIONS FROM
5 THE COUNCIL. IF THE COUNCIL FAILS TO MAKE RECOMMENDATIONS TO THE
6 STATE BOARD BY DECEMBER 31, 2010, WITH REGARD TO ONE OR MORE OF
7 THE ISSUES SPECIFIED IN SECTION 22-9-105.5 (2), THE STATE BOARD, ON
8 OR BEFORE MARCH 1, 2011, SHALL PROMULGATE RULES CONCERNING ANY
9 ISSUES IN SECTION 22-9-105.5 (2) THAT THE COUNCIL DID NOT ADDRESS.

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

12 **22-9-105. State licensed personnel performance evaluation**
13 **council created - duties.** ~~(1) The state board shall appoint an advisory~~
14 ~~state licensed personnel performance evaluation council, which shall~~
15 ~~consist of the following members: Seven licensed personnel, each from~~
16 ~~a different school district, four of whom shall be teachers; three citizens,~~
17 ~~each from a different school district; a representative from an existing~~
18 ~~council whose members are deans of education; and one member from the~~
19 ~~department of education. The council shall elect its chair. No more than~~
20 ~~six members shall belong to any one political party.~~

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

25 ~~(3) (a) (I) Each school district and board of cooperative services~~
26 ~~shall submit to the state board or to the state licensed personnel~~
27 ~~performance evaluation council such information or data concerning said~~

1 ~~district's or board's licensed personnel performance evaluation system and~~
2 ~~its processes and procedures as may be requested by the state board or~~
3 ~~such council.~~

4 ~~(H) Repealed.~~

5 ~~(b) Repealed.~~

6 ~~(4) Repealed.~~

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

9 **22-9-105.5. Governor's council for educator effectiveness -**
10 **legislative declaration - duties - recommendations - rules.** (1) THE
11 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

15 (b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG
16 OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING
17 RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND
18 DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND
19 TEACHER EFFECTIVENESS; AND

20 (c) THE EXECUTIVE ORDER FURTHER SETS FORTH THE MEMBERSHIP
21 OF THE FIFTEEN-PERSON COUNCIL, TO BE APPOINTED BY THE GOVERNOR.

22 (2) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
23 COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

24 (a) ON OR BEFORE DECEMBER 31, 2010, TO PROVIDE THE STATE
25 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT:

26 (I) EVERY TEACHER IS EVALUATED USING MULTIPLE FAIR,
27 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE

1 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBPARAGRAPH (I)
2 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS
3 DETERMINED BY THE ACADEMIC GROWTH OF THE TEACHER'S STUDENTS
4 AND THAT EACH TEACHER IS PROVIDED WITH AN OPPORTUNITY TO
5 IMPROVE HIS OR HER EFFECTIVENESS THROUGH A GROWTH PLAN THAT
6 LINKS HIS OR HER EVALUATION AND LEVEL OF EFFECTIVENESS TO
7 PROFESSIONAL DEVELOPMENT OPPORTUNITIES. THE MULTIPLE MEASURES
8 TO DETERMINE EFFECTIVENESS OF TEACHERS SHALL INCLUDE, BUT NEED
9 NOT BE LIMITED TO, MEASURES OF STUDENT LONGITUDINAL ACADEMIC
10 GROWTH THAT ARE CONSISTENT WITH THE MEASURES SET FORTH IN
11 SECTION 22-11-204 (2) AND ACHIEVEMENT LEVELS ON ANY STATEWIDE
12 ASSESSMENTS IN THE RELEVANT SUBJECT AND GRADE LEVEL OR ANY
13 LOCALLY ADOPTED INTERIM ASSESSMENTS APPROVED BY THE STATE
14 BOARD TO ASSESS STUDENT ACADEMIC GROWTH IN THE RELEVANT
15 SUBJECT AND GRADE LEVEL. THE MULTIPLE MEASURES OF EFFECTIVENESS
16 FOR TEACHERS SHALL BE CLEAR AND RELEVANT TO THE TEACHER'S ROLES
17 AND RESPONSIBILITIES AND SHALL HAVE THE GOAL OF IMPROVING
18 STUDENT ACADEMIC GROWTH.

