NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 10-191

BY SENATOR(S) Johnston and Spence, Foster, Gibbs, Hodge, King K., Kopp, Newell, Penry, Romer, Scheffel, Brophy, Cadman, Harvey, Lundberg, Mitchell, Renfroe, Schultheis, White, Kester;
also REPRESENTATIVE(S) Scanlan and Murray, Carroll T., Gerou, Massey, Rice, Summers, Gardner B., Kerr J., Lambert, May, Middleton, Nikkel, Stephens, Swalm.

CONCERNING ENSURING QUALITY INSTRUCTION THROUGH EDUCATOR EFFECTIVENESS (EQUITEE).

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

SECTION 1. 22-9-102, Colorado Revised Statutes, is amended to read:

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

(a) A system ~~of performance evaluation~~ TO EVALUATE THE EFFECTIVENESS OF LICENSED PERSONNEL is crucial to improving the quality of education in this state and declares that such a system shall be applicable to all licensed personnel in the school districts and boards of cooperative services throughout the state; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) The purposes of the evaluation shall be to:

(I) Serve as a basis for the improvement of instruction;

(II) ~~to~~ Enhance the implementation of programs of curriculum;

(III) ~~to~~ Serve as a measurement of the professional growth and development of licensed personnel;

(IV) ~~and to~~ Evaluate the level of performance BASED ON THE EFFECTIVENESS of licensed personnel; AND

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

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

(3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT THE INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC SCHOOLS, ACTING AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS, ARE KEY TO THE EDUCATIONAL PROGRESS OF THEIR CHILDREN.

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

22-9-103. Definitions. As used in this article, unless the context otherwise requires:

(1.1) "COUNCIL" MEANS THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED PURSUANT TO SECTION 22-9-105.5.

(1.4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION

CREATED PURSUANT TO SECTION 24-1-115, C.R.S.

(2.5) "PERFORMANCE STANDARDS" MEANS THE LEVELS OF EFFECTIVENESS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (10).

(2.6) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF A SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATION PROGRAM IN THE SCHOOL.

(2.7) "QUALITY STANDARDS" MEANS THE ELEMENTS AND CRITERIA ESTABLISHED TO MEASURE EFFECTIVENESS AS ESTABLISHED BY RULE OF THE STATE BOARD PURSUANT TO SECTION 22-9-105.5 (10).

(3.5) "PRINCIPAL DEVELOPMENT PLAN" MEANS A WRITTEN AGREEMENT DEVELOPED BY A PRINCIPAL AND DISTRICT ADMINISTRATION THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE PRINCIPAL'S EFFECTIVENESS. THE PRINCIPAL DEVELOPMENT PLAN SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES.

(5) "TEACHER DEVELOPMENT PLAN" MEANS A WRITTEN AGREEMENT MUTUALLY DEVELOPED BY A TEACHER AND HIS OR HER PRINCIPAL THAT OUTLINES THE STEPS TO BE TAKEN TO IMPROVE THE TEACHER'S EFFECTIVENESS. THE TEACHER DEVELOPMENT PLAN MAY INCLUDE BUT NEED NOT BE LIMITED TO CONSIDERATION OF INDUCTION AND MENTORSHIP PROGRAMS, USE OF HIGHLY EFFECTIVE TEACHERS AS INSTRUCTIONAL LEADERS OR COACHES, AND APPROPRIATE PROFESSIONAL DEVELOPMENT ACTIVITIES.

(6) "TEACHER" MEANS A PERSON WHO HOLDS AN ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL IN THE STATE TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION PROGRAM.

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

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

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

(d) Review school district and board of cooperative services processes and procedures for licensed personnel performance evaluation systems to assure that such systems are professionally sound; ~~and~~ will result in a fair, adequate, and credible evaluation; AND WILL SATISFY QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND LOCATION OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, AND THAT IS CONSISTENT WITH THE PURPOSES OF THIS ARTICLE; AND

(f) (I) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD, PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN SECTION 22-9-105.5 (10) USING THE RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH REGARD TO ONE OR MORE OF THE ISSUES SPECIFIED IN SECTION 22-9-105.5 (10), THE STATE BOARD, ON OR BEFORE SEPTEMBER 1, 2011, SHALL PROMULGATE RULES CONCERNING ANY ISSUES IN SECTION 22-9-105.5 (10) THAT THE COUNCIL DID NOT ADDRESS. IN PROMULGATING RULES PURSUANT TO THIS PARAGRAPH (f), THE STATE BOARD SHALL CONFORM TO THE TIMELINE SET FORTH IN SECTION 22-9-105.5.

