

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 10-0474.05 Jane Ritter

SENATE BILL 10-191

SENATE SPONSORSHIP

Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel

HOUSE SPONSORSHIP

Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

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.

HOUSE
Am ended 2nd Reading
May 11, 2010

SENATE
Am ended 3rd Reading
April 30, 2010

SENATE
Am ended 2nd Reading
April 29, 2010

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 BASED ON THE
14 EFFECTIVENESS of licensed personnel; AND

15 ==

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

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

25 (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
26 INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC
27 SCHOOLS, ACTING AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL

1 ADMINISTRATORS, ARE KEY TO THE EDUCATIONAL PROGRESS OF THEIR
2 CHILDREN.

3 **SECTION 2.** 22-9-103, Colorado Revised Statutes, is amended
4 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
5 read:

6 **22-9-103. Definitions.** As used in this article, unless the context
7 otherwise requires:

8 (1.1) "COUNCIL" MEANS THE STATE COUNCIL FOR EDUCATOR
9 EFFECTIVENESS ESTABLISHED PURSUANT TO SECTION 22-9-105.5.

10 (1.4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
11 CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

12 (2.5) "PERFORMANCE STANDARDS" MEANS THE LEVELS OF
13 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO
14 SECTION 22-9-105.5 (10).

15 (2.6) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE
16 CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF
17 A SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES
18 THE EDUCATION PROGRAM IN THE SCHOOL.

19 (2.7) "QUALITY STANDARDS" MEANS THE ELEMENTS AND CRITERIA
20 ESTABLISHED TO MEASURE EFFECTIVENESS AS ESTABLISHED BY RULE OF
21 THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (10).

22 (3.5) "PRINCIPAL DEVELOPMENT PLAN" MEANS A WRITTEN
23 AGREEMENT DEVELOPED BY A PRINCIPAL AND DISTRICT ADMINISTRATION
24 THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE PRINCIPAL'S
25 EFFECTIVENESS. THE PRINCIPAL DEVELOPMENT PLAN SHALL INCLUDE
26 PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

27 (5) "TEACHER DEVELOPMENT PLAN" MEANS A WRITTEN

1 AGREEMENT MUTUALLY DEVELOPED BY A TEACHER AND HIS OR HER
2 PRINCIPAL THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE
3 TEACHER'S EFFECTIVENESS. THE TEACHER DEVELOPMENT PLAN MAY
4 INCLUDE BUT NEED NOT BE LIMITED TO CONSIDERATION OF INDUCTION
5 AND MENTORSHIP PROGRAMS, USE OF HIGHLY EFFECTIVE TEACHERS AS
6 INSTRUCTIONAL LEADERS OR COACHES, AND APPROPRIATE PROFESSIONAL
7 DEVELOPMENT ACTIVITIES.

8 (6) "TEACHER" MEANS A PERSON WHO HOLDS AN ALTERNATIVE,
9 INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE
10 PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED BY A
11 SCHOOL DISTRICT OR A CHARTER SCHOOL IN THE STATE TO INSTRUCT,
12 DIRECT, OR SUPERVISE AN EDUCATION PROGRAM.

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

16 **22-9-104. State board - powers and duties - rules.** (2) The
17 state board shall:

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

25 (d) Review school district and board of cooperative services
26 processes and procedures for licensed personnel performance evaluation
27 systems to assure that such systems are professionally sound; ~~and~~ will

1 result in a fair, adequate, and credible evaluation; AND WILL SATISFY
2 QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE,
3 DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF
4 COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF
5 THIS ARTICLE; AND

6 (f) (I) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD,
7 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
8 4 OF TITLE 24, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE
9 ISSUES SPECIFIED IN SECTION 22-9-105.5 (10) USING THE
10 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
11 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
12 REGARD TO ONE OR MORE OF THE ISSUES SPECIFIED IN SECTION 22-9-105.5
13 (10), THE STATE BOARD, ON OR BEFORE SEPTEMBER 1, 2011, SHALL
14 PROMULGATE RULES CONCERNING ANY ISSUES IN SECTION 22-9-105.5 (10)
15 THAT THE COUNCIL DID NOT ADDRESS. IN PROMULGATING RULES
16 PURSUANT TO THIS PARAGRAPH (f), THE STATE BOARD SHALL CONFORM TO
17 THE TIMELINE SET FORTH IN SECTION 22-9-105.5.

18 (II) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY
19 SHALL REVIEW THE RULES PROMULGATED PURSUANT TO SUBPARAGRAPH
20 (I) OF THIS PARAGRAPH (f), IN A BILL THAT IS SEPARATE FROM THE
21 ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103
22 (8)(d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES
23 SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT
24 THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL
25 RULES IN THE RULES PROMULGATED BY THE STATE BOARD. IF ONE OR
26 MORE RULES IS NOT APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO
27 THIS SUBPARAGRAPH (II), THE STATE BOARD SHALL PROMULGATE

1 EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6), C.R.S., ON SUCH
2 ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL ASSEMBLY ON OR
3 BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL REVIEW THE
4 EMERGENCY RULES PROMULGATED ACCORDING TO THE PROCESS OUTLINED
5 IN THIS SUBPARAGRAPH (II).

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

8 **22-9-105. State licensed personnel performance evaluation**
9 **council created - duties.** ~~(1) The state board shall appoint an advisory~~
10 ~~state licensed personnel performance evaluation council, which shall~~
11 ~~consist of the following members: Seven licensed personnel, each from~~
12 ~~a different school district, four of whom shall be teachers; three citizens,~~
13 ~~each from a different school district; a representative from an existing~~
14 ~~council whose members are deans of education; and one member from the~~
15 ~~department of education. The council shall elect its chair. No more than~~
16 ~~six members shall belong to any one political party.~~

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

21 ~~(3) (a) (I) Each school district and board of cooperative services~~
22 ~~shall submit to the state board or to the state licensed personnel~~
23 ~~performance evaluation council such information or data concerning said~~
24 ~~district's or board's licensed personnel performance evaluation system and~~
25 ~~its processes and procedures as may be requested by the state board or~~
26 ~~such council.~~

27 ~~(H) Repealed.~~

1 ~~(b) Repealed.~~

2 ~~(4) Repealed.~~

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

5 **22-9-105.5. State council for educator effectiveness -**
6 **legislative declaration - membership - duties - recommendations -**
7 **rules.** (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

11 (b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG
12 OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING
13 RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND
14 DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND
15 TEACHER EFFECTIVENESS; AND

16 (c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
17 IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO
18 TO CODIFY IN STATUTE THE GOVERNOR'S COUNCIL FOR EDUCATOR
19 EFFECTIVENESS BECAUSE OF THE SIGNIFICANT ADDITIONAL STATUTORY
20 DUTIES AND RESPONSIBILITIES THAT THE GENERAL ASSEMBLY IS
21 ASSIGNING TO SAID COUNCIL.

22 (2) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE
23 GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS,
24 REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".

25 (b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR
26 EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL
27 SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL

- 1 INCLUDE:
- 2 (I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;
- 3 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
- 4 EDUCATION, OR HIS OR HER DESIGNEE;
- 5 (III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF [REDACTED] STATE
- 6 ASSOCIATIONS THAT REPRESENT EDUCATORS;
- 7 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL
- 8 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
- 9 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;
- 10 (V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH
- 11 THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL BOARDS;
- 12 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
- 13 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
- 14 SCHOOLS;
- 15 (VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH
- 16 THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;
- 17 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
- 18 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
- 19 STUDENT COALITION; AND
- 20 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
- 21 POLICY.
- 22 (c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF
- 23 THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED
- 24 BY EXECUTIVE ORDER, AND SHALL BE TO CONSIDER OPTIONS AND MAKE
- 25 RECOMMENDATIONS TO THE STATE BOARD AND THE GENERAL ASSEMBLY
- 26 THAT SEEK TO ENSURE THAT ALL LICENSED PERSONNEL ARE:
- 27 (I) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,

1 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
2 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THEIR
3 STUDENTS;

4 (II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE THEIR
5 EFFECTIVENESS; AND

6 (III) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
7 OTHER EDUCATORS THROUGHOUT THE STATE.