19 (II) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, TEACHERS
20 SHALL EARN NONPROBATIONARY STATUS BASED ON THREE CONSECUTIVE
21 YEARS OF DEMONSTRATED EFFECTIVENESS AND SHALL LOSE
22 NONPROBATIONARY STATUS BASED ON TWO CONSECUTIVE YEARS OF
23 DEMONSTRATED INEFFECTIVENESS.

24 (b) ON OR BEFORE DECEMBER 31, 2010, TO DEVELOP A SET OF
25 GUIDELINES FOR ESTABLISHING LEVELS OF EFFECTIVENESS FOR EACH
26 CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED UNDER THIS
27 ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE APPLIED IN

1 ASSIGNING EDUCATORS TO APPROPRIATE LEVELS OF EFFECTIVENESS,
2 WHICH SHALL INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC
3 GROWTH AS SET FORTH IN SECTION 22-11-204 (2).

4 (c) ON OR BEFORE DECEMBER 31, 2010, TO MAKE
5 RECOMMENDATIONS TO THE STATE BOARD TO ENSURE THAT EVERY
6 TEACHER AND PRINCIPAL WHO IS DETERMINED TO BE HIGHLY EFFECTIVE
7 SHALL HAVE ACCESS TO A CAREER LADDER THAT WILL HELP HIM OR HER
8 EARN ADDITIONAL PAY IN RETURN FOR SHARING EFFECTIVE PRACTICES
9 WITH OTHER EDUCATORS STATEWIDE, IN ORDER TO ADVANCE THE
10 EFFECTIVENESS OF ALL EDUCATORS IN THE STATE AND ULTIMATELY
11 BENEFIT THE STUDENTS OF COLORADO; AND

12 (d) ON OR BEFORE DECEMBER 31, 2010, TO MAKE
13 RECOMMENDATIONS TO THE STATE BOARD REGARDING HOW THE STATE
14 CAN ADOPT AND IMPLEMENT A PLAN FOR EQUITABLE DISTRIBUTION OF
15 HIGHLY EFFECTIVE TEACHERS AND PRINCIPALS.

16 (3) ON OR BEFORE MARCH 1, 2011, THE STATE BOARD SHALL
17 PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
18 PARAGRAPHS (a) TO (d) OF SUBSECTION (2) OF THIS SECTION, USING THE
19 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
20 RECOMMENDATIONS TO THE STATE BOARD BY DECEMBER 31, 2010, WITH
21 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (d) OF
22 SUBSECTION (2) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE
23 MARCH 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN SAID
24 PARAGRAPHS (a) TO (d) THAT THE COUNCIL DID NOT ADDRESS.

25 **SECTION 6.** The introductory portion to 22-9-106 (1) and
26 22-9-106 (1) (c), (1) (d) (III), (I) (d) (V), (1) (e), (2.5), (3.5), (4) (a), and
27 (4.5), Colorado Revised Statutes, are amended, and the said 22-9-106 is

1 further amended BY THE ADDITION OF A NEW SUBSECTION, to
2 read:

3 **22-9-106. Local boards of education - duties - performance**
4 **evaluation system - repeal.** (1) All school districts and boards of
5 cooperative services that employ licensed personnel, as defined in section
6 22-9-103 (1.5), shall adopt a written system to evaluate the employment
7 performance of school district and board of cooperative services licensed
8 personnel, including all teachers, principals, and administrators, with the
9 exception of licensed personnel employed by a board of cooperative
10 services for a period of six weeks or less. In developing the licensed
11 personnel performance evaluation system and any amendments thereto,
12 the local board and board of cooperative services shall consult with
13 administrators, principals, and teachers employed within the district or
14 participating districts in a board of cooperative services, parents, and the
15 school district licensed personnel performance evaluation council or the
16 board of cooperative services personnel performance evaluation council
17 created pursuant to section 22-9-107. The performance evaluation system
18 shall MEET OR EXCEED THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
19 ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION
20 22-9-104 (2) (f), AND SHALL contain, but ~~shall~~ NEED not be limited to, the
21 following information:

