

**First Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 17-0562.01 Jane Ritter x4342

**SENATE BILL 17-067**

---

**SENATE SPONSORSHIP**

**Merrifield**, Guzman, Kagan, Kerr, Todd

**HOUSE SPONSORSHIP**

**(None)**,

---

**Senate Committees**

Education

**House Committees**

---

**A BILL FOR AN ACT**

101      **CONCERNING THE PROVISION THAT A PERCENTAGE OF AN EDUCATOR'S**  
102                    **PERFORMANCE EVALUATION BE DETERMINED BY STUDENT**  
103                    **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

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.*

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:*

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

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

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

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

1 DISTRICT LICENSED PERSONNEL PERFORMANCE EVALUATION COUNCIL FOR  
2 THAT DISTRICT SHALL DETERMINE THE PERCENTAGE OF STUDENT  
3 ACADEMIC GROWTH DATA TO BE USED, AND THE ASSESSMENT TOOLS OR  
4 TESTS TO BE USED TO MEASURE SUCH GROWTH, IN EVALUATIONS FOR THAT  
5 DISTRICT.

6 (3) The council ~~shall have~~ HAS the following duties:

7 (a) On or before March 1, 2011, to provide the state board with  
8 recommendations that ~~will~~ ensure that every teacher is evaluated using  
9 multiple fair, transparent, timely, rigorous, and valid methods. The  
10 recommendations developed pursuant to this ~~paragraph (a) shall~~  
11 SUBSECTION (3)(a) MAY require that ~~at least fifty percent~~ A PORTION, NOT  
12 TO EXCEED TWENTY PERCENT, of the evaluation is determined by the  
13 academic growth of the teacher's students and MUST REQUIRE that each  
14 teacher is provided with an opportunity to improve his or her  
15 effectiveness through a teacher development plan that links his or her  
16 evaluation and performance standards to professional development  
17 opportunities. The quality standards for teachers ~~shall~~ MUST include  
18 measures of student longitudinal academic growth that are consistent with  
19 the measures set forth in section 22-11-204 (2) and may include interim  
20 assessment results or evidence of student work, provided that all are  
21 rigorous and comparable across classrooms and aligned with state model  
22 content standards and performance standards developed pursuant to  
23 article 7 of this ~~title~~ TITLE 22. For the purposes of quality standards,  
24 expectations of student academic growth ~~shall~~ MUST take into  
25 consideration diverse factors, including but not limited to special  
26 education, student mobility, and classrooms with a student population in  
27 which ninety-five percent meet the definition of high-risk student as

1 defined in section 22-7-604.5 (1.5). The quality standards for teachers  
2 ~~shall~~ MUST be clear and relevant to the teacher's roles and responsibilities  
3 and ~~shall~~ MUST have the goal of improving student academic growth. The  
4 council shall include in its recommendations a definition of effectiveness  
5 and its relation to quality standards. The definition of effectiveness ~~shall~~  
6 MUST include, but need not be limited to, criteria that will be used to  
7 differentiate between performance standards. The defined performance  
8 standards ~~shall~~ MUST include, but need not be limited to, "highly  
9 effective", "effective", and "ineffective". The council shall consider  
10 whether additional performance standards should be established.

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

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

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

20 (e) (II) The standards set by the local board for effective  
21 performance for licensed personnel and the criteria ~~to be~~ used to  
22 determine whether the performance of each licensed person meets such  
23 standards and other criteria for evaluation for each licensed personnel  
24 position evaluated. One of the standards for measuring teacher  
25 effectiveness ~~shall~~ MUST be directly related to classroom instruction and  
26 ~~shall require that at least fifty percent of the evaluation is determined by~~  
27 ~~the academic growth of the teacher's students. The district accountability~~

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

1           (1.5) (a.5) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES  
2           THAT DEVELOPS ITS OWN LOCAL LICENSED PERSONNEL EVALUATION  
3           SYSTEM PURSUANT TO THIS SUBSECTION (1.5) MAY EXEMPT TEACHERS OR  
4           PRINCIPALS WHO HAVE EITHER AN EXISTING EFFECTIVE OR HIGHLY  
5           EFFECTIVE RATING FROM THE ANNUAL REQUIREMENTS OF SUCH  
6           EVALUATION SYSTEM FOR A PERIOD NOT TO EXCEED THREE YEARS. IF A  
7           LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES DECIDES TO PROVIDE  
8           SUCH AN EXEMPTION, THE TEACHER OR PRINCIPAL RETAINS THE RATING HE  
9           OR SHE RECEIVED ON HIS OR HER MOST RECENT EVALUATION FOR THE  
10          EXEMPTION PERIOD. THE TEACHER OR PRINCIPAL MAY REQUEST A NEW  
11          PERFORMANCE EVALUATION PRIOR TO THE END OF THE EXEMPTION  
12          PERIOD. IF A TEACHER OR PRINCIPAL REQUESTS A NEW PERFORMANCE  
13          EVALUATION PRIOR TO THE END OF THE EXEMPTION PERIOD, THE  
14          RESULTING PERFORMANCE EVALUATION RATING BECOMES THE TEACHER'S  
15          OR PRINCIPAL'S NEW ESTABLISHED RATING.

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

1 limited to:

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

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