8 (3) THE COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

9 (a) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
10 WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY TEACHER IS
11 EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS,
12 AND VALID METHODS. THE RECOMMENDATIONS DEVELOPED PURSUANT TO
13 THIS PARAGRAPH (a) SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF
14 THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE
15 TEACHER'S STUDENTS AND THAT EACH TEACHER IS PROVIDED WITH AN
16 OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS THROUGH A
17 TEACHER DEVELOPMENT PLAN THAT LINKS HIS OR HER EVALUATION AND
18 PERFORMANCE STANDARDS TO PROFESSIONAL DEVELOPMENT
19 OPPORTUNITIES. THE QUALITY STANDARDS FOR TEACHERS SHALL
20 INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH
21 THAT ARE CONSISTENT WITH THE MEASURES SET FORTH IN SECTION
22 22-11-204 (2) AND MAY INCLUDE INTERIM ASSESSMENT RESULTS OR
23 EVIDENCE OF STUDENT WORK, PROVIDED THAT ALL ARE RIGOROUS AND
24 COMPARABLE ACROSS CLASSROOMS AND ALIGNED WITH STATE MODEL
25 CONTENT STANDARDS AND PERFORMANCE STANDARDS DEVELOPED
26 PURSUANT TO ARTICLE 7 OF TITLE 22. FOR THE PURPOSES OF QUALITY
27 STANDARDS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE

1 INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
2 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
3 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
4 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
5 (1.5). THE QUALITY STANDARDS FOR TEACHERS SHALL BE CLEAR AND
6 RELEVANT TO THE TEACHER'S ROLES AND RESPONSIBILITIES AND SHALL
7 HAVE THE GOAL OF IMPROVING STUDENT ACADEMIC GROWTH. THE
8 COUNCIL SHALL INCLUDE IN ITS RECOMMENDATIONS A DEFINITION OF
9 EFFECTIVENESS AND ITS RELATION TO QUALITY STANDARDS. THE
10 DEFINITION OF EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED
11 TO, CRITERIA THAT WILL BE USED TO DIFFERENTIATE BETWEEN
12 PERFORMANCE STANDARDS. THE DEFINED PERFORMANCE STANDARDS
13 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, "HIGHLY EFFECTIVE",
14 "EFFECTIVE", AND "INEFFECTIVE". THE COUNCIL SHALL CONSIDER
15 WHETHER ADDITIONAL PERFORMANCE STANDARDS SHOULD BE
16 ESTABLISHED.

17 (a.5) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE
18 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY
19 PRINCIPAL IS EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
20 RIGOROUS, AND VALID METHODS. THE RECOMMENDATIONS PURSUANT TO
21 THIS PARAGRAPH (a.5) SHALL REQUIRE THAT EVERY PRINCIPAL IS
22 PROVIDED WITH A PRINCIPAL DEVELOPMENT PLAN. IN MAKING ITS
23 RECOMMENDATIONS, THE COUNCIL SHALL RECOGNIZE THAT NOT ALL
24 TEACHERS AND PRINCIPALS REQUIRE THE SAME AMOUNT OF SUPERVISION
25 AND EVALUATION. AS PART OF ITS RECOMMENDATIONS TO THE STATE
26 BOARD, THE COUNCIL SHALL DEVELOP A PROCESS TO ENABLE A LOCAL
27 SCHOOL DISTRICT TO DIFFERENTIATE TEACHER AND PRINCIPAL

1 EVALUATIONS AS PART OF ITS PERFORMANCE EVALUATION SYSTEM.

2 (b) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
3 WITH RECOMMENDATIONS CONCERNING THE IMPLEMENTATION AND
4 TESTING OF THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED
5 ON QUALITY STANDARDS AND WITH RECOMMENDATIONS FOR THE
6 SUBSEQUENT STATEWIDE IMPLEMENTATION OF THE NEW PERFORMANCE
7 EVALUATION SYSTEM. THE RECOMMENDATIONS MADE PURSUANT TO THIS
8 PARAGRAPH (b) SHALL CONFORM TO THE TIMELINE SET FORTH IN
9 SUBSECTION (3) OF THIS SECTION.

10 (b.5) ON OR BEFORE MARCH 1, 2011, TO MAKE
11 RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE
12 INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC
13 SCHOOLS, TO THE EFFECT THAT PARENTS SHOULD ACT AS PARTNERS WITH
14 TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS;

15 (c) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE
16 BOARD WITH RECOMMENDATIONS THAT WILL ENSURE DEVELOPMENT OF
17 A SET OF GUIDELINES FOR ESTABLISHING PERFORMANCE STANDARDS FOR
18 EACH CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED PURSUANT
19 TO THIS ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE
20 APPLIED IN ASSIGNING EDUCATORS TO APPROPRIATE PERFORMANCE
21 STANDARDS, WHICH SHALL INCLUDE MEASURES OF STUDENT
22 LONGITUDINAL ACADEMIC GROWTH.

23 (d) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
24 TO THE STATE BOARD STATEWIDE DEFINITIONS OF PRINCIPAL
25 EFFECTIVENESS AND TEACHER EFFECTIVENESS, EACH OF WHICH SHALL BE
26 CENTERED ON AN EDUCATOR'S DEMONSTRATED ABILITY TO ACHIEVE AND
27 SUSTAIN ADEQUATE STUDENT GROWTH AND SHALL INCLUDE A SET OF

1 PROFESSIONAL SKILLS AND COMPETENCIES RELATED TO IMPROVED
2 STUDENT OUTCOMES;

3 (e) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND
4 TO THE STATE BOARD GUIDELINES FOR ADEQUATE IMPLEMENTATION OF A
5 HIGH-QUALITY EDUCATOR EVALUATION SYSTEM THAT SHALL ADDRESS, AT
6 A MINIMUM, THE FOLLOWING ISSUES:

7 (I) ONGOING TRAINING ON THE USE OF THE SYSTEM THAT IS
8 SUFFICIENT TO ENSURE THAT ALL EVALUATORS AND EDUCATORS HAVE A
9 FULL UNDERSTANDING OF THE EVALUATION SYSTEM AND ITS
10 IMPLEMENTATION. THE TRAINING MAY INCLUDE SUCH ACTIVITIES AS
11 CONDUCTING JOINT TRAINING SESSIONS FOR EVALUATORS AND
12 EDUCATORS.

13 (II) EVALUATION RESULTS THAT ARE NORMED TO ENSURE
14 CONSISTENCY AND FAIRNESS;

15 (III) EVALUATION RUBRICS AND TOOLS THAT ARE DEEMED FAIR,
16 TRANSPARENT, RIGOROUS, AND VALID;

17 (IV) EVALUATIONS THAT ARE CONDUCTED USING SUFFICIENT TIME
18 AND FREQUENCY, AT LEAST ANNUALLY, TO GATHER SUFFICIENT DATA
19 UPON WHICH TO BASE THE RATINGS CONTAINED IN AN EVALUATION;

20 (V) PROVISION OF ADEQUATE TRAINING AND COLLABORATIVE TIME
21 TO ENSURE THAT EDUCATORS FULLY UNDERSTAND AND HAVE THE
22 RESOURCES TO RESPOND TO STUDENT ACADEMIC GROWTH DATA;

23 (VI) STUDENT DATA THAT IS MONITORED AT LEAST ANNUALLY TO
24 ENSURE THE CORRELATION BETWEEN STUDENT ACADEMIC GROWTH AND
25 OUTCOMES WITH EDUCATOR EFFECTIVENESS RATINGS; AND

26 (VII) A PROCESS BY WHICH A NONPROBATIONARY TEACHER MAY
27 APPEAL HIS OR HER SECOND CONSECUTIVE PERFORMANCE RATING OF

1 INEFFECTIVE AND SUBMIT SUCH PROCESS BY THE FIRST DAY OF CONVENING
2 OF THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY
3 TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
4 THE SENATE, OR ANY SUCCESSOR COMMITTEES.