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

27 (I) Probationary teachers receive at least two documented

1 observations and one evaluation that results in a written evaluation report
2 pursuant to subsection (3) of this section each academic year;

3 (II) Nonprobationary teachers receive at least one observation
4 each year and one evaluation that results in a written evaluation report
5 pursuant to subsection (3) of this section ~~every three years~~ EACH
6 ACADEMIC YEAR ACCORDING TO THE GUIDELINES FOR MEASURES OF
7 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO
8 SECTION 22-9-104 (2) (f); AND

9 (III) Principals ~~who are in their first three years of employment as~~
10 ~~principals~~ SHALL receive one evaluation that results in a written
11 evaluation report pursuant to subsection (3) of this section each academic
12 year ~~and~~ ACCORDING TO THE GUIDELINES FOR MEASURES OF
13 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO
14 SECTION 22-9-104 (2) (f).

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

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

21 (III) (A) Providing the measurement of satisfactory performance
22 for individual licensed personnel and serving as documentation for an
23 unsatisfactory performance dismissal proceeding under article 63 of this
24 title. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE MARCH 1,
25 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
26 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
27 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

1 (B) PROVIDING THE MEASUREMENT OF EFFECTIVENESS FOR
2 INDIVIDUAL LICENSED PERSONNEL AND SERVING AS DOCUMENTATION FOR
3 AN INEFFECTIVE PERFORMANCE DISMISSAL PROCEEDING UNDER ARTICLE
4 63 OF THIS TITLE. THIS SUB-SUBPARAGRAPH (B) SHALL TAKE EFFECT
5 MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES
6 RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
7 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

8 (V) (A) Measuring the level of performance of all licensed
9 personnel within the school district or employed by a board of
10 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
11 EFFECTIVE MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD
12 PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF
13 EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER
14 OCCURS FIRST.

15 (B) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED
16 PERSONNEL WITHIN THE SCHOOL DISTRICT OR EMPLOYED BY A BOARD OF
17 COOPERATIVE SERVICES. THIS SUB-SUBPARAGRAPH (B) SHALL TAKE
18 EFFECT MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD
19 PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF
20 EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER
21 OCCURS FIRST.

22 (e) (I) The standards set by the local board for satisfactory
23 performance for licensed personnel and the criteria to be used to
24 determine whether the performance of each licensed person meets such
25 standards and other criteria for evaluation for each licensed personnel
26 position evaluated. One of the standards for measuring teacher
27 performance shall be directly related to classroom instruction and shall

1 include multiple measures of student performance. The performance
2 evaluation system shall also ensure that the standards and criteria are
3 available in writing to all licensed personnel and are communicated and
4 discussed by the person being evaluated and the evaluator prior to and
5 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS
6 REPEALED, EFFECTIVE MARCH 1, 2011, OR AT SUCH TIME AS THE STATE
7 BOARD PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR
8 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f),
9 WHICHEVER OCCURS FIRST.

10 (II) THE STANDARDS SET BY THE LOCAL BOARD FOR EFFECTIVE
11 PERFORMANCE FOR LICENSED PERSONNEL AND THE CRITERIA TO BE USED
12 TO DETERMINE WHETHER THE PERFORMANCE OF EACH LICENSED PERSON
13 MEETS SUCH STANDARDS AND OTHER CRITERIA FOR EVALUATION FOR
14 EACH LICENSED PERSONNEL POSITION EVALUATED. ONE OF THE
15 STANDARDS FOR MEASURING TEACHER EFFECTIVENESS SHALL BE
16 DIRECTLY RELATED TO CLASSROOM INSTRUCTION AND SHALL INCLUDE
17 MULTIPLE MEASURES OF STUDENT PERFORMANCE. THE PERFORMANCE
18 EVALUATION SYSTEM SHALL ALSO ENSURE THAT THE STANDARDS AND
19 CRITERIA ARE AVAILABLE IN WRITING TO ALL LICENSED PERSONNEL AND
20 ARE COMMUNICATED AND DISCUSSED BY THE PERSON BEING EVALUATED
21 AND THE EVALUATOR PRIOR TO AND DURING THE COURSE OF THE
22 EVALUATION. THIS SUBPARAGRAPH (II) SHALL TAKE EFFECT MARCH 1,
23 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
24 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
25 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

