

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0728.01 Julie Pelegrin x2700

SENATE BILL 22-044

SENATE SPONSORSHIP

Story, Kolker

HOUSE SPONSORSHIP

Froelich and Kipp,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING LIMITING THE USE OF STUDENT ACADEMIC GROWTH IN
102 EVALUATING A LICENSED EDUCATOR'S PERFORMANCE.

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>.)

The bill clarifies the purposes of licensed educator performance evaluations.

The bill directs the state board of education (state board) to adopt rules as necessary to ensure that:

- Beginning in the 2022-23 school year, student academic growth is considered, without a percentage, along with the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

quality standards as part of a comprehensive evaluation of a teacher's or principal's performance; and

- Student assessment scores may be used collectively at a particular grade level or the school-building level solely for specified purposes, and collective measures may not be used beyond the school level.

The bill specifies the measures a school district or board of cooperative services may consider in determining student academic growth for purposes of evaluating teacher performance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-9-102, **amend** (1)
3 as follows:

4 **22-9-102. Legislative declaration.** (1) The general assembly
5 ~~hereby~~ declares that:

6 (a) A system to evaluate the effectiveness of licensed personnel
7 is crucial to improving the quality of education in this state AND IN
8 SUPPORTING AND DIRECTING PROFESSIONAL GROWTH AND DEVELOPMENT
9 FOR LICENSED PERSONNEL and declares that such a system ~~shall be~~
10 ~~applicable~~ APPLIES to all licensed personnel in the school districts and
11 boards of cooperative services throughout the state; ~~and~~

12 (b) LICENSED PERSONNEL ARE DEDICATED TO EDUCATING
13 STUDENTS AND IMPROVING STUDENT LEARNING AND STUDENT OUTCOMES
14 AND ARE COMMITTED TO USING STUDENT ACADEMIC PERFORMANCE DATA
15 TO IMPROVE THEIR PROFESSIONAL PRACTICE AND WORKING TOGETHER TO
16 IDENTIFY AND DEVELOP BEST-PRACTICE STRATEGIES TO EFFECTIVELY
17 EDUCATE STUDENTS;

18 ~~(b)~~ (c) The purposes of the evaluation ~~shall be~~ ARE to:

19 (I) Serve as a basis for the improvement of instruction BY
20 SUPPORTING PROFESSIONAL GROWTH AND DEVELOPMENT;

1 (II) ENABLE LICENSED PERSONNEL TO REVIEW THEIR PRACTICE
2 AND IMPROVE THEIR SKILLS AND THE QUALITY OF INSTRUCTION THEY
3 PROVIDE;

4 ~~(H)~~ (III) Enhance the implementation of programs of curriculum;
5 ~~(HH)~~ (IV) PROVIDE A FOUNDATION FOR AND serve as a
6 measurement of the professional growth and development of licensed
7 personnel;

8 ~~(HV)~~ (V) Evaluate ~~the~~ A LICENSED PERSON'S level of performance
9 based on ~~the effectiveness of licensed personnel~~ A COMPREHENSIVE
10 REVIEW OF THE QUALITY STANDARDS THAT, CONSIDERED TOGETHER,
11 DESCRIBE EFFECTIVENESS FOR THE POSITION THAT THE LICENSED PERSON
12 HOLDS, WHICH FOR TEACHERS INCLUDES THE LICENSED PERSON'S
13 EFFECTIVENESS IN FACILITATING STUDENT ACADEMIC GROWTH; and

14 ~~(V)~~ (VI) Provide a basis for COLLABORATION, MENTORING, AND
15 PROFESSIONAL GOAL-SETTING AND FOR making decisions in the areas of
16 hiring, compensation, promotion, assignment, professional GROWTH AND
17 development, earning and retaining nonprobationary status, dismissal, and
18 nonrenewal of contract; AND

19 (d) THE USE OF COLLECTIVE MEASURES AS PART OF A LICENSED
20 PERSONNEL EVALUATION SYSTEM IS APPROPRIATE ONLY TO THE EXTENT
21 THAT THE COLLECTIVE MEASURES ARE THE BASIS FOR ENGAGING ALL OF
22 THE LICENSED PERSONNEL AT A PARTICULAR GRADE LEVEL OR IN A
23 SCHOOL IN COLLABORATING TO IDENTIFY AND IMPLEMENT BEST PRACTICES
24 AND TO SET GOALS AND STRATEGIES FOR STUDENT ACADEMIC GROWTH IN
25 ALL SUBJECT AREAS.