5 (f) ON OR BEFORE MARCH 1, 2011, TO ADOPT AND RECOMMEND TO
6 THE STATE BOARD A RUBRIC FOR IDENTIFYING MULTIPLE ADDITIONAL
7 QUALITY STANDARDS, IN ADDITION TO STUDENT ACADEMIC GROWTH, THAT
8 ARE RIGOROUS, TRANSPARENT, VALID, AND FAIR;

9 (g) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
10 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
11 SUPPORT LOCAL SCHOOL DISTRICTS' USE OF EVALUATION DATA FOR
12 DECISIONS IN AREAS SUCH AS COMPENSATION, PROMOTION, RETENTION,
13 REMOVAL, AND PROFESSIONAL DEVELOPMENT; AND

14 (h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
15 TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL
16 ENSURE THAT THE STANDARDS AND CRITERIA APPLICABLE TO TEACHER
17 AND PRINCIPAL LICENSURE AND THE ACCREDITATION OF PREPARATION
18 PROGRAMS ARE DIRECTLY ALIGNED WITH AND SUPPORT THE PREPARATION
19 AND LICENSURE OF EFFECTIVE EDUCATORS.

20 (i) ON OR BEFORE JULY 1, 2013, AND JULY 1 EACH YEAR
21 THEREAFTER DURING THE IMPLEMENTATION OF THE PERFORMANCE
22 EVALUATION SYSTEM, THE DEPARTMENT SHALL REPORT TO THE COUNCIL
23 THE RESULTS OF THE IMPLEMENTATION AND TESTING OF THE
24 PERFORMANCE EVALUATION SYSTEM. BASED ON THE RESULTS OF THE
25 REPORTS, THE COUNCIL MAY MAKE ADDITIONAL RECOMMENDATIONS TO
26 BE INCORPORATED IN THE FOLLOWING STAGE OF IMPLEMENTATION.

27 (j) THE COUNCIL SHALL DEVELOP AN IMPLEMENTATION PLAN FOR

1 ITS RECOMMENDATIONS AND WILL IDENTIFY TASKS AND THE ASSOCIATED
2 COSTS AT THE STATE AND DISTRICT LEVELS. THE RECOMMENDATIONS
3 SHALL INCLUDE AN IMPLEMENTATION COST ANALYSIS, INCLUDING
4 ASSESSMENT CHANGES, ASSESSMENT PILOT STUDY, STAFF TRAINING,
5 RESEARCH, DATA REVIEW, AND ANY OTHER TASKS INCLUDED IN THE
6 COUNCIL'S RECOMMENDATIONS. IT IS INCUMBENT ON THE COUNCIL TO
7 CONSULT WITH THE DEPARTMENT AND EXPERT PRACTITIONERS FAMILIAR
8 WITH SCHOOL FINANCE AND TO REPORT BY MARCH 1, 2011, ON THE COSTS
9 TO IMPLEMENT THE COUNCIL'S RECOMMENDATIONS.

10 (3.5) THE RECOMMENDATIONS MADE BY THE COUNCIL TO THE
11 STATE BOARD PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS
12 VOTE. FOR ANY ISSUE THAT THE COUNCIL WAS UNABLE TO REACH A
13 CONSENSUS, THE COUNCIL SHALL PROVIDE TO THE STATE BOARD THE
14 REASONS IT WAS UNABLE TO REACH A CONSENSUS.

15 (4) THE COUNCIL'S RECOMMENDATIONS SHALL CONSIST, AT A
16 MINIMUM, OF RECOMMENDATIONS THAT ARE APPLICABLE TO SCHOOL
17 PRINCIPALS AND TEACHERS.

18 (5) THE COUNCIL'S RECOMMENDATIONS MAY INCLUDE CHANGES
19 TO EXISTING STATUTES OR RULES, IF APPROPRIATE, AS WELL AS
20 RECOMMENDATIONS FOR LOCAL IMPLEMENTATION.

21 (6) IN MAKING ITS RECOMMENDATIONS, THE COUNCIL SHALL
22 INCLUDE THE EFFECT OF DISTRICT- AND SCHOOL-LEVEL CONDITIONS, AS
23 MEASURED BY THE NINE PERFORMANCE STANDARDS SET FORTH IN THE
24 COMPREHENSIVE APPRAISAL FOR THE DISTRICT IMPROVEMENT RUBRIC AND
25 BIANNUAL TEACHING, EMPOWERING, LEADING, AND LEARNING INITIATIVE
26 SURVEY OF SCHOOL WORKING CONDITIONS, AS WELL AS ANY ADDITIONAL
27 METHODS OF ASSESSING SUCH CONDITIONS IDENTIFIED BY THE COUNCIL AS

1 VALID, TRANSPARENT, AND RELIABLE.

2 (7) THE COUNCIL MAY ESTABLISH WORKING GROUPS, TASK
3 FORCES, OR OTHER STRUCTURES FROM WITHIN ITS MEMBERSHIP OR
4 OUTSIDE ITS MEMBERSHIP AS NEEDED TO ADDRESS SPECIFIC ISSUES OR TO
5 ASSIST IN ITS WORK.

6 (8) ALL RECOMMENDATIONS MADE BY THE COUNCIL PURSUANT TO
7 THIS SECTION SHALL REFLECT A CONSENSUS OF ITS MEMBERS.

8 (9) UNLESS OTHERWISE PROVIDED FOR, THE OFFICE OF THE
9 GOVERNOR AND THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH THE
10 SUPPORT, INFORMATION, DATA, ANALYTICAL INFORMATION, AND
11 ADMINISTRATIVE SUPPORT NECESSARY TO DO ITS WORK.

12 (10) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD
13 SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
14 PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, USING THE
15 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
16 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
17 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (h) OF
18 SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE
19 SEPTEMBER 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN
20 SAID PARAGRAPHS (a) TO (h) THAT THE COUNCIL DID NOT ADDRESS. IN
21 PROMULGATING RULES PURSUANT TO THIS SUBSECTION (10), THE STATE
22 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

23 (I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE
24 DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF
25 COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF
26 PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON QUALITY
27 STANDARDS.

1 (II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL
2 PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED
3 PURSUANT TO THIS SUBSECTION (10). ON OR BEFORE FEBRUARY 15, 2012,
4 THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS
5 PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (10).

6 (III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE
7 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
8 THIS SUBSECTION (10), THE NEW PERFORMANCE EVALUATION SYSTEM
9 THAT IS BASED ON QUALITY STANDARDS SHALL BE IMPLEMENTED AND
10 TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b)
11 OF SUBSECTION (3) OF THIS SECTION.

12 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
13 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
14 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST LEVEL
15 OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
16 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY
17 STANDARDS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
18 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF
19 SUBSECTION (3) OF THIS SECTION.

20 (B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE
21 EVALUATED BASED ON QUALITY STANDARDS. DEMONSTRATED
22 EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE CONSIDERED IN
23 THE ACQUISITION OF PROBATIONARY OR NONPROBATIONARY STATUS.