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 MARCH 1, 2011,
5 OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
6 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
7 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

8 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
9 BOARD OR BOARD OF COOPERATIVE SERVICES IN DEVELOPING WRITTEN
10 STANDARDS FOR EVALUATION THAT CLEARLY SPECIFY LEVELS OF
11 EFFECTIVENESS AND THE MEASURES OF EFFECTIVENESS AND THE CRITERIA
12 TO BE USED TO DETERMINE WHETHER THE PERFORMANCE OF EACH
13 LICENSED PERSON MEETS SUCH STANDARDS PURSUANT TO PARAGRAPH (e)
14 OF SUBSECTION (1) OF THIS SECTION. THIS PARAGRAPH (b) SHALL TAKE
15 EFFECT MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD
16 PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF
17 EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER
18 OCCURS FIRST.

19 (3.5) (a) A teacher or principal whose performance is deemed to
20 be unsatisfactory pursuant to paragraph (e) of subsection (1) of this
21 section shall be given notice of deficiencies. A remediation plan to
22 correct ~~said~~ THE deficiencies shall be developed by the district or the
23 board of cooperative services and the teacher or principal. The teacher
24 or principal shall be given a reasonable period of time to remediate the
25 deficiencies and shall receive a statement of the resources and assistance
26 available for the purposes of correcting the performance or the
27 deficiencies. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE MARCH 1,

1 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES RULES
2 ESTABLISHING GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT
3 TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

4 (b) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED TO
5 BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS
6 SECTION SHALL BE GIVEN NOTICE OF DEFICIENCIES. A REMEDIATION PLAN
7 TO CORRECT THE DEFICIENCIES SHALL BE DEVELOPED BY THE DISTRICT OR
8 THE BOARD OF COOPERATIVE SERVICES AND THE TEACHER OR PRINCIPAL.
9 THE TEACHER OR PRINCIPAL SHALL BE GIVEN A REASONABLE PERIOD OF
10 TIME TO REMEDIATE THE DEFICIENCIES AND SHALL RECEIVE A STATEMENT
11 OF THE RESOURCES AND ASSISTANCE AVAILABLE FOR THE PURPOSE OF
12 IMPROVING EFFECTIVENESS. THIS PARAGRAPH (b) SHALL TAKE EFFECT
13 MARCH 1, 2011, OR AT SUCH TIME AS THE STATE BOARD PROMULGATES
14 RULES ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
15 PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER OCCURS FIRST.

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 MARCH 1, 2011, OR AT SUCH TIME AS THE STATE
12 BOARD PROMULGATES RULES ESTABLISHING GUIDELINES FOR MEASURES
13 OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f), WHICHEVER
14 OCCURS FIRST.

15 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A
16 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
17 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE
18 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
19 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
20 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
21 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
22 THE EVALUATOR SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS
23 FOR IMPROVEMENT OR MAY RECOMMEND THE DISMISSAL OF THE PERSON,
24 WHICH DISMISSAL SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF
25 ARTICLE 63 OF THIS TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH
26 (b) SHALL TAKE EFFECT MARCH 1, 2011, OR AT SUCH TIME AS THE STATE
27 BOARD PROMULGATES RULES ESTABLISHING THE GUIDELINES FOR

1 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-104 (2) (f),
2 WHICHEVER OCCURS FIRST.