26 **SECTION 2.** In Colorado Revised Statutes, 22-9-104, **add** (3) as
27 follows:

1 **22-9-104. State board - department - powers and duties -**
2 **rules.** (3) FOR EVALUATIONS COMPLETED FOR THE 2022-23 SCHOOL YEAR
3 AND EACH SCHOOL YEAR THEREAFTER, THE STATE BOARD SHALL
4 PROMULGATE RULES AS NECESSARY TO ENSURE THAT THE STATE MODEL
5 PERFORMANCE EVALUATION SYSTEM:

6 (a) PROVIDES THAT STUDENT ACADEMIC GROWTH DOES NOT
7 CONSTITUTE A SPECIFIED PERCENTAGE OF A TEACHER'S OR PRINCIPAL'S
8 EVALUATION, BUT RATHER IS CONSIDERED, WITH THE QUALITY
9 STANDARDS, AS ONLY A PART OF A COMPREHENSIVE EVALUATION OF A
10 TEACHER'S OR PRINCIPAL'S PERFORMANCE. IN CONSIDERING STUDENT
11 ACADEMIC GROWTH, A SCHOOL DISTRICT OR BOARD OF COOPERATIVE
12 SERVICES MAY CONSIDER ACADEMIC GROWTH AS MEASURED BY A
13 COMBINATION OF OBJECTIVE INDICATORS OF ACADEMIC GROWTH THAT
14 ARE IDENTIFIED BEFORE THE BEGINNING OF THE EVALUATION CYCLE,
15 WHICH MAY INCLUDE STUDENT FORMATIVE AND SUMMATIVE ASSESSMENT
16 SCORES, STUDENT ACADEMIC WORK, AND ACHIEVEMENT OF STUDENT
17 LEARNING OBJECTIVES.

18 (b) PROVIDES THAT STUDENT ASSESSMENT RESULTS ARE USED
19 SOLELY AS A BASIS FOR IDENTIFYING STRATEGIES TO IMPROVE
20 INSTRUCTIONAL PRACTICE INDIVIDUALLY OR COLLECTIVELY FOR
21 TEACHERS AT A PARTICULAR GRADE LEVEL OR THE SCHOOL-BUILDING
22 LEVEL;

23 (c) ALLOWS THE USE OF STUDENT SCORES ACHIEVED ON
24 STATEWIDE ASSESSMENTS AND DISTRICT ASSESSMENTS COLLECTIVELY AT
25 A PARTICULAR GRADE LEVEL OR THE SCHOOL-BUILDING LEVEL SOLELY TO:

26 (I) IDENTIFY STRENGTHS AND CHALLENGES IN DELIVERING
27 INSTRUCTION;

- 1 (II) IDENTIFY AND EXPLAIN UNEXPECTED RESULTS OR TRENDS;
2 (III) IDENTIFY AND IMPLEMENT STRATEGIES TO COLLECTIVELY
3 IMPROVE INSTRUCTION AND STUDENT LEARNING AND STUDENT OUTCOMES;
4 AND
5 (IV) ASSESS THE SUCCESS OF THE COLLECTIVE STRATEGIES IN
6 IMPROVING STUDENT LEARNING AND STUDENT OUTCOMES AND ADJUST
7 THE STRATEGIES AS NECESSARY; AND
8 (d) ALLOWS THE USE OF COLLECTIVE MEASURES THAT ARE BASED
9 ON THE PERFORMANCE OF ALL STUDENTS ENROLLED AT A PARTICULAR
10 GRADE LEVEL WITHIN A SINGLE SCHOOL OR THE PERFORMANCE OF ALL
11 STUDENTS ENROLLED IN THE SINGLE SCHOOL, CONSISTENT WITH
12 SUBSECTIONS (3)(b) AND (3)(c) OF THIS SECTION, BUT DOES NOT ALLOW
13 THE USE OF COLLECTIVE MEASURES THAT ARE BASED ON THE
14 PERFORMANCE OF STUDENTS WHO ARE NOT ENROLLED IN A SINGLE
15 SCHOOL.

16 **SECTION 3.** In Colorado Revised Statutes, 22-9-106, **amend** (1)
17 introductory portion, (1)(e)(II), (2.5)(c), (7) introductory portion, and
18 (7)(a) as follows:

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

1 SUBSEQUENT amendments, ~~thereto~~, the local board and board of
2 cooperative services shall comply with the provisions of subsection (1.5)
3 of this section and shall consult with administrators, principals, and
4 teachers employed within the district or participating districts in a board
5 of cooperative services, parents, and the school district licensed personnel
6 performance evaluation council or the board of cooperative services
7 personnel performance evaluation council created pursuant to section
8 22-9-107. The performance evaluation system ~~shall~~ MUST address all of
9 the ~~performance~~ QUALITY standards established by rule of the state board
10 ~~and adopted by the general assembly pursuant to section 22-9-105.5, and~~
11 ~~shall~~ PURSUANT TO SECTIONS 22-9-104 (3) AND 22-9-105.5, AND MUST
12 contain, but need not be limited to, the following information:

13 (e) (II) The standards set by the local board for effective
14 performance for licensed personnel and the criteria to be used to
15 determine whether the performance of each licensed person meets such
16 standards and other criteria for evaluation for each licensed personnel
17 position evaluated. One of the standards for measuring teacher
18 effectiveness ~~shall~~ MUST be directly related to classroom instruction and:
19 ~~shall~~ FOR SCHOOL YEARS THAT COMMENCE BEFORE JULY 1, 2022, MUST
20 require that at least fifty percent of the evaluation is determined by the
21 academic growth of the teacher's students; AND, FOR SCHOOL YEARS THAT
22 COMMENCE ON OR AFTER JULY 1, 2022, MUST NOT CONSTITUTE A SPECIFIC
23 PERCENTAGE OF THE EVALUATION OF A TEACHER'S PERFORMANCE, BUT
24 MAY BE CONSIDERED, WITH THE QUALITY STANDARDS, AS ONLY A PART OF
25 A COMPREHENSIVE EVALUATION OF A TEACHER'S PERFORMANCE. The
26 district accountability committee shall provide input and
27 recommendations concerning the assessment tools used to measure

1 student academic growth as it relates to teacher evaluations. The
2 standards shall include multiple measures of student performance in
3 conjunction with student growth expectations. IN CONSIDERING STUDENT
4 ACADEMIC GROWTH, A SCHOOL DISTRICT OR BOARD OF COOPERATIVE
5 SERVICES MAY CONSIDER ACADEMIC GROWTH AS MEASURED BY A
6 COMBINATION OF OBJECTIVE INDICATORS OF ACADEMIC GROWTH THAT
7 ARE IDENTIFIED BEFORE THE BEGINNING OF THE EVALUATION CYCLE,
8 WHICH MAY INCLUDE STUDENT FORMATIVE AND SUMMATIVE ASSESSMENT
9 SCORES, STUDENT ACADEMIC WORK, AND ACHIEVEMENT OF STUDENT
10 LEARNING OBJECTIVES. For the purposes of measuring effectiveness,
11 expectations of student academic growth ~~shall~~ MUST take into
12 consideration diverse factors, including but not limited to special
13 education, student mobility, and classrooms with a student population in
14 which ninety-five percent meet the definition of high-risk student as
15 defined in section 22-7-604.5 (1.5). The performance evaluation system
16 ~~shall~~ MUST also ensure that the standards and criteria are available in
17 writing to all licensed personnel and are communicated and discussed by
18 the person being evaluated and the evaluator prior to and during the
19 course of the evaluation. ~~This subparagraph (H) shall take effect at such
20 time as the performance evaluation system based on quality standards
21 established pursuant to this section and the rules promulgated by the state
22 board pursuant to section 22-9-105.5 has completed the initial phase of
23 implementation and has been implemented statewide. The commissioner
24 shall provide notice of such implementation to the revisor of statutes on
25 or before July 1, 2014, and each July 1 thereafter until statewide
26 implementation occurs.~~

27 (2.5) (c) Notwithstanding any provision of ~~paragraph (c) of~~

1 ~~subsection (1) of this section or subsection (7)~~ SUBSECTION (1)(e) OR (7)
2 of this section to the contrary:

3 (I) A local board may use the results of the state assessments
4 administered pursuant to section 22-7-1006.3 in the 2014-15 school year
5 only as baseline data for measuring student academic growth in the
6 2015-16 school year and school years thereafter; ~~and~~

7 (II) A local board may use the results of state assessments
8 administered pursuant to section 22-7-1006.3 as a measure of student
9 academic growth for evaluations prepared for the school year in which
10 the assessments are administered only if the local board receives the
11 results by the date by which probationary teachers and nonprobationary
12 teachers must receive the written evaluation report as provided in
13 ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this section. If a
14 local board does not receive the results of state assessments in time to use
15 them in the written evaluation report prepared for the school year in
16 which the assessments are administered, the local board ~~shall~~ MAY use the
17 results of the state assessments ~~as measures of student academic growth~~
18 ~~for educator evaluations and professional development~~ ONLY AS A BASIS
19 FOR IDENTIFYING STRATEGIES TO IMPROVE INSTRUCTIONAL PRACTICE
20 INDIVIDUALLY OR COLLECTIVELY FOR TEACHERS AT A PARTICULAR GRADE
21 LEVEL IN A SINGLE SCHOOL OR AT A SINGLE SCHOOL in the school year
22 following the school year in which the assessments are administered. A
23 LOCAL BOARD MAY ALSO USE THE RESULTS OF THE STATE ASSESSMENTS
24 IN IDENTIFYING STUDENT ACADEMIC GROWTH TRENDS OVER TIME. In ~~any~~
25 A year in which a local board does not receive the state assessment results
26 by the deadline for the written evaluation reports, the local board must use
27 alternate measures of student academic growth, including the results of

1 local assessments if available.

2 (III) THE USE OF STUDENT SCORES ACHIEVED ON STATEWIDE
3 ASSESSMENTS AND DISTRICT ASSESSMENTS MAY BE USED COLLECTIVELY
4 AT A PARTICULAR GRADE LEVEL IN A SINGLE SCHOOL OR FOR ALL OF THE
5 STUDENTS IN A SINGLE SCHOOL SOLELY TO:

6 (A) IDENTIFY STRENGTHS AND CHALLENGES IN DELIVERING
7 INSTRUCTION;

8 (B) IDENTIFY AND EXPLAIN UNEXPECTED RESULTS OR TRENDS;

9 (C) IDENTIFY AND IMPLEMENT STRATEGIES TO COLLECTIVELY
10 IMPROVE INSTRUCTION AND STUDENT LEARNING AND STUDENT OUTCOMES;
11 AND

12 (D) ASSESS THE SUCCESS OF THE COLLECTIVE STRATEGIES IN
13 IMPROVING STUDENT LEARNING AND STUDENT OUTCOMES AND ADJUST
14 THE STRATEGIES AS NECESSARY.

15 (7) Every principal ~~shall~~ MUST be evaluated using multiple fair,
16 transparent, timely, rigorous, and valid methods. ~~The recommendations~~
17 ~~developed pursuant to this subsection (7) shall require that at least fifty~~
18 ~~percent of the evaluation is determined by the academic growth of the~~
19 ~~students enrolled in the principal's school.~~ For principals, the quality
20 standards ~~shall~~ MUST include, but need not be limited to:

21 (a) Achievement and academic growth for those students enrolled
22 in the principal's school, as measured by the Colorado growth model set
23 forth in section 22-11-202; EXCEPT THAT, FOR SCHOOL YEARS THAT
24 COMMENCE ON OR AFTER JULY 1, 2022, CONSIDERATION OF STUDENT
25 ACADEMIC GROWTH MEASURES OR OTHER STUDENT PERFORMANCE
26 MEASURES MUST NOT CONSTITUTE A SPECIFIC PERCENTAGE OF THE
27 EVALUATION OF A PRINCIPAL'S PERFORMANCE, BUT MAY BE CONSIDERED,

1 WITH THE QUALITY STANDARDS, AS ONLY A PART OF A COMPREHENSIVE
2 EVALUATION OF A PRINCIPAL'S PERFORMANCE.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.