24 (V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE
25 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
26 THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST AND
27 SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014

1 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS
2 BASED ON QUALITY STANDARDS SHALL BE FINALIZED ON A STATEWIDE
3 BASIS.

4 (B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL
5 CONTINUE TO BE EVALUATED BASED ON QUALITY STANDARDS.
6 DEMONSTRATED EFFECTIVENESS OR INEFFECTIVENESS SHALL BE
7 CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR
8 NONPROBATIONARY STATUS.

9 (b) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY
10 SHALL REVIEW THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a)
11 OF THIS SUBSECTION (10) IN A BILL THAT IS SEPARATE FROM THE ANNUAL
12 RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d),
13 C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES
14 SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT
15 THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL
16 RULES CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD. IF
17 ONE OR MORE RULES IS NOT APPROVED BY THE GENERAL ASSEMBLY
18 PURSUANT TO THIS PARAGRAPH (b), THE STATE BOARD SHALL
19 PROMULGATE EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6),
20 C.R.S., ON SUCH ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL
21 ASSEMBLY ON OR BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL
22 REVIEW THE EMERGENCY RULES PROMULGATED ACCORDING TO THE
23 PROCESS OUTLINED IN THIS PARAGRAPH (b).

24 (11) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL
25 CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF
26 COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES
27 ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT

1 OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN
2 EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION.
3 THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO
4 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT
5 SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE
6 THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH
7 AND ONGOING EXPERIENCE IN COLORADO.

8 (12) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
9 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN
10 RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND,
11 CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY
12 AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE
13 PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT
14 TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING
15 AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER
16 AVAILABLE IN THE GREAT TEACHERS AND LEADERS FUND. ALL POSITION
17 DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED PURSUANT TO
18 THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION IS SUBJECT TO
19 AVAILABLE FUNDING.

20 SECTION 6. Article 9 of title 22, Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW SECTION to read:

22 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
23 **grants, and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
24 ACCEPT, AND EXPEND FEDERAL GRANTS FOR THE IMPLEMENTATION OF
25 SECTION 22-9-105.5; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A
26 GIFT, GRANT, OR DONATION EXCEPT FROM FEDERAL MONEYS THAT IS
27 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW

1 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL FEDERAL MONEYS
2 RECEIVED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
3 TO THE GREAT TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY
4 CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN
5 THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR
6 THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING
7 SECTION 22-9-105.5.

8 (2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
9 OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS
10 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
11 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
12 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
13 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
14 THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
15 FUND OR ANOTHER FUND.

16 (3) FOR FISCAL YEARS 2010-2011 AND 2011-2012, IF TWO
17 HUNDRED FIFTY THOUSAND DOLLARS IS NOT CREDITED TO THE FUND
18 THROUGH FEDERAL GRANTS ON OR BEFORE SEPTEMBER 30, 2010, THE
19 COMMISSIONER SHALL NOTIFY THE STATE TREASURER OF THE DIFFERENCE.
20 AS PROVIDED FOR IN SECTION 22-54-117 (1) (g), UPON RECEIPT OF SUCH
21 NOTICE, THE STATE TREASURER SHALL TRANSFER TO THE FUND THE
22 AMOUNT OF THE DIFFERENCE OUT OF THE CONTINGENCY RESERVE FUND,
23 CREATED PURSUANT TO SECTION 22-54-117 FOR THE IMPLEMENTATION OF
24 SECTION 22-9-105.5. IF THERE IS AN INSUFFICIENT AMOUNT IN THE
25 CONTINGENCY RESERVE FUND, THE STATE TREASURER SHALL TRANSFER
26 TO THE FUND ANY REMAINING AMOUNT OF THE DIFFERENCE FROM THE
27 STATE EDUCATION FUND, CREATED IN SECTION 17 (4) OF ARTICLE IX OF

1 THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SECTION
2 22-9-105.5.

3 (4) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
4 THE DEPARTMENT TO SOLICIT GIFTS, GRANTS, OR DONATIONS FOR THE
5 FUND.

6 **SECTION 7.** The introductory portion to 22-9-106 (1) and
7 22-9-106 (1) (c), (I) (d) (V), (1) (e), (2.5), (3.3), (3.5), (4) (a), and
8 (4.5), Colorado Revised Statutes, are amended, and the said 22-9-106 is
9 further amended BY THE ADDITION OF THE FOLLOWING NEW
10 SUBSECTIONS, to read:

11 **22-9-106. Local boards of education - duties - performance**
12 **evaluation system - repeal.** (1) All school districts and boards of
13 cooperative services that employ licensed personnel, as defined in section
14 22-9-103 (1.5), shall adopt a written system to evaluate the employment
15 performance of school district and board of cooperative services licensed
16 personnel, including all teachers, principals, and administrators, with the
17 exception of licensed personnel employed by a board of cooperative
18 services for a period of six weeks or less. In developing the licensed
19 personnel performance evaluation system and any amendments thereto,
20 the local board and board of cooperative services shall consult with
21 administrators, principals, and teachers employed within the district or
22 participating districts in a board of cooperative services, parents, and the
23 school district licensed personnel performance evaluation council or the
24 board of cooperative services personnel performance evaluation council
25 created pursuant to section 22-9-107. The performance evaluation system
26 shall ADDRESS ALL OF THE PERFORMANCE STANDARDS ESTABLISHED BY
27 RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY

1 PURSUANT TO SECTION 22-9-105.5, AND SHALL contain, but ~~shall~~ NEED not
2 be limited to, the following information:

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

8 (I) Probationary teachers receive at least two documented
9 observations and one evaluation that results in a written evaluation report
10 pursuant to subsection (3) of this section each academic year.

11 PROBATIONARY TEACHERS SHALL RECEIVE THE WRITTEN EVALUATION
12 REPORT AT LEAST TWO WEEKS BEFORE THE LAST CLASS DAY OF THE
13 SCHOOL YEAR.

14 (II) Nonprobationary teachers receive at least one observation
15 each year and one evaluation that results in a written evaluation report
16 pursuant to subsection (3) of this section every three years; EXCEPT THAT,
17 BEGINNING WITH THE 2012-13 ACADEMIC YEAR, NONPROBATIONARY
18 TEACHERS SHALL RECEIVE A WRITTEN EVALUATION REPORT PURSUANT TO
19 SUBSECTION (3) OF THIS SECTION EACH ACADEMIC YEAR ACCORDING TO
20 THE PERFORMANCE STANDARDS ESTABLISHED BY RULE OF THE STATE
21 BOARD AND ADOPTED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION
22 22-9-105.5. NONPROBATIONARY TEACHERS SHALL RECEIVE THE WRITTEN
23 EVALUATION REPORT AT LEAST TWO WEEKS BEFORE THE LAST CLASS DAY
24 OF THE SCHOOL YEAR.

25 (III) Principals ~~who are in their first three years of employment as~~
26 ~~principals~~ SHALL receive one evaluation that results in a written
27 evaluation report pursuant to subsection (3) of this section each academic

1 year ~~and~~ ACCORDING TO THE PERFORMANCE STANDARDS ESTABLISHED
2 BY RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY
3 PURSUANT TO SECTION 22-9-105.5.

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

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

- 10
- 11

12 (V) (A) Measuring the level of performance of all licensed
13 personnel within the school district or employed by a board of
14 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
15 EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
16 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
17 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
18 SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
19 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
20 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
21 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
22 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

23 (B) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED
24 PERSONNEL WITHIN THE SCHOOL DISTRICT. THIS SUB-SUBPARAGRAPH
25 (B) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION
26 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS
27 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT

1 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
2 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
3 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
4 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
5 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

6 (e) (I) The standards set by the local board for satisfactory
7 performance for licensed personnel and the criteria to be used to
8 determine whether the performance of each licensed person meets such
9 standards and other criteria for evaluation for each licensed personnel
10 position evaluated. One of the standards for measuring teacher
11 performance shall be directly related to classroom instruction and shall
12 include multiple measures of student performance. The performance
13 evaluation system shall also ensure that the standards and criteria are
14 available in writing to all licensed personnel and are communicated and
15 discussed by the person being evaluated and the evaluator prior to and
16 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS REPEALED
17 AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON
18 QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE
19 RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
20 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND
21 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
22 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
23 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
24 IMPLEMENTATION OCCURS.

25 (II) THE STANDARDS SET BY THE LOCAL BOARD FOR EFFECTIVE
26 PERFORMANCE FOR LICENSED PERSONNEL AND THE CRITERIA TO BE USED
27 TO DETERMINE WHETHER THE PERFORMANCE OF EACH LICENSED PERSON

1 MEETS SUCH STANDARDS AND OTHER CRITERIA FOR EVALUATION FOR
2 EACH LICENSED PERSONNEL POSITION EVALUATED. ONE OF THE
3 STANDARDS FOR MEASURING TEACHER EFFECTIVENESS SHALL BE
4 DIRECTLY RELATED TO CLASSROOM INSTRUCTION AND SHALL REQUIRE
5 THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE
6 ACADEMIC GROWTH OF THE TEACHER'S STUDENTS. THE DISTRICT
7 ACCOUNTABILITY COMMITTEE SHALL PROVIDE INPUT AND
8 RECOMMENDATIONS CONCERNING THE ASSESSMENT TOOLS USED TO
9 MEASURE STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER
10 EVALUATIONS. THE STANDARDS SHALL INCLUDE MULTIPLE MEASURES OF
11 STUDENT PERFORMANCE IN CONJUNCTION WITH STUDENT GROWTH
12 EXPECTATIONS. FOR THE PURPOSES OF MEASURING EFFECTIVENESS,
13 EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL TAKE INTO
14 CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO
15 SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS WITH A
16 STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
17 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
18 (1.5). THE PERFORMANCE EVALUATION SYSTEM SHALL ALSO ENSURE THAT
19 THE STANDARDS AND CRITERIA ARE AVAILABLE IN WRITING TO ALL
20 LICENSED PERSONNEL AND ARE COMMUNICATED AND DISCUSSED BY THE
21 PERSON BEING EVALUATED AND THE EVALUATOR PRIOR TO AND DURING
22 THE COURSE OF THE EVALUATION. THIS SUBPARAGRAPH (II) SHALL TAKE
23 EFFECT ___ AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM
24 BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION
25 AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
26 SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
27 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE

1 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
2 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
3 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

4 (2.5) (a) The council shall actively participate with the local board
5 or board of cooperative services in developing written standards for
6 evaluation that clearly specify satisfactory performance and the criteria
7 to be used to determine whether the performance of each licensed person
8 meets such standards pursuant to paragraph (e) of subsection (1) of this
9 section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE AT SUCH TIME
10 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
11 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
12 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
13 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
14 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
15 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
16 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
17 IMPLEMENTATION OCCURS.

18 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
19 BOARD IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT
20 CLEARLY SPECIFY PERFORMANCE STANDARDS AND THE QUALITY
21 STANDARDS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER THE
22 PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS
23 PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS
24 PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS THE PERFORMANCE
25 EVALUATION SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED
26 PURSUANT TO THIS SECTION AND THE RULES PROMULGATED BY THE STATE
27 BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL

1 PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE.
2 THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO
3 THE REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY
4 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

5 (3.3) Each principal or administrator who is responsible for
6 evaluating licensed personnel shall keep records and documentation for
7 each evaluation conducted. Each principal and administrator who is
8 responsible for evaluating licensed personnel shall be evaluated as to how
9 well he or she carries out the evaluation responsibilities under the
10 COMPLIES WITH THIS SECTION AND WITH THE school district's evaluation
11 system.

12 (3.5) (a) A teacher or principal whose performance is deemed to
13 be unsatisfactory pursuant to paragraph (e) of subsection (1) of this
14 section shall be given notice of deficiencies. A remediation plan to
15 correct said THE deficiencies shall be developed by the district or the
16 board of cooperative services and the teacher or principal AND SHALL
17 INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE
18 INTENDED TO HELP THE TEACHER OR PRINCIPAL TO ACHIEVE AN EFFECTIVE
19 RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION. The teacher or
20 principal shall be given a reasonable period of time to remediate the
21 deficiencies and shall receive a statement of the resources and assistance
22 available for the purposes of correcting the performance or the
23 deficiencies. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE AT SUCH
24 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
25 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
26 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
27 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN

1 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
2 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
3 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
4 IMPLEMENTATION OCCURS.

5 (b) (I) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED
6 TO BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF
7 THIS SECTION SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
8 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
9 THE DOCUMENTATION RELIED UPON IN MEASURING HIS OR HER
10 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES.

11 (II) EACH SCHOOL DISTRICT SHALL ENSURE THAT A
12 NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF
13 INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN
14 ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED,
15 WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM,
16 THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY
17 TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE
18 SUPERINTENDENT OR HIS OR HER DESIGNEE OF THE SCHOOL DISTRICT AND
19 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
20 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. IF
21 THERE IS NO COLLECTIVE BARGAINING AGREEMENT IN PLACE, FOLLOWING
22 THE RULING OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, THE
23 APPEALING TEACHER MAY REQUEST A REVIEW BY A MUTUALLY
24 AGREED-UPON THIRD PARTY. THE DECISION OF THE THIRD PARTY SHALL
25 REVIEW WHETHER THE DECISION WAS ARBITRARY OR CAPRICIOUS AND
26 SHALL BE BINDING ON BOTH PARTIES. THE COST OF ANY SUCH REVIEW
27 SHALL BE BORNE EQUALLY BY BOTH PARTIES. WHERE A COLLECTIVE

1 BARGAINING AGREEMENT IS IN PLACE, EITHER PARTY MAY CHOOSE TO OPT
2 INTO THIS PROCESS. THE SUPERINTENDENT'S DESIGNEE SHALL NOT BE THE
3 PRINCIPAL WHO CONDUCTED THE EVALUATION. FOR A NONPROBATIONARY
4 TEACHER, A REMEDIATION PLAN TO CORRECT THE DEFICIENCIES SHALL BE
5 DEVELOPED BY THE DISTRICT OR THE BOARD OF COOPERATIVE SERVICES
6 AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES
7 THAT ARE INTENDED TO HELP THE NONPROBATIONARY TEACHER TO
8 ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE
9 EVALUATION. THE NONPROBATIONARY TEACHER SHALL BE GIVEN A
10 REASONABLE PERIOD OF TIME TO REMEDIATE THE DEFICIENCIES AND SHALL
11 RECEIVE A STATEMENT OF THE RESOURCES AND ASSISTANCE AVAILABLE
12 FOR THE PURPOSE OF IMPROVING EFFECTIVENESS.

13 (III) THIS PARAGRAPH (b) SHALL TAKE EFFECT AT SUCH TIME AS
14 THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS
15 ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES PROMULGATED
16 BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 HAS COMPLETED
17 THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN IMPLEMENTED
18 STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE OF SUCH
19 IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE JULY 1,
20 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION
21 OCCURS.

22 (IV) SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) IS REPEALED,
23 EFFECTIVE FEBRUARY 15, 2013.

24 (4) (a) Except as provided in paragraph (b) of this subsection (4),
25 no person shall be responsible for the evaluation of licensed personnel
26 unless ~~such~~ THE person has a principal or administrator license issued
27 pursuant to article 60.5 of this title OR IS A DESIGNEE OF A PERSON WITH

1 A PRINCIPAL OR ADMINISTRATOR LICENSE and has received education and
2 training in evaluation skills approved by the department of education that
3 will enable him or her to make fair, professional, and credible evaluations
4 of the personnel whom he or she is responsible for evaluating. No person
5 shall be issued a principal or administrator license or have a principal or
6 administrator license renewed unless the state board determines that such
7 person has received education and training approved by the department
8 of education.

9 (4.5) (a) Any person whose performance evaluation includes a
10 remediation plan shall be given an opportunity to improve his or her
11 performance through the implementation of the plan. If the next
12 performance evaluation shows that the person is performing satisfactorily,
13 no further action shall be taken concerning the original performance
14 evaluation. If ~~such~~ THE evaluation shows the person is still not
15 performing satisfactorily, the evaluator shall either make additional
16 recommendations for improvement or may recommend the dismissal of
17 the person, which dismissal shall be in accordance with the provisions of
18 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS
19 REPEALED, EFFECTIVE AT SUCH TIME AS THE PERFORMANCE EVALUATION
20 SYSTEM BASED ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS
21 SECTION AND THE RULES PROMULGATED BY THE STATE BOARD PURSUANT
22 TO SECTION 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF
23 IMPLEMENTATION AND HAS BEEN IMPLEMENTED STATEWIDE. THE
24 COMMISSIONER SHALL PROVIDE NOTICE OF SUCH IMPLEMENTATION TO THE
25 REVISOR OF STATUTES ON OR BEFORE JULY 1, 2014, AND EACH JULY 1
26 THEREAFTER UNTIL STATEWIDE IMPLEMENTATION OCCURS.

27 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A

1 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
2 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE
3 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
4 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
5 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
6 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
7 HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER
8 PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF
9 THE DOCUMENTATION RELIED UPON IN MEASURING THE PERSON'S
10 PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL
11 DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO
12 OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO
13 APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT
14 PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE
15 BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL
16 ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF
17 INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND
18 SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO
19 DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE
20 APPEAL PROCESS SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE
21 NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS
22 OF NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION
23 REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR A PERSON
24 WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, THE EVALUATOR
25 SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS FOR IMPROVEMENT
26 OR MAY RECOMMEND THE DISMISSAL OF THE PERSON, WHICH DISMISSAL
27 SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 63 OF THIS

1 TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH (b) SHALL TAKE
2 EFFECT AT SUCH TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED
3 ON QUALITY STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND
4 THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION
5 22-9-105.5 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND
6 HAS BEEN IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE
7 NOTICE OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR
8 BEFORE JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
9 IMPLEMENTATION OCCURS. ___

10 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
11 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
12 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
13 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS
14 DETERMINED BY ___ THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED
15 IN THE PRINCIPAL'S SCHOOL. ___ ___ FOR PRINCIPALS, THE ___ QUALITY
16 STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

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

20 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
21 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
22 EFFECTIVE; AND

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

26 (8) ON OR BEFORE AUGUST 1, 2014, EACH LOCAL BOARD OF
27 EDUCATION SHALL DEVELOP, IN COLLABORATION WITH A LOCAL TEACHERS

1 ASSOCIATION OR, IF NONE EXISTS, WITH TEACHERS FROM THE DISTRICT, AN
2 INCENTIVE SYSTEM, THE PURPOSE OF WHICH SHALL BE TO ENCOURAGE
3 EFFECTIVE TEACHERS IN HIGH-PERFORMING SCHOOLS TO MOVE TO JOBS IN
4 SCHOOLS THAT HAVE LOW PERFORMANCE RATINGS.

5 **SECTION 8.** 22-11-302 (1), Colorado Revised Statutes, is
6 amended by THE ADDITION OF THE FOLLOWING NEW
7 PARAGRAPHS to read:

8 **22-11-302. School district accountability committees - powers and**
9 **duties.** (1) Each school district accountability committee shall have the
10 following powers and duties:

11 (d) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY
12 BASIS TO PRINCIPALS CONCERNING THE DEVELOPMENT AND USE OF
13 ASSESSMENT TOOLS USED FOR THE PURPOSE OF MEASURING AND
14 EVALUATING STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER
15 EVALUATIONS.

16 (e) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE
17 PRINCIPAL'S SCHOOL SHALL PROVIDE INPUT AND RECOMMENDATIONS TO
18 THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT
19 ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.

20 **SECTION 9.** 22-11-402 (1), Colorado Revised Statutes, is
21 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22 **22-11-402. School accountability committee - powers and**
23 **duties - meetings.** (1) Each school accountability committee shall have
24 the following powers and duties:

25 (e) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY
26 BASIS TO DISTRICT ACCOUNTABILITY COMMITTEES AND DISTRICT
27 ADMINISTRATION CONCERNING:

1 (I) PRINCIPAL DEVELOPMENT PLANS FOR THEIR PRINCIPAL
2 PURSUANT TO SECTION 22-9-106; AND

3 (II) PRINCIPAL EVALUATIONS CONDUCTED PURSUANT TO SECTION
4 22-9-106.

5 **SECTION 10.** 22-63-103 (7), Colorado Revised Statutes, is
6 amended to read:

7 **22-63-103. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (7) "Probationary teacher" means a teacher who has not completed
10 ~~three full years of continuous employment with the employing school~~
11 ~~district and who has not been reemployed for the fourth year~~
12 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS OR A
13 NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE YEARS OF
14 DEMONSTRATED INEFFECTIVENESS, AS DEFINED BY RULE ADOPTED BY THE
15 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5.

16 **SECTION 11.** 22-63-202 (2), Colorado Revised Statutes, is
17 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

18 **22-63-202. Employment contracts - contracts to be in writing**
19 **- duration - damage provision.** (2) (c.5) (I) THE GENERAL ASSEMBLY
20 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON
21 THE DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE
22 PRINCIPAL NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE
23 DEMONSTRATED EFFECTIVENESS AND HAVE DEMONSTRATED
24 QUALIFICATIONS AND TEACHING EXPERIENCE THAT SUPPORT THE
25 INSTRUCTIONAL PRACTICES OF HIS OR HER SCHOOL. THEREFORE, EACH
26 EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL
27 CONTAIN A PROVISION STATING THAT A TEACHER MAY BE ASSIGNED TO A

1 PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE HIRING PRINCIPAL
2 AND WITH INPUT FROM AT LEAST TWO TEACHERS EMPLOYED AT THE
3 SCHOOL AND CHOSEN BY THE FACULTY OF TEACHERS AT THE SCHOOL TO
4 REPRESENT THEM IN THE HIRING PROCESS, AND AFTER A REVIEW OF THE
5 TEACHER'S DEMONSTRATED EFFECTIVENESS AND QUALIFICATIONS, WHICH
6 REVIEW DEMONSTRATES THAT THE TEACHER'S QUALIFICATIONS AND
7 TEACHING EXPERIENCE SUPPORT THE INSTRUCTIONAL PRACTICES OF HIS OR
8 HER SCHOOL.

9 (II) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO, DURING
10 THE PRIOR SCHOOL YEAR, WAS DEEMED SATISFACTORY, OR WAS DEEMED
11 EFFECTIVE IN A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED
12 EVALUATION SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO
13 EFFECTIVE, AND HAS NOT SECURED A POSITION THROUGH SCHOOL-BASED
14 HIRING SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH PRIORITY
15 HIRING POOL SHALL ENSURE THE NONPROBATIONARY TEACHER A FIRST
16 OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR
17 SHE IS QUALIFIED IN A SCHOOL DISTRICT.

18 (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY
19 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET
20 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE
21 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL
22 FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH
23 (c.5), A SCHOOL DISTRICT SHALL WORK WITH ITS LOCAL TEACHERS
24 ASSOCIATION TO DEVELOP POLICIES FOR THE LOCAL SCHOOL BOARD TO
25 ADOPT. IF NO TEACHER ASSOCIATION EXISTS IN THE SCHOOL DISTRICT, THE
26 SCHOOL DISTRICT SHALL CREATE AN EIGHT PERSON COMMITTEE
27 CONSISTING OF FOUR SCHOOL DISTRICT MEMBERS AND FOUR TEACHERS,

1 WHICH COMMITTEE SHALL DEVELOP SUCH POLICIES. UPON NOTICE TO THE
2 NONPROBATIONARY TEACHER, THE DEPARTMENT OF HUMAN RESOURCES
3 FOR THE SCHOOL DISTRICT SHALL IMMEDIATELY PROVIDE THE
4 NONPROBATIONARY TEACHER WITH A LIST OF ALL VACANT POSITIONS FOR
5 WHICH HE OR SHE IS QUALIFIED, AS WELL AS A LIST OF VACANCIES IN ANY
6 AREA IDENTIFIED BY THE SCHOOL DISTRICT TO BE AN AREA OF CRITICAL
7 NEED. AN APPLICATION FOR A VACANCY SHALL BE MADE TO THE
8 PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF THE APPLICATION
9 PROVIDED BY THE NONPROBATIONARY TEACHER TO THE SCHOOL DISTRICT.
10 WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY
11 TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY
12 TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

13 (C) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE AT SUCH
14 TIME AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
15 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
16 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
17 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
18 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE
19 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
20 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
21 IMPLEMENTATION OCCURS.

22 (III) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS
23 DEEMED EFFECTIVE DURING THE PRIOR SCHOOL YEAR AND HAS NOT
24 SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A
25 PRIORITY HIRING POOL, WHICH PRIORITY HIRING POOL SHALL ENSURE THE
26 NONPROBATIONARY TEACHER A FIRST OPPORTUNITY TO INTERVIEW FOR A
27 REASONABLE NUMBER OF AVAILABLE POSITIONS FOR WHICH HE OR SHE IS

1 QUALIFIED IN THE SCHOOL DISTRICT.

2 (B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY
3 TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET
4 FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE
5 NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL
6 FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH
7 (c.5), A SCHOOL DISTRICT SHALL CONSIDER PROBATIONARY AND
8 NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS
9 BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA
10 MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA
11 OF EFFECTIVENESS DESCRIBED IN SECTION 22-9-106. UPON NOTICE TO
12 THE NONPROBATIONARY TEACHER, THE SCHOOL DISTRICT SHALL
13 IMMEDIATELY PROVIDE THE NONPROBATIONARY TEACHER WITH A LIST OF
14 ALL VACANT POSITIONS FOR WHICH HE OR SHE IS QUALIFIED, AS WELL AS
15 A LIST OF VACANCIES IN ANY AREA IDENTIFIED BY THE SCHOOL DISTRICT
16 TO BE AN AREA OF CRITICAL NEED. AN APPLICATION FOR A VACANCY
17 SHALL BE MADE TO THE PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF
18 THE APPLICATION PROVIDED BY THE NONPROBATIONARY TEACHER TO THE
19 SCHOOL DISTRICT. WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A
20 NONPROBATIONARY TEACHER APPLICANT TO A VACANT POSITION, THE
21 NONPROBATIONARY TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

22 (C) THIS SUBPARAGRAPH (III) SHALL TAKE EFFECT AT SUCH TIME
23 AS THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY
24 STANDARDS ESTABLISHED PURSUANT TO THIS SECTION AND THE RULES
25 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5
26 HAS COMPLETED THE INITIAL PHASE OF IMPLEMENTATION AND HAS BEEN
27 IMPLEMENTED STATEWIDE. THE COMMISSIONER SHALL PROVIDE NOTICE

1 OF SUCH IMPLEMENTATION TO THE REVISOR OF STATUTES ON OR BEFORE
2 JULY 1, 2014, AND EACH JULY 1 THEREAFTER UNTIL STATEWIDE
3 IMPLEMENTATION OCCURS.

4 (IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A
5 MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT
6 AFTER TWELVE MONTHS OR TWO HIRING CYCLES, WHICHEVER PERIOD IS
7 LONGER, THE SCHOOL DISTRICT SHALL PLACE THE TEACHER ON UNPAID
8 LEAVE UNTIL SUCH TIME AS THE TEACHER IS ABLE TO SECURE AN
9 ASSIGNMENT. IF THE TEACHER SECURES AN ASSIGNMENT AT A SCHOOL OF
10 THE SCHOOL DISTRICT WHILE PLACED ON UNPAID LEAVE, THE SCHOOL
11 DISTRICT SHALL REINSTATE THE TEACHER'S SALARY AND BENEFITS AT THE
12 LEVEL THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN PLACED
13 ON UNPAID LEAVE.

14 (V) NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF A
15 SCHOOL DISTRICT TO PLACE A TEACHER IN A TWELVE-MONTH OR OTHER
16 LIMITED-TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO, A
17 TEACHING ASSIGNMENT, SUBSTITUTE ASSIGNMENT, OR INSTRUCTIONAL
18 SUPPORT ROLE DURING THE PERIOD IN WHICH THE TEACHER IS ATTEMPTING
19 TO SECURE AN ASSIGNMENT THROUGH SCHOOL-BASED HIRING. SUCH AN
20 ASSIGNMENT SHALL NOT CONSTITUTE AN ASSIGNMENT THROUGH
21 SCHOOL-BASED HIRING AND SHALL NOT BE DEEMED TO INTERRUPT THE
22 PERIOD IN WHICH THE TEACHER IS REQUIRED TO SECURE AN ASSIGNMENT
23 THROUGH SCHOOL-BASED HIRING BEFORE THE DISTRICT SHALL PLACE THE
24 TEACHER ON UNPAID LEAVE.

25 (VI) THE PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED
26 IN WHOLE OR IN PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE
27 STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED

1 THAT THE LOCAL SCHOOL BOARD APPLYING FOR THE WAIVER, IN
2 CONJUNCTION WITH THE SUPERINTENDENT AND TEACHERS ASSOCIATION
3 IN A DISTRICT THAT HAS AN OPERATING MASTER EMPLOYMENT CONTRACT,
4 IF APPLICABLE, DEMONSTRATES THAT THE WAIVER IS IN THE BEST
5 INTEREST OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS
6 THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT
7 RESULT IN PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE
8 TEACHER IN A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO
9 IMPLEMENT A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN
10 PURSUANT TO ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE
11 PROVISIONS OF THIS PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED
12 FOR A REQUEST THAT EXTENDS THE TIME FOR SECURING AN ASSIGNMENT
13 THROUGH SCHOOL-BASED HIRING FOR MORE THAN TWO YEARS.

14 (VII) THIS PARAGRAPH (c.5) SHALL APPLY TO ANY TEACHER WHO
15 IS DISPLACED AS A RESULT OF DROP IN ENROLLMENT; TURNAROUND,
16 PHASE-OUT; REDUCTION IN PROGRAM; OR REDUCTION IN BUILDING,
17 INCLUDING CLOSURE, CONSOLIDATION, OR RECONSTITUTION.

18 **SECTION 12.** 22-63-202 (3), Colorado Revised Statutes, is
19 amended to read:

20 **22-63-202. Employment contracts - contracts to be in writing**
21 **- duration - damage provision.** (3) A teacher may be suspended
22 temporarily during the contractual period until the date of dismissal as
23 ordered by the board pursuant to section 22-63-302 or may have his OR
24 HER employment contract cancelled during the contractual period when
25 there is a justifiable decrease in the number of teaching positions. The
26 manner in which employment contracts will be cancelled when there is
27 a justifiable decrease in the number of teaching positions ~~may~~ SHALL be

1 included in any contract between the board of education of the school
2 district and school district employees ~~If there is no such contract~~
3 ~~provision, when a justifiable reduction in the number of teaching~~
4 ~~positions within a particular endorsement area occurs, the employment~~
5 ~~contracts of first-year probationary teachers who are occupying such~~
6 ~~positions shall be cancelled first. Further reductions in the number of~~
7 ~~teaching positions through the cancellation of employment contracts of~~
8 ~~second-year and third-year probationary teachers and nonprobationary~~
9 ~~teachers shall be made in accordance with an established policy of the~~
10 ~~board of education of the school district. The provisions of this~~
11 ~~subsection (3) concerning the cancellation of employment contracts shall~~
12 ~~not create any property right or contract right, express or implied, for~~
13 ~~second-year and third-year probationary teachers OR IN AN ESTABLISHED~~
14 ~~POLICY OF THE BOARD, WHICH CONTRACT OR POLICY SHALL INCLUDE THE~~
15 ~~CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN~~
16 ~~DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT~~
17 ~~OF THE DECREASE IN TEACHING POSITIONS. EFFECTIVE FEBRUARY 15,~~
18 ~~2012, THE CONTRACT OR POLICY SHALL INCLUDE CONSIDERATION OF~~
19 ~~PROBATIONARY AND NONPROBATIONARY STATUS AND THE NUMBER OF~~
20 ~~YEARS A TEACHER HAS BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT~~
21 ~~THAT THESE CRITERIA MAY BE CONSIDERED ONLY AFTER THE~~
22 ~~CONSIDERATION OF THE CRITERIA DESCRIBED IN SECTION 22-9-106 AND~~
23 ~~ONLY IF THE CONTRACT OR POLICY IS IN THE BEST INTEREST OF THE~~
24 ~~STUDENTS ENROLLED IN THE SCHOOL DISTRICT.~~

25 **SECTION 13.** 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 - repeal. (1) (a) EXCEPT AS PROVIDED FOR IN
2 PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section
3 shall apply only to probationary teachers and shall no longer apply when
4 the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED
5 FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS
6 PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

7 (b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE
8 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS
9 PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE
10 BOARD PURSUANT TO SECTION 22-9-105.5, THE PROVISIONS OF THIS
11 SECTION SHALL APPLY ONLY TO PROBATIONARY TEACHERS AND SHALL NO
12 LONGER APPLY WHEN THE TEACHER HAS BEEN GRANTED
13 NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS
14 OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER
15 PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT.

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

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

27 (IV) The three CONSECUTIVE school years of DEMONSTRATED

1 EFFECTIVENESS AND continuous employment required for the
2 probationary period shall not be deemed to be interrupted by the
3 acceptance by a probationary teacher of the position of chief
4 administrative officer in said school district, but the period of time during
5 which such teacher serves in such capacity shall not be included in
6 computing said probationary period.

7 SECTION 14. 22-63-203 (4), Colorado Revised Statutes, is
8 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

9 22-63-203. Probationary teachers - removal and nonrenewal
10 of employment contract - repeal. (4) (a.5) (I) BEGINNING WITH THE
11 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO
12 RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR
13 NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A
14 PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR
15 OF EMPLOYMENT. THIS PARAGRAPH (a.5) SHALL BE REPEALED AFTER THE
16 PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS HAS
17 BEEN IMPLEMENTED PURSUANT TO SECTION 22-9-105.5.

18 (II) A PROBATIONARY TEACHER WHO IS DEEMED TO BE
19 PERFORMING SATISFACTORILY IN ANY OF SCHOOL YEARS 2010-2011,
20 2011-2012, AND 2012-2013 SHALL, FOR PURPOSES OF ARTICLE 9 OF THIS
21 TITLE, BE DEEMED TO HAVE PERFORMED EFFECTIVELY DURING THE SAME
22 SCHOOL YEAR OR YEARS. BEGINNING WITH THE 2013-2014 SCHOOL YEAR,
23 ALL TEACHERS SHALL BE EVALUATED IN ACCORDANCE WITH THE NEW
24 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF
25 EFFECTIVENESS; HOWEVER, A SCHOOL DISTRICT MAY EXTEND THE
26 PROBATIONARY STATUS OF A TEACHER WHO HAS THREE CONSECUTIVE
27 SATISFACTORY RATINGS AS OF JULY 1, 2013 BY NO MORE THAN ONE YEAR.

1 **SECTION 15.** Part 2 of article 63 of title 22, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION
3 to read:

4 **22-63-203.5. Nonprobationary portability.** BEGINNING WITH
5 THE 2014-2015 SCHOOL YEAR, A NONPROBATIONARY TEACHER, EXCEPT
6 FOR A NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE
7 PERFORMANCE EVALUATIONS WITH AN INEFFECTIVE RATING, WHO IS
8 EMPLOYED BY A SCHOOL DISTRICT AND IS SUBSEQUENTLY HIRED BY A
9 DIFFERENT SCHOOL DISTRICT MAY PROVIDE TO THE HIRING SCHOOL
10 DISTRICT EVIDENCE OF HIS OR HER STUDENT ACADEMIC GROWTH DATA
11 AND PERFORMANCE EVALUATIONS FOR THE PRIOR TWO YEARS FOR THE
12 PURPOSES OF RETAINING NONPROBATIONARY STATUS. IF, UPON PROVIDING
13 SUCH DATA, THE NONPROBATIONARY TEACHER CAN SHOW TWO
14 CONSECUTIVE PERFORMANCE EVALUATIONS WITH EFFECTIVENESS RATINGS
15 IN GOOD STANDING, HE OR SHE SHALL BE GRANTED NONPROBATIONARY
16 STATUS IN THE HIRING SCHOOL DISTRICT.

17 **SECTION 16.** 22-54-117 (1), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **22-54-117. Contingency reserve - capital construction**
20 **expenditures reserve - fund - lottery proceeds contingency reserve.**
21 (1) (g) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS
22 SUBSECTION (1) TO THE CONTRARY, AS PROVIDED FOR IN SECTION
23 22-9-105.7 (3) AND UPON RECEIPT OF NOTICE FROM THE COMMISSIONER,
24 FOR FISCAL YEARS 2010-2011 AND 2011-2012, THE STATE TREASURER
25 SHALL DEDUCT AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY
26 THOUSAND DOLLARS FROM THE CONTINGENCY RESERVE FUND AND
27 TRANSFER SUCH AMOUNT TO THE GREAT TEACHERS AND LEADERS FUND,

1 CREATED IN SECTION 22-9-105.7.

2

3 **SECTION 17.** 22-63-206, Colorado Revised Statutes, is amended

4 BY THE ADDITION OF A NEW SUBSECTION to read:

5 **22-63-206. Transfer - compensation.** (5) NOTHING IN THIS

6 SECTION SHALL BE CONSTRUED AS REQUIRING A RECEIVING SCHOOL TO

7 INVOLUNTARILY ACCEPT THE TRANSFER OF A TEACHER. ALL TRANSFERS

8 TO POSITIONS AT OTHER SCHOOLS OF THE SCHOOL DISTRICT SHALL

9 REQUIRE THE CONSENT OF THE RECEIVING SCHOOL.

10 **SECTION 18. Safety clause.** The general assembly hereby finds,

11 determines, and declares that this act is necessary for the immediate

12 preservation of the public peace, health, and safety.