3 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
4 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
5 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
6 SHALL REQUIRE THAT AT LEAST SIXTY-SIX PERCENT OF THE EVALUATION
7 IS DETERMINED BY A COMBINATION OF THE ACADEMIC GROWTH OF THE
8 STUDENTS ENROLLED IN THE PRINCIPAL'S SCHOOL AND THE
9 DEMONSTRATED EFFECTIVENESS OR INCREASE IN EFFECTIVENESS OF THE
10 TEACHERS IN THE PRINCIPAL'S SCHOOL. FOR PRINCIPALS, THE MULTIPLE
11 MEASURES OF EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED
12 TO:

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

16 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
17 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
18 EFFECTIVE; AND

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

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

24 **22-63-103. Definitions.** As used in this article, unless the context
25 otherwise requires:

26 (7) "Probationary teacher" means a teacher who has not completed
27 ~~three full years of continuous employment with the employing school~~

1 ~~district and who has not been reemployed for the fourth year~~
2 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS OR A
3 NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE YEARS OF
4 DEMONSTRATED INEFFECTIVENESS, AS DEFINED BY RULE PURSUANT TO
5 SECTION 22-9-104 (2).

6 **SECTION 8.** 22-63-202 (2), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

25 **SECTION 9.** 22-63-202 (3), Colorado Revised Statutes, is
26 amended to read:

27 **22-63-202. Employment contracts - contracts to be in writing**

1 **- duration - damage provision.** (3) A teacher may be suspended
2 temporarily during the contractual period until the date of dismissal as
3 ordered by the board pursuant to section 22-63-302 or may have his OR
4 HER employment contract cancelled during the contractual period when
5 there is a justifiable decrease in the number of teaching positions. The
6 manner in which employment contracts will be cancelled when there is
7 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be
8 included in any contract between the board of education of the school
9 district and school district employees ~~If there is no such contract~~
10 ~~provision, when a justifiable reduction in the number of teaching~~
11 ~~positions within a particular endorsement area occurs, the employment~~
12 ~~contracts of first-year probationary teachers who are occupying such~~
13 ~~positions shall be cancelled first. Further reductions in the number of~~
14 ~~teaching positions through the cancellation of employment contracts of~~
15 ~~second-year and third-year probationary teachers and nonprobationary~~
16 ~~teachers shall be made in accordance with an established policy of the~~
17 ~~board of education of the school district. The provisions of this~~
18 ~~subsection (3) concerning the cancellation of employment contracts shall~~
19 ~~not create any property right or contract right, express or implied, for~~
20 ~~second-year and third-year probationary teachers~~ OR IN AN ESTABLISHED
21 POLICY OF THE BOARD, WHICH CONTRACT OR POLICY SHALL INCLUDE THE
22 CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN
23 DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT
24 OF THE DECREASE IN TEACHING POSITIONS.

25 **SECTION 10.** 22-63-203 (1), (2) (b) (III), and (2) (b) (IV),
26 Colorado Revised Statutes, are amended to read:

27 **22-63-203. Probationary teachers - renewal and nonrenewal**

1 **of employment contract.** (1) The provisions of this section shall apply
2 only to probationary teachers and shall no longer apply when the teacher
3 HAS BEEN GRANTED NONPROBATIONARY STATUS AS A RESULT OF THREE
4 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED
5 THROUGH HIS OR HER PERFORMANCE EVALUATIONS, AND CONTINUOUS
6 EMPLOYMENT. A NONPROBATIONARY TEACHER SHALL LOSE SUCH STATUS
7 AND RETURN TO PROBATIONARY STATUS FOLLOWING TWO CONSECUTIVE
8 YEARS OF DEMONSTRATED INEFFECTIVENESS, AS DETERMINED BY HIS OR
9 HER PERFORMANCE EVALUATIONS.

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

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

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

1 **SECTION 11.** 22-63-206, Colorado Revised Statutes, is amended
2 BY THE ADDITION OF A NEW SUBSECTION to read:

3 **22-63-206. Transfer - compensation.** (5) NOTHING IN THIS
4 SECTION SHALL BE CONSTRUED AS REQUIRING A RECEIVING SCHOOL TO
5 INVOLUNTARILY ACCEPT THE TRANSFER OF A TEACHER. ALL TRANSFERS
6 TO POSITIONS AT OTHER SCHOOLS OF THE SCHOOL DISTRICT SHALL
7 REQUIRE THE CONSENT OF THE RECEIVING SCHOOL.

8 **SECTION 12. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.