(II) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY SHALL REVIEW THE RULES PROMULGATED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (f), IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES IN THE RULES PROMULGATED BY THE STATE BOARD. IF ONE OR MORE RULES ARE NOT APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO THIS

SUBPARAGRAPH (II), THE STATE BOARD SHALL PROMULGATE EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6), C.R.S., ON SUCH ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL ASSEMBLY ON OR BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL REVIEW THE EMERGENCY RULES PROMULGATED ACCORDING TO THE PROCESS OUTLINED IN THIS SUBPARAGRAPH (II).

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

22-9-105. State licensed personnel performance evaluation council created - duties. ~~(1) The state board shall appoint an advisory state licensed personnel performance evaluation council, which shall consist of the following members: Seven licensed personnel, each from a different school district, four of whom shall be teachers; three citizens, each from a different school district; a representative from an existing council whose members are deans of education; and one member from the department of education. The council shall elect its chair. No more than six members shall belong to any one political party.~~

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

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

~~(II) Repealed.~~

~~(b) Repealed.~~

~~(4) Repealed.~~

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

22-9-105.5. State council for educator effectiveness - legislative declaration - membership - duties - recommendations - rules. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

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

(b) THE EXECUTIVE ORDER CHARGED THE COUNCIL WITH, AMONG OTHER DUTIES, CONSIDERING OPTIONS AND PROVIDING RECOMMENDATIONS CONCERNING EDUCATOR EFFECTIVENESS AND DEVELOPING RECOMMENDATIONS FOR DEFINITIONS OF PRINCIPAL AND TEACHER EFFECTIVENESS; AND

(c) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT IT IS IN THE BEST INTERESTS OF THE PEOPLE OF THE STATE OF COLORADO TO CODIFY IN STATUTE THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS BECAUSE OF THE SIGNIFICANT ADDITIONAL STATUTORY DUTIES AND RESPONSIBILITIES THAT THE GENERAL ASSEMBLY IS ASSIGNING TO SAID COUNCIL.

(2) (a) THERE IS HEREBY CREATED IN THE OFFICE OF THE GOVERNOR THE STATE COUNCIL FOR EDUCATOR EFFECTIVENESS, REFERRED TO IN THIS ARTICLE AS THE "COUNCIL".

(b) THE MEMBERS OF THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS, CREATED BY EXECUTIVE ORDER B 2010-001, SHALL SERVE ON THE COUNCIL, AS APPOINTED BY THE GOVERNOR, AND SHALL INCLUDE:

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

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

(III) FOUR TEACHERS, SELECTED WITH THE ADVICE OF STATE ASSOCIATIONS THAT REPRESENT EDUCATORS;

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

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

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

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

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

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

(c) THE PURPOSE OF THE COUNCIL SHALL BE THE SAME AS THAT OF THE GOVERNOR'S COUNCIL FOR EDUCATOR EFFECTIVENESS ESTABLISHED BY EXECUTIVE ORDER, AND SHALL BE 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;

(II) AFFORDED A MEANINGFUL OPPORTUNITY TO IMPROVE THEIR EFFECTIVENESS; AND

(III) PROVIDED THE MEANS TO SHARE EFFECTIVE PRACTICES WITH OTHER EDUCATORS THROUGHOUT THE STATE.

(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 REQUIRE THAT AT LEAST FIFTY PERCENT OF THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE TEACHER'S

STUDENTS AND 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 SHALL 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 TITLE 22. FOR THE PURPOSES OF QUALITY STANDARDS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL 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 BE CLEAR AND RELEVANT TO THE TEACHER'S ROLES AND RESPONSIBILITIES AND SHALL 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 INCLUDE, BUT NEED NOT BE LIMITED TO, CRITERIA THAT WILL BE USED TO DIFFERENTIATE BETWEEN PERFORMANCE STANDARDS. THE DEFINED PERFORMANCE STANDARDS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, "HIGHLY EFFECTIVE", "EFFECTIVE", AND "INEFFECTIVE". THE COUNCIL SHALL CONSIDER WHETHER ADDITIONAL PERFORMANCE STANDARDS SHOULD BE ESTABLISHED.

(a.5) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD WITH RECOMMENDATIONS THAT WILL ENSURE THAT EVERY PRINCIPAL IS EVALUATED USING MULTIPLE FAIR, TRANSPARENT, TIMELY, RIGOROUS, AND VALID METHODS. THE RECOMMENDATIONS PURSUANT TO THIS PARAGRAPH (a.5) SHALL REQUIRE THAT EVERY PRINCIPAL IS PROVIDED WITH A PRINCIPAL DEVELOPMENT PLAN. IN MAKING ITS RECOMMENDATIONS, THE COUNCIL SHALL RECOGNIZE THAT NOT ALL TEACHERS AND PRINCIPALS REQUIRE THE SAME AMOUNT OF SUPERVISION AND EVALUATION. AS PART OF ITS RECOMMENDATIONS TO THE STATE BOARD, THE COUNCIL SHALL DEVELOP A PROCESS TO ENABLE A LOCAL SCHOOL DISTRICT TO DIFFERENTIATE TEACHER AND PRINCIPAL EVALUATIONS AS PART OF ITS PERFORMANCE EVALUATION SYSTEM.

