A BILL FOR AN ACT

CONCERNING THE PROVISION THAT A PERCENTAGE OF AN EDUCATOR'S PERFORMANCE EVALUATION BE DETERMINED BY STUDENT ACADEMIC GROWTH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov/.)

Current law relating to performance evaluations for teachers and principals (educator evaluations) includes a requirement that at least 50% of an evaluation must be determined by the academic growth of the teacher's students or the students in the principal's school. The bill eliminates that requirement but grants school districts the flexibility to...
continue to use student academic growth, in an amount not to exceed 20%, in educator evaluations.

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

---

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

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

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

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

(3) The council shall have the following duties:

(a) On or before March 1, 2011, to provide the state board with
recommendations that will ensure that every teacher is evaluated using
multiple fair, transparent, timely, rigorous, and valid methods. The
recommendations developed pursuant to this paragraph (a) shall
SUBSECTION (3)(a) MAY require that at least fifty percent
A PORTION, NOT
TO EXCEED TWENTY PERCENT, of the evaluation is determined by the
academic growth of the teacher's students and MUST REQUIRE that each
teacher is provided with an opportunity to improve his or her
effectiveness through a teacher development plan that links his or her
evaluation and performance standards to professional development
opportunities. The quality standards for teachers MUST include
measures of student longitudinal academic growth that are consistent with
the measures set forth in section 22-11-204 (2) and may include interim
assessment results or evidence of student work, provided that all are
rigorous and comparable across classrooms and aligned with state model
content standards and performance standards developed pursuant to
article 7 of this title. For the purposes of quality standards,
expectations of student academic growth MUST take into
consideration diverse factors, including but not limited to special
education, student mobility, and classrooms with a student population in
which ninety-five percent meet the definition of high-risk student as
defined in section 22-7-604.5 (1.5). The quality standards for teachers
shall MUST be clear and relevant to the teacher's roles and responsibilities
and shall MUST have the goal of improving student academic growth. The
council shall include in its recommendations a definition of effectiveness
and its relation to quality standards. The definition of effectiveness shall
MUST include, but need not be limited to, criteria that will be used to
differentiate between performance standards. The defined performance
standards shall MUST include, but need not be limited to, "highly
effective", "effective", and "ineffective". The council shall consider
whether additional performance standards should be established.

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

22-9-106. Local boards of education - duties - performance
evaluation system - compliance - rules. (1) All school districts and
boards of cooperative services that employ licensed personnel, as defined
in section 22-9-103 (1.5), shall adopt a written system to evaluate the
employment performance of school district and board of cooperative
services licensed personnel, including all teachers, principals, and
administrators, with the exception of licensed personnel employed by a
board of cooperative services for a period of six weeks or less. A LOCAL
BOARD OR BOARD OF COOPERATIVE SERVICES MAY, AT ITS DISCRETION,
EXEMPT TEACHERS AND PRINCIPALS WHO HAVE EITHER AN EXISTING
EFFECTIVE OR HIGHLY EFFECTIVE RATING FROM THE REQUIREMENTS OF ITS
PERFORMANCE EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE
YEARS. IF A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES
TO PROVIDE SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS
THE RATING HE OR SHE RECEIVED ON HIS OR HER MOST RECENT
EVALUATION FOR THE EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL
MAY REQUEST A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF
THE EXEMPTION PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW
PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION
PERIOD, THE RESULTING PERFORMANCE EVALUATION RATING BECOMES
THE TEACHER'S OR PRINCIPAL'S NEW ESTABLISHED RATING. In developing
the licensed personnel performance evaluation system and any
amendments thereto, the local board and board of cooperative services
shall comply with the provisions of subsection (1.5) of this section and
shall consult with administrators, principals, and teachers employed
within the district or participating districts in a board of cooperative
services, parents, and the school district licensed personnel performance
evaluation council or the board of cooperative services personnel
performance evaluation council created pursuant to section 22-9-107. The
performance evaluation system shall address all of the performance
standards established by rule of the state board and adopted by the general
assembly pursuant to section 22-9-105.5, and shall contain, but
need not be limited to, the following information:

(e) (II) The standards set by the local board for effective
performance for licensed personnel and the criteria to be used to
determine whether the performance of each licensed person meets such
standards and other criteria for evaluation for each licensed personnel
position evaluated. One of the standards for measuring teacher
effectiveness shall be directly related to classroom instruction and
shall require that at least fifty percent of the evaluation is determined by
the academic growth of the teacher's students. The district accountability
committee shall provide input and recommendations concerning the
assessment tools used to measure student academic growth as it relates to
teacher evaluations May require that a portion, not to exceed twenty percent, of the evaluation is determined by the academic growth of the teacher's students. The school district personnel performance evaluation council for that district shall determine the percentage of student academic growth data to be used, and the assessment tools or tests to be used to measure such growth, in evaluations for that district. The standards shall must include multiple measures of student performance in conjunction with student growth expectations. For the purposes of measuring effectiveness, expectations of student academic growth shall must take into consideration diverse factors, including but not limited to, special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The performance evaluation system shall must also ensure that the standards and criteria are available in writing to all licensed personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation. This subparagraph (II) shall take subsection (1)(e)(II) takes effect at such time as the performance evaluation system based on quality standards established pursuant to this section and the rules promulgated by the state board pursuant to section 22-9-105.5 has completed the initial phase of implementation and has been implemented statewide. The commissioner shall provide notice of such implementation to the revisor of statutes on or before July 1, 2014, and each July 1 thereafter until statewide implementation occurs.
(1.5) (a.5) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES THAT DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL EVALUATION SYSTEM PURSUANT TO THIS SUBSECTION (1.5) MAY EXEMPT TEACHERS OR PRINCIPALS WHO HAVE EITHER AN EXISTING EFFECTIVE OR HIGHLY EFFECTIVE RATING FROM THE ANNUAL REQUIREMENTS OF SUCH EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS. IF A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES TO PROVIDE SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS THE RATING HE OR SHE RECEIVED ON HIS OR HER MOST RECENT EVALUATION FOR THE EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL MAY REQUEST A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD, THE RESULTING PERFORMANCE EVALUATION RATING BECOMES THE TEACHER'S OR PRINCIPAL'S NEW ESTABLISHED RATING.

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

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

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.