

Second Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0956.01 Jane Ritter x4342

SENATE BILL 16-105

SENATE SPONSORSHIP

Merrifield and Marble, Woods, Todd, Martinez Humenik, Kerr

HOUSE SPONSORSHIP

(None),

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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.

than 20% of the evaluation.

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

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

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

4 **22-9-105.5. State council for educator effectiveness - legislative**
5 **declaration - membership - duties - recommendations - rules.**

6 (2) (c) The purpose of the council shall be the same as that of the
7 governor's council for educator effectiveness established by executive
8 order, and shall be to consider options and make recommendations to the
9 state board and the general assembly that seek to ensure that all licensed
10 personnel are:

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

1 ACADEMIC GROWTH DATA TO BE USED, AND THE ASSESSMENT TOOLS OR
2 TESTS TO BE USED TO MEASURE SUCH GROWTH, IN EVALUATIONS FOR THAT
3 DISTRICT.

4 (3) The council shall have the following duties:

5 (a) On or before March 1, 2011, to provide the state board with
6 recommendations that will ensure that every teacher is evaluated using
7 multiple fair, transparent, timely, rigorous, and valid methods. The
8 recommendations developed pursuant to this paragraph (a) ~~shall~~ MAY
9 require that ~~at least fifty percent~~ A PORTION, NOT TO EXCEED TWENTY
10 PERCENT, of the evaluation is determined by the academic growth of the
11 teacher's students and MUST REQUIRE that each teacher is provided with
12 an opportunity to improve his or her effectiveness through a teacher
13 development plan that links his or her evaluation and performance
14 standards to professional development opportunities. The quality
15 standards for teachers shall include measures of student longitudinal
16 academic growth that are consistent with the measures set forth in section
17 22-11-204 (2) and may include interim assessment results or evidence of
18 student work, provided that all are rigorous and comparable across
19 classrooms and aligned with state model content standards and
20 performance standards developed pursuant to article 7 of this title. For the
21 purposes of quality standards, expectations of student academic growth
22 shall take into consideration diverse factors, including but not limited to
23 special education, student mobility, and classrooms with a student
24 population in which ninety-five percent meet the definition of high-risk
25 student as defined in section 22-7-604.5 (1.5). The quality standards for
26 teachers shall be clear and relevant to the teacher's roles and
27 responsibilities and shall have the goal of improving student academic

1 growth. The council shall include in its recommendations a definition of
2 effectiveness and its relation to quality standards. The definition of
3 effectiveness shall include, but need not be limited to, criteria that will be
4 used to differentiate between performance standards. The defined
5 performance standards shall include, but need not be limited to, "highly
6 effective", "effective", and "ineffective". The council shall consider
7 whether additional performance standards should be established.

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

11 **22-9-106. Local boards of education - duties - performance**
12 **evaluation system - compliance - rules.** (1) All school districts and
13 boards of cooperative services that employ licensed personnel, as defined
14 in section 22-9-103 (1.5), shall adopt a written system to evaluate the
15 employment performance of school district and board of cooperative
16 services licensed personnel, including all teachers, principals, and
17 administrators, with the exception of licensed personnel employed by a
18 board of cooperative services for a period of six weeks or less. A LOCAL
19 BOARD OR BOARD OF COOPERATIVE SERVICES MAY, AT ITS DISCRETION,
20 EXEMPT TEACHERS AND PRINCIPALS WHO HAVE EITHER AN EXISTING
21 EFFECTIVE OR HIGHLY EFFECTIVE RATING FROM THE REQUIREMENTS OF ITS
22 PERFORMANCE EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE
23 YEARS. IF A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES
24 TO PROVIDE SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS
25 THE RATING HE OR SHE RECEIVED ON HIS OR HER MOST RECENT
26 EVALUATION FOR THE EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL
27 MAY REQUEST A NEW PERFORMANCE EVALUATION PRIOR TO THE END OF

1 THE EXEMPTION PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW
2 PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION
3 PERIOD, THE RESULTING PERFORMANCE EVALUATION RATING BECOMES
4 THE TEACHER'S OR PRINCIPAL'S NEW ESTABLISHED RATING. In developing
5 the licensed personnel performance evaluation system and any
6 amendments thereto, the local board and board of cooperative services
7 shall comply with the provisions of subsection (1.5) of this section and
8 shall consult with administrators, principals, and teachers employed
9 within the district or participating districts in a board of cooperative
10 services, parents, and the school district licensed personnel performance
11 evaluation council or the board of cooperative services personnel
12 performance evaluation council created pursuant to section 22-9-107. The
13 performance evaluation system shall address all of the performance
14 standards established by rule of the state board and adopted by the general
15 assembly pursuant to section 22-9-105.5, and shall contain, but need not
16 be limited to, the following information:

17 (e) (II) The standards set by the local board for effective
18 performance for licensed personnel and the criteria to be used to
19 determine whether the performance of each licensed person meets such
20 standards and other criteria for evaluation for each licensed personnel
21 position evaluated. One of the standards for measuring teacher
22 effectiveness shall be directly related to classroom instruction and shall
23 ~~require that at least fifty percent of the evaluation is determined by the~~
24 ~~academic growth of the teacher's students. The district accountability~~
25 ~~committee shall provide input and recommendations concerning the~~
26 ~~assessment tools used to measure student academic growth as it relates to~~
27 ~~teacher evaluations~~ MAY REQUIRE THAT A PORTION, NOT TO EXCEED

1 TWENTY PERCENT, OF THE EVALUATION IS DETERMINED BY THE ACADEMIC
2 GROWTH OF THE TEACHER'S STUDENTS. THE SCHOOL DISTRICT PERSONNEL
3 PERFORMANCE EVALUATION COUNCIL FOR THAT DISTRICT SHALL
4 DETERMINE THE PERCENTAGE OF STUDENT ACADEMIC GROWTH DATA TO
5 BE USED, AND THE ASSESSMENT TOOLS OR TESTS TO BE USED TO MEASURE
6 SUCH GROWTH, IN EVALUATIONS FOR THAT DISTRICT. The standards shall
7 include multiple measures of student performance in conjunction with
8 student growth expectations. For the purposes of measuring effectiveness,
9 expectations of student academic growth shall take into consideration
10 diverse factors, including but not limited to special education, student
11 mobility, and classrooms with a student population in which ninety-five
12 percent meet the definition of high-risk student as defined in section
13 22-7-604.5 (1.5). The performance evaluation system shall also ensure
14 that the standards and criteria are available in writing to all licensed
15 personnel and are communicated and discussed by the person being
16 evaluated and the evaluator prior to and during the course of the
17 evaluation. This subparagraph (II) shall take effect at such time as the
18 performance evaluation system based on quality standards established
19 pursuant to this section and the rules promulgated by the state board
20 pursuant to section 22-9-105.5 has completed the initial phase of
21 implementation and has been implemented statewide. The commissioner
22 shall provide notice of such implementation to the revisor of statutes on
23 or before July 1, 2014, and each July 1 thereafter until statewide
24 implementation occurs.

25 (1.5) (a.5) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES
26 THAT DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL EVALUATION
27 SYSTEM PURSUANT TO THIS SUBSECTION (1.5) MAY EXEMPT TEACHERS OR

1 PRINCIPALS WHO HAVE EITHER AN EXISTING EFFECTIVE OR HIGHLY
2 EFFECTIVE RATING FROM THE ANNUAL REQUIREMENTS OF SUCH
3 EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS. IF A
4 LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES TO PROVIDE
5 SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS THE RATING HE
6 OR SHE RECEIVED ON HIS OR HER MOST RECENT EVALUATION FOR THE
7 EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL MAY REQUEST A NEW
8 PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION
9 PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW PERFORMANCE
10 EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD, THE
11 RESULTING PERFORMANCE EVALUATION RATING BECOMES THE TEACHER'S
12 OR PRINCIPAL'S NEW ESTABLISHED RATING.

13 (7) Every principal shall be evaluated using multiple fair,
14 transparent, timely, rigorous, and valid methods. The recommendations
15 developed pursuant to this subsection (7) ~~shall~~ MAY require that ~~at least~~
16 ~~fifty percent~~ A PORTION, NOT TO EXCEED TWENTY PERCENT, of the
17 evaluation is determined by the academic growth of the students enrolled
18 in the principal's school. IF A COLLECTIVE BARGAINING AGREEMENT DOES
19 NOT EXIST IN A SCHOOL DISTRICT, THEN THE SCHOOL DISTRICT LICENSED
20 PERSONNEL PERFORMANCE EVALUATION COUNCIL FOR THAT DISTRICT
21 SHALL DETERMINE THE PERCENTAGE OF STUDENT ACADEMIC GROWTH
22 DATA TO BE USED, AND THE ASSESSMENT TOOLS OR TESTS TO BE USED TO
23 MEASURE SUCH GROWTH, IN EVALUATIONS FOR THAT DISTRICT. For
24 principals, the quality standards shall include, but need not be limited to:

25 (a) Achievement and academic growth for those students enrolled
26 in the principal's school, as measured by ~~the Colorado growth model set~~
27 ~~forth in section 22-11-202~~ THE ASSESSMENT TOOLS OR TESTS BY WHICH

1 THE LOCAL BOARD AGREED TO USE TO MEASURE SUCH GROWTH;
2 **SECTION 3. Safety clause.** The general assembly hereby finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, and safety. <{Safety clause?}>