(b) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD WITH RECOMMENDATIONS CONCERNING THE IMPLEMENTATION AND TESTING OF THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY STANDARDS AND WITH RECOMMENDATIONS FOR THE SUBSEQUENT STATEWIDE IMPLEMENTATION OF THE NEW PERFORMANCE EVALUATION SYSTEM. THE RECOMMENDATIONS MADE PURSUANT TO THIS PARAGRAPH (b) SHALL CONFORM TO THE TIMELINE SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(b.5) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE STATE BOARD CONCERNING THE INVOLVEMENT AND SUPPORT OF PARENTS OF CHILDREN IN PUBLIC SCHOOLS, TO THE EFFECT THAT PARENTS SHOULD ACT AS PARTNERS WITH TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS;

(c) ON OR BEFORE MARCH 1, 2011, TO PROVIDE THE STATE BOARD WITH RECOMMENDATIONS THAT WILL ENSURE DEVELOPMENT OF A SET OF GUIDELINES FOR ESTABLISHING PERFORMANCE STANDARDS FOR EACH CATEGORY OF LICENSED PERSONNEL TO BE EVALUATED PURSUANT TO THIS ARTICLE. THE GUIDELINES SHALL OUTLINE CRITERIA TO BE APPLIED IN ASSIGNING EDUCATORS TO APPROPRIATE PERFORMANCE STANDARDS, WHICH SHALL INCLUDE MEASURES OF STUDENT LONGITUDINAL ACADEMIC GROWTH.

(d) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND TO THE STATE BOARD STATEWIDE DEFINITIONS OF PRINCIPAL EFFECTIVENESS AND TEACHER EFFECTIVENESS, EACH OF WHICH SHALL BE CENTERED ON AN EDUCATOR'S DEMONSTRATED ABILITY TO ACHIEVE AND SUSTAIN ADEQUATE STUDENT GROWTH AND SHALL INCLUDE A SET OF PROFESSIONAL SKILLS AND COMPETENCIES RELATED TO IMPROVED STUDENT OUTCOMES;

(e) ON OR BEFORE MARCH 1, 2011, TO DEVELOP AND RECOMMEND TO THE STATE BOARD GUIDELINES FOR ADEQUATE IMPLEMENTATION OF A HIGH-QUALITY EDUCATOR EVALUATION SYSTEM THAT SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING ISSUES:

(I) ONGOING TRAINING ON THE USE OF THE SYSTEM THAT IS SUFFICIENT TO ENSURE THAT ALL EVALUATORS AND EDUCATORS HAVE A FULL UNDERSTANDING OF THE EVALUATION SYSTEM AND ITS IMPLEMENTATION. THE TRAINING MAY INCLUDE SUCH ACTIVITIES AS CONDUCTING JOINT TRAINING SESSIONS FOR EVALUATORS AND EDUCATORS.

(II) EVALUATION RESULTS THAT ARE NORMED TO ENSURE CONSISTENCY AND FAIRNESS;

(III) EVALUATION RUBRICS AND TOOLS THAT ARE DEEMED FAIR, TRANSPARENT, RIGOROUS, AND VALID;

(IV) EVALUATIONS THAT ARE CONDUCTED USING SUFFICIENT TIME AND FREQUENCY, AT LEAST ANNUALLY, TO GATHER SUFFICIENT DATA UPON WHICH TO BASE THE RATINGS CONTAINED IN AN EVALUATION;

(V) PROVISION OF ADEQUATE TRAINING AND COLLABORATIVE TIME TO ENSURE THAT EDUCATORS FULLY UNDERSTAND AND HAVE THE RESOURCES TO RESPOND TO STUDENT ACADEMIC GROWTH DATA;

(VI) STUDENT DATA THAT IS MONITORED AT LEAST ANNUALLY TO ENSURE THE CORRELATION BETWEEN STUDENT ACADEMIC GROWTH AND OUTCOMES WITH EDUCATOR EFFECTIVENESS RATINGS; AND

(VII) A PROCESS BY WHICH A NONPROBATIONARY TEACHER MAY APPEAL HIS OR HER SECOND CