

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO
UNOFFICIAL PREAMENDED VERSION**

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.

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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; AND

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

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

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

27 **22-9-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (1.2) "COUNCIL" MEANS THE GOVERNOR'S COUNCIL FOR EDUCATOR
3 EFFECTIVENESS ESTABLISHED PURSUANT TO EXECUTIVE ORDER
4 B 2010-001, DATED JANUARY 13, 2010, AND REFERENCED IN SECTION
5 22-9-105.5.

6 (1.4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
7 CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

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

11 **22-9-104. State board - powers and duties - rules.** (2) The
12 state board shall:

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

20 (d) Review school district and board of cooperative services
21 processes and procedures for licensed personnel performance evaluation
22 systems to assure that such systems are professionally sound; ~~and~~ will
23 result in a fair, adequate, and credible evaluation; AND MEET OR EXCEED
24 THE GUIDELINES FOR MEASURES OF EFFECTIVENESS ESTABLISHED BY RULE
25 OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (4) IN A MANNER
26 THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND LOCATION OF THE
27 SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, AND THAT IS

1 CONSISTENT WITH THE PURPOSES OF THIS ARTICLE; AND

2 (f) (I) ON OR BEFORE JULY 30, 2011, THE STATE BOARD, PURSUANT
3 TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE
4 21, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES
5 SPECIFIED IN SECTION 22-9-105.5 (3) USING THE RECOMMENDATIONS FROM
6 THE COUNCIL. IF THE COUNCIL FAILS TO MAKE RECOMMENDATIONS TO THE
7 STATE BOARD BY MARCH 1, 2011, WITH REGARD TO ONE OR MORE OF THE
8 ISSUES SPECIFIED IN SECTION 22-9-105.5 (3), THE STATE BOARD, ON OR
9 BEFORE JULY 30, 2011, SHALL PROMULGATE RULES CONCERNING ANY
10 ISSUES IN SECTION 22-9-105.5 (3) THAT THE COUNCIL DID NOT ADDRESS.
11 IN PROMULGATING RULES PURSUANT TO THIS PARAGRAPH (f), THE STATE
12 BOARD SHALL CONFORM TO THE TIMELINE SET FORTH IN SECTION
13 22-9-105.5 (4).

14 (II) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
15 PROMULGATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f),
16 IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
17 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
18 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
19 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL
20 ASSEMBLY RESERVES THE RIGHT TO ALTER OR REPEAL SUCH RULES.

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

23 **22-9-105. State licensed personnel performance evaluation**
24 **council created - duties.** ~~(1) The state board shall appoint an advisory~~
25 ~~state licensed personnel performance evaluation council, which shall~~
26 ~~consist of the following members: Seven licensed personnel, each from~~
27 ~~a different school district, four of whom shall be teachers, three citizens,~~

1 ~~each from a different school district, a representative from an existing~~
2 ~~council whose members are deans of education, and one member from the~~
3 ~~department of education. The council shall elect its chair. No more than~~
4 ~~six members shall belong to any one political party.~~

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

9 (3) (a) (I) ~~Each school district and board of cooperative services~~
10 ~~shall submit to the state board or to the state licensed personnel~~
11 ~~performance evaluation council such information or data concerning said~~
12 ~~district's or board's licensed personnel performance evaluation system and~~
13 ~~its processes and procedures as may be requested by the state board or~~
14 ~~such council.~~

15 (H) ~~Repealed.~~

16 (b) ~~Repealed.~~

17 (4) ~~Repealed.~~

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

20 **22-9-105.5. Governor's council for educator effectiveness -**
21 **legislative declaration - duties - recommendations - rules.** (1) THE
22 GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

26 (b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG
27 OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING

1 RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND
2 DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND
3 TEACHER EFFECTIVENESS; AND

4 (c) THE EXECUTIVE ORDER FURTHER SETS FORTH THE MEMBERSHIP
5 OF THE FIFTEEN-PERSON COUNCIL, TO BE APPOINTED BY THE GOVERNOR AS
6 FOLLOWS:

7 (I) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

8 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HIGHER
9 EDUCATION, OR HIS OR HER DESIGNEE;

10 (III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF A STATE
11 ASSOCIATION THAT REPRESENTS EDUCATORS;

12 (IV) TWO PUBLIC SCHOOL ADMINISTRATORS AND ONE LOCAL
13 SCHOOL DISTRICT SUPERINTENDENT, EACH SELECTED WITH THE ADVICE OF
14 A STATE ASSOCIATION THAT REPRESENTS SCHOOL EXECUTIVES;

15 (V) TWO MEMBERS OF LOCAL SCHOOL BOARDS, SELECTED WITH
16 THE ADVICE OF A STATE ASSOCIATION THAT REPRESENTS SCHOOL BOARDS;

17 (VI) ONE CHARTER SCHOOL ADMINISTRATOR OR TEACHER,
18 SELECTED WITH THE ADVICE OF A STATE ADVOCACY GROUP FOR CHARTER
19 SCHOOLS;

20 (VII) ONE PARENT OF A PUBLIC SCHOOL STUDENT, SELECTED WITH
21 THE ADVICE OF A STATE PARENT AND TEACHERS ASSOCIATION;

22 (VIII) A CURRENT STUDENT OR RECENT GRADUATE OF A
23 COLORADO PUBLIC SCHOOL, SELECTED WITH THE ADVICE OF A STATEWIDE
24 STUDENT COALITION; AND

25 (IX) ONE AT-LARGE MEMBER WITH EXPERTISE IN EDUCATION
26 POLICY.

27 (2) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE PURPOSE

1 OF THE COUNCIL SHALL BE TO CONSIDER OPTIONS AND MAKE
2 RECOMMENDATIONS TO THE STATE BOARD AND GENERAL ASSEMBLY THAT
3 SEEK TO ENSURE THAT EVERY EDUCATOR IS:

4 (a) EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY,
5 RIGOROUS, AND VALID METHODS, AT LEAST FIFTY PERCENT OF WHICH
6 EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF HIS OR HER
7 STUDENTS;

8 (b) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE HIS OR
9 HER EFFECTIVENESS; AND

10 (c) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH
11 OTHER EDUCATORS THROUGHOUT THE STATE.

12 (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE
13 COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

14 (a) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD
15 WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY TEACHER IS
16 EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS,
17 AND VALID METHODS. THE RECOMMENDATIONS DEVELOPED PURSUANT TO
18 THIS PARAGRAPH (a) SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF
19 THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE
20 TEACHER'S STUDENTS AND THAT EACH TEACHER IS PROVIDED WITH AN
21 OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS THROUGH A
22 GROWTH PLAN THAT LINKS HIS OR HER EVALUATION AND LEVEL OF
23 EFFECTIVENESS TO PROFESSIONAL DEVELOPMENT OPPORTUNITIES. THE
24 MULTIPLE MEASURES TO DETERMINE EFFECTIVENESS OF TEACHERS SHALL
25 INCLUDE, BUT NEED NOT BE LIMITED TO, MEASURES OF STUDENT
26 LONGITUDINAL ACADEMIC GROWTH THAT ARE CONSISTENT WITH THE
27 MEASURES SET FORTH IN SECTION 22-11-204 (2) AND ACHIEVEMENT

1 LEVELS ON ANY STATEWIDE ASSESSMENTS IN THE RELEVANT SUBJECT AND
2 GRADE LEVEL OR ANY LOCALLY ADOPTED INTERIM ASSESSMENTS
3 APPROVED BY THE STATE BOARD TO ASSESS STUDENT ACADEMIC GROWTH
4 IN THE RELEVANT SUBJECT AND GRADE LEVEL. FOR THE PURPOSES OF
5 MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC
6 GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING
7 BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND
8 CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE
9 PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN
10 SECTION 22-7-604.5 (1.5). THE MULTIPLE MEASURES OF EFFECTIVENESS
11 FOR TEACHERS SHALL BE CLEAR AND RELEVANT TO THE TEACHER'S ROLES
12 AND RESPONSIBILITIES AND SHALL HAVE THE GOAL OF IMPROVING
13 STUDENT ACADEMIC GROWTH.

14 (b) ON OR BEFORE MARCH 1, 2011, THE COUNCIL SHALL PROVIDE
15 THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE
16 IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION
17 SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS, AND WITH
18 RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION
19 OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE
20 RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL
21 CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS
22 SECTION.

23 (c) ON OR BEFORE MARCH 1, 2011, TO DEVELOP A SET OF
24 GUIDELINES FOR ESTABLISHING LEVELS OF EFFECTIVENESS FOR EACH
25 CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED UNDER THIS
26 ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE APPLIED IN
27 ASSIGNING EDUCATORS TO APPROPRIATE LEVELS OF EFFECTIVENESS,

1 WHICH SHALL INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC
2 GROWTH AS SET FORTH IN SECTION 22-11-204 (2) IN CONJUNCTION WITH
3 EXPECTATIONS OF STUDENT ACADEMIC GROWTH. FOR THE PURPOSES OF
4 MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC
5 GROWTH SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING
6 BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND
7 CLASSROOMS WITH A STUDENT POPULATION IN WHICH NINETY-FIVE
8 PERCENT MEET THE DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN
9 SECTION 22-7-604.5 (1.5).

10 (d) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS
11 TO THE STATE BOARD TO ENSURE THAT THE STATE PROVIDES EVERY
12 TEACHER AND PRINCIPAL WHO IS DETERMINED TO BE HIGHLY EFFECTIVE
13 WITH CAREER LADDERS THAT WILL HELP HIM OR HER EARN ADDITIONAL
14 PAY IN RETURN FOR SHARING EFFECTIVE PRACTICES WITH OTHER
15 EDUCATORS STATEWIDE, IN ORDER TO ADVANCE THE EFFECTIVENESS OF
16 ALL EDUCATORS IN THE STATE AND ULTIMATELY BENEFIT THE STUDENTS
17 OF COLORADO; AND

18 (e) ON OR BEFORE JULY 1, 2013, TO REPORT TO THE DEPARTMENT
19 THE RESULTS OF THE INITIAL YEAR OF IMPLEMENTATION AND TESTING OF
20 THE PERFORMANCE EVALUATION SYSTEM IN THE 2012-2013 SCHOOL YEAR.

21 (4) (a) ON OR BEFORE JULY 30, 2011, THE STATE BOARD SHALL
22 PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN
23 PARAGRAPHS (a) TO (e) OF SUBSECTION (3) OF THIS SECTION, USING THE
24 RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE
25 RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH
26 REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (e) OF
27 SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE

1 JULY 30, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN SAID
2 PARAGRAPHS (a) TO (e) THAT THE COUNCIL DID NOT ADDRESS. IN
3 PROMULGATING RULES PURSUANT TO THIS SUBSECTION (3), THE STATE
4 BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

5 (I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE
6 DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF
7 COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF
8 PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON MEASURES OF
9 EFFECTIVENESS.

10 (II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL
11 PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED
12 PURSUANT TO THIS SUBSECTION (4). ON OR BEFORE JANUARY 30, 2012,
13 THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS
14 PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (4).

15 (III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE
16 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
17 THIS SUBSECTION (4), THE NEW PERFORMANCE EVALUATION SYSTEM THAT
18 IS BASED ON MEASURES OF EFFECTIVENESS SHALL BE IMPLEMENTED AND
19 TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b)
20 OF SUBSECTION (3) OF THIS SECTION.

21 (IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE
22 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
23 THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST LEVEL OF
24 IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW
25 PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF
26 EFFECTIVENESS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS
27 RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF

1 SUBSECTION (3) OF THIS SECTION.

2 (B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE
3 EVALUATED BASED ON MEASURES OF EFFECTIVENESS. DEMONSTRATED
4 LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE
5 CONSIDERED IN THE ACQUISITION OF PROBATIONARY OR
6 NONPROBATIONARY STATUS.

7 (V) (A) BEGINNING WITH THE 2014-2015 SCHOOL YEAR, IF THE
8 GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO
9 THIS SUBSECTION (4), AND BASED ON THE RESULTS OF THE FIRST AND
10 SECOND LEVELS OF IMPLEMENTATION IN THE 2012-2013 AND 2013-2014
11 SCHOOL YEARS, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS
12 BASED ON MEASURES OF EFFECTIVENESS SHALL BE FINALIZED ON A
13 STATEWIDE BASIS.

14 (B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL
15 CONTINUE TO BE EVALUATED BASED ON MEASURES OF EFFECTIVENESS.
16 DEMONSTRATED LEVELS OF EFFECTIVENESS OR INEFFECTIVENESS SHALL
17 BE CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR
18 NONPROBATIONARY STATUS.

19 (b) THE GENERAL ASSEMBLY SHALL REVIEW THE RULES
20 PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4) IN
21 A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL
22 INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN
23 ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION
24 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL
25 ASSEMBLY RESERVES THE RIGHT TO ALTER OR REPEAL SUCH RULES.

26 (5) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
27 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN

1 RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND,
2 CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY
3 AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE
4 PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT
5 TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING
6 AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER
7 AVAILABLE IN THE TEACHER EFFECTIVENESS EVALUATION FUND. ALL
8 POSITION DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED
9 PURSUANT TO THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION
10 IS SUBJECT TO AVAILABLE FUNDING.

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

13 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
14 **grants, and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK,
15 ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS
16 FOR THE IMPLEMENTATION OF SECTION 22-9-105.5; EXCEPT THAT THE
17 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
18 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW
19 OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
20 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
21 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GREAT
22 TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND
23 REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE
24 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND
25 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

26 (2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES
27 OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS

1 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
2 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
3 TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
4 REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
5 THE FUN AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL
6 FUND OR ANOTHER FUND.

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

10 **SECTION 7.** The introductory portion to 22-9-106 (1) and
11 22-9-106 (1) (c), (1) (d) (III), (I) (d) (V), (1) (e), (2.5), (3.5), (4) (a), and
12 (4.5), Colorado Revised Statutes, are amended, and the said 22-9-106 is
13 further amended BY THE ADDITION OF A NEW SUBSECTION, to
14 read:

15 **22-9-106. Local boards of education - duties - performance**
16 **evaluation system - repeal.** (1) All school districts and boards of
17 cooperative services that employ licensed personnel, as defined in section
18 22-9-103 (1.5), shall adopt a written system to evaluate the employment
19 performance of school district and board of cooperative services licensed
20 personnel, including all teachers, principals, and administrators, with the
21 exception of licensed personnel employed by a board of cooperative
22 services for a period of six weeks or less. In developing the licensed
23 personnel performance evaluation system and any amendments thereto,
24 the local board and board of cooperative services shall consult with
25 administrators, principals, and teachers employed within the district or
26 participating districts in a board of cooperative services, parents, and the
27 school district licensed personnel performance evaluation council or the

1 board of cooperative services personnel performance evaluation council
2 created pursuant to section 22-9-107. The performance evaluation system
3 shall MEET OR EXCEED THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
4 ESTABLISHED BY RULE OF THE STATE BOARD AND ADOPTED BY THE
5 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5 (4), AND SHALL
6 contain, but ~~shall~~ NEED not be limited to, the following information:

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

12 (I) Probationary teachers receive at least two documented
13 observations and one evaluation that results in a written evaluation report
14 pursuant to subsection (3) of this section each academic year;

15 (II) Nonprobationary teachers receive at least one observation
16 each year and one evaluation that results in a written evaluation report
17 pursuant to subsection (3) of this section ~~every three years~~ EACH
18 ACADEMIC YEAR ACCORDING TO THE GUIDELINES FOR MEASURES OF
19 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD AND
20 ADOPTED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5
21 (4); AND

22 (III) Principals ~~who are in their first three years of employment as~~
23 ~~principals~~ SHALL receive one evaluation that results in a written
24 evaluation report pursuant to subsection (3) of this section each academic
25 year ~~and~~ ACCORDING TO THE GUIDELINES FOR MEASURES OF
26 EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD AND
27 ADOPTED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5

1 (4).

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

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

8 (III) (A) Providing the measurement of satisfactory performance
9 for individual licensed personnel and serving as documentation for an
10 unsatisfactory performance dismissal proceeding under article 63 of this
11 title. THIS SUB-SUBPARAGRAPH(A) IS REPEALED, EFFECTIVE JULY 1, 2012,
12 OR AT SUCH TIME AS THE GENERAL ASSEMBLY ADOPTS THE RULES
13 PROMULGATED BY THE STATE BOARD ESTABLISHING THE GUIDELINES FOR
14 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-105.5 (4),
15 WHICHEVER OCCURS FIRST.

16 (B) PROVIDING THE MEASUREMENT OF EFFECTIVENESS FOR
17 INDIVIDUAL LICENSED PERSONNEL AND SERVING AS DOCUMENTATION FOR
18 AN INEFFECTIVE PERFORMANCE DISMISSAL PROCEEDING UNDER ARTICLE
19 63 OF THIS TITLE. THIS SUB-SUBPARAGRAPH(B) SHALL TAKE EFFECT JULY
20 1, 2012, OR AT SUCH TIME AS THE GENERAL ASSEMBLY ADOPTS THE RULES
21 PROMULGATED BY THE STATE BOARD ESTABLISHING THE GUIDELINES FOR
22 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-105.5 (4),
23 WHICHEVER OCCURS FIRST.

24 (V) (A) Measuring the level of performance of all licensed
25 personnel within the school district or employed by a board of
26 cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED,
27 EFFECTIVE JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL ASSEMBLY

1 ADOPTS THE RULES PROMULGATED BY THE STATE BOARD ESTABLISHING
2 THE GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION
3 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

4 (B) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED
5 PERSONNEL WITHIN THE SCHOOL DISTRICT. THIS SUB-SUBPARAGRAPH (B)
6 SHALL TAKE EFFECT JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL
7 ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE BOARD
8 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
9 PURSUANT TO SECTION 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

10 (e) (I) The standards set by the local board for satisfactory
11 performance for licensed personnel and the criteria to be used to
12 determine whether the performance of each licensed person meets such
13 standards and other criteria for evaluation for each licensed personnel
14 position evaluated. One of the standards for measuring teacher
15 performance shall be directly related to classroom instruction and shall
16 include multiple measures of student performance. The performance
17 evaluation system shall also ensure that the standards and criteria are
18 available in writing to all licensed personnel and are communicated and
19 discussed by the person being evaluated and the evaluator prior to and
20 during the course of the evaluation. THIS SUBPARAGRAPH (I) IS
21 REPEALED, EFFECTIVE JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL
22 ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE BOARD
23 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
24 PURSUANT TO SECTION 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

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 INCLUDE
5 MULTIPLE MEASURES OF STUDENT PERFORMANCE IN CONJUNCTION WITH
6 STUDENT GROWTH EXPECTATIONS. FOR THE PURPOSES OF MEASURING
7 EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL
8 TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT
9 LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY, AND CLASSROOMS
10 WITH A STUDENT POPULATION IN WHICH NINETY-FIVE PERCENT MEET THE
11 DEFINITION OF HIGH-RISK STUDENT AS DEFINED IN SECTION 22-7-604.5
12 (1.5). THE PERFORMANCE EVALUATION SYSTEM SHALL ALSO ENSURE THAT
13 THE STANDARDS AND CRITERIA ARE AVAILABLE IN WRITING TO ALL
14 LICENSED PERSONNEL AND ARE COMMUNICATED AND DISCUSSED BY THE
15 PERSON BEING EVALUATED AND THE EVALUATOR PRIOR TO AND DURING
16 THE COURSE OF THE EVALUATION. THIS SUBPARAGRAPH (II) SHALL TAKE
17 EFFECT JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL ASSEMBLY
18 ADOPTS THE RULES PROMULGATED BY THE STATE BOARD ESTABLISHING
19 THE GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION
20 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

21 (2.5) (a) The council shall actively participate with the local board
22 or board of cooperative services in developing written standards for
23 evaluation that clearly specify satisfactory performance and the criteria
24 to be used to determine whether the performance of each licensed person
25 meets such standards pursuant to paragraph (e) of subsection (1) of this
26 section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2012, OR
27 AT SUCH TIME AS THE GENERAL ASSEMBLY ADOPTS THE RULES

1 PROMULGATED BY THE STATE BOARD ESTABLISHING THE GUIDELINES FOR
2 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-105.5 (4),
3 WHICHEVER OCCURS FIRST.

4 (b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL
5 BOARD OR BOARD OF COOPERATIVE SERVICES IN DEVELOPING WRITTEN
6 STANDARDS FOR EVALUATION THAT CLEARLY SPECIFY LEVELS OF
7 EFFECTIVENESS AND THE MEASURES OF EFFECTIVENESS AND THE CRITERIA
8 TO BE USED TO DETERMINE WHETHER THE PERFORMANCE OF EACH
9 LICENSED PERSON MEETS SUCH STANDARDS PURSUANT TO PARAGRAPH (e)
10 OF SUBSECTION (1) OF THIS SECTION. THIS PARAGRAPH (b) SHALL TAKE
11 EFFECT JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL ASSEMBLY
12 ADOPTS THE RULES PROMULGATED BY THE STATE BOARD ESTABLISHING
13 THE GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION
14 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

15 (3.5) (a) A teacher or principal whose performance is deemed to
16 be unsatisfactory pursuant to paragraph (e) of subsection (1) of this
17 section shall be given notice of deficiencies. A remediation plan to
18 correct ~~said~~ THE deficiencies shall be developed by the district or the
19 board of cooperative services and the teacher or principal. The teacher
20 or 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 JULY 1, 2012,
24 OR AT SUCH TIME AS THE GENERAL ASSEMBLY ADOPTS THE RULES
25 PROMULGATED BY THE STATE BOARD ESTABLISHING GUIDELINES FOR
26 MEASURES OF EFFECTIVENESS PURSUANT TO SECTION 22-9-105.5 (4),
27 WHICHEVER OCCURS FIRST.

1 (b) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED TO
2 BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS
3 SECTION SHALL BE GIVEN NOTICE OF DEFICIENCIES. A REMEDIATION PLAN
4 TO CORRECT THE DEFICIENCIES SHALL BE DEVELOPED BY THE DISTRICT OR
5 THE BOARD OF COOPERATIVE SERVICES AND THE TEACHER OR PRINCIPAL.
6 THE TEACHER OR PRINCIPAL SHALL BE GIVEN A REASONABLE PERIOD OF
7 TIME TO REMEDIATE THE DEFICIENCIES AND SHALL RECEIVE A STATEMENT
8 OF THE RESOURCES AND ASSISTANCE AVAILABLE FOR THE PURPOSE OF
9 IMPROVING EFFECTIVENESS. THIS PARAGRAPH (b) SHALL TAKE EFFECT
10 JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL ASSEMBLY ADOPTS THE
11 RULES PROMULGATED BY THE STATE BOARD ESTABLISHING THE
12 GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT TO SECTION
13 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

14 (4) (a) Except as provided in paragraph (b) of this subsection (4),
15 no person shall be responsible for the evaluation of licensed personnel
16 unless ~~such~~ THE person has a principal or administrator license issued
17 pursuant to article 60.5 of this title OR IS A DESIGNEE OF A PERSON WITH
18 A PRINCIPAL OR ADMINISTRATOR LICENSE and has received education and
19 training in evaluation skills approved by the department of education that
20 will enable him or her to make fair, professional, and credible evaluations
21 of the personnel whom he or she is responsible for evaluating. No person
22 shall be issued a principal or administrator license or have a principal or
23 administrator license renewed unless the state board determines that such
24 person has received education and training approved by the department
25 of education.

26 (4.5) (a) Any person whose performance evaluation includes a
27 remediation plan shall be given an opportunity to improve his or her

1 performance through the implementation of the plan. If the next
2 performance evaluation shows that the person is performing satisfactorily,
3 no further action shall be taken concerning the original performance
4 evaluation. If ~~such~~ THE evaluation shows the person is still not
5 performing satisfactorily, the evaluator shall either make additional
6 recommendations for improvement or may recommend the dismissal of
7 the person, which dismissal shall be in accordance with the provisions of
8 article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS
9 REPEALED, EFFECTIVE JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL
10 ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE BOARD
11 ESTABLISHING GUIDELINES FOR MEASURES OF EFFECTIVENESS PURSUANT
12 TO SECTION 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

13 (b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A
14 REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR
15 HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE
16 NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS
17 PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN
18 CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE
19 EVALUATION SHOWS THE PERSON IS STILL NOT PERFORMING EFFECTIVELY,
20 THE EVALUATOR SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS
21 FOR IMPROVEMENT OR MAY RECOMMEND THE DISMISSAL OF THE PERSON,
22 WHICH DISMISSAL SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF
23 ARTICLE 63 OF THIS TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH
24 (b) SHALL TAKE EFFECT JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL
25 ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE BOARD
26 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
27 PURSUANT TO SECTION 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

1 (7) EVERY PRINCIPAL SHALL BE EVALUATED USING MULTIPLE FAIR,
2 TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE
3 RECOMMENDATIONS DEVELOPED PURSUANT TO THIS SUBSECTION (7)
4 SHALL REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS
5 DETERMINED BY THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED IN
6 THE PRINCIPAL'S SCHOOL. FOR PRINCIPALS, THE MULTIPLE MEASURES OF
7 EFFECTIVENESS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

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

11 (b) THE NUMBER AND PERCENTAGE OF LICENSED PERSONNEL IN
12 THE PRINCIPAL'S SCHOOL WHO ARE RATED AS EFFECTIVE OR HIGHLY
13 EFFECTIVE; AND

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

17 **SECTION 8.** 22-63-103 (7), Colorado Revised Statutes, is
18 amended to read:

19 **22-63-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (7) "Probationary teacher" means a teacher who has not completed
22 ~~three full years of continuous employment with the employing school~~
23 ~~district and who has not been reemployed for the fourth year~~
24 CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS OR A
25 NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE YEARS OF
26 DEMONSTRATED INEFFECTIVENESS, AS DEFINED BY RULE ADOPTED BY THE
27 GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5 (4).

1 **SECTION 9.** 22-63-202 (2), Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

3 **22-63-202. Employment contracts - contracts to be in writing**
4 **- duration - damage provision.** (2) (c.5) THE GENERAL ASSEMBLY
5 FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE
6 DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE PRINCIPAL
7 NEEDS THE ABILITY TO SELECT TEACHERS WHO SUPPORT THE
8 INSTRUCTIONAL MODEL OF HIS OR HER SCHOOL. THEREFORE, EACH
9 EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL
10 CONTAIN A PROVISION STATING THAT A TEACHER MAY BE ASSIGNED TO A
11 PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE RECEIVING SCHOOL.
12 IF THE TEACHER IS UNABLE TO SECURE AN ASSIGNMENT AT A SCHOOL OF
13 THE SCHOOL DISTRICT AFTER TWO HIRING CYCLES, THE SCHOOL DISTRICT
14 SHALL PLACE THE TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE
15 TEACHER IS ABLE TO SECURE AN ASSIGNMENT. IF THE TEACHER SECURES
16 AN ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON
17 UNPAID LEAVE, THE SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S
18 SALARY AND BENEFITS AT THE LEVEL THEY WOULD HAVE BEEN IF THE
19 TEACHER HAD NOT BEEN PLACED ON UNPAID LEAVE.

20 **SECTION 10.** 22-63-202 (3), Colorado Revised Statutes, is
21 amended to read:

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

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

20 **SECTION 11.** 22-63-203 (1), (2) (b) (III), and (2) (b) (IV),
21 Colorado Revised Statutes, are amended to read:

22 **22-63-203. Probationary teachers - renewal and nonrenewal**
23 **of employment contract - repeal.** (1) (a) The provisions of this section
24 shall apply only to probationary teachers and shall no longer apply when
25 the teacher has been reemployed for the fourth year. THIS PARAGRAPH (a)
26 IS REPEALED, EFFECTIVE JULY 1, 2012, OR AT SUCH TIME AS THE GENERAL
27 ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE BOARD

1 ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
2 PURSUANT TO SECTION 22-9-105.5 (3), WHICHEVER OCCURS FIRST.

3 (b) THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO
4 PROBATIONARY TEACHERS AND SHALL NO LONGER APPLY WHEN THE
5 TEACHER HAS BEEN GRANTED NONPROBATIONARY STATUS AS A RESULT OF
6 THREE CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS, AS
7 DETERMINED THROUGH HIS OR HER PERFORMANCE EVALUATIONS AND
8 CONTINUOUS EMPLOYMENT. A NONPROBATIONARY TEACHER SHALL LOSE
9 SUCH STATUS AND RETURN TO PROBATIONARY STATUS FOLLOWING TWO
10 CONSECUTIVE YEARS OF DEMONSTRATED INEFFECTIVENESS, AS
11 DETERMINED BY HIS OR HER PERFORMANCE EVALUATIONS. THIS
12 PARAGRAPH (b) SHALL TAKE EFFECT JULY 1, 2012, OR AT SUCH TIME AS
13 THE GENERAL ASSEMBLY ADOPTS THE RULES PROMULGATED BY THE STATE
14 BOARD ESTABLISHING THE GUIDELINES FOR MEASURES OF EFFECTIVENESS
15 PURSUANT TO SECTION 22-9-105.5 (4), WHICHEVER OCCURS FIRST.

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 12.** 22-63-206, Colorado Revised Statutes, is amended
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9 **22-63-206. Transfer - compensation.** (5) NOTHING IN THIS
10 SECTION SHALL BE CONSTRUED AS REQUIRING A RECEIVING SCHOOL TO
11 INVOLUNTARILY ACCEPT THE TRANSFER OF A TEACHER. ALL TRANSFERS
12 TO POSITIONS AT OTHER SCHOOLS OF THE SCHOOL DISTRICT SHALL
13 REQUIRE THE CONSENT OF THE RECEIVING SCHOOL.

14 **SECTION 13. Safety clause.** The general assembly hereby finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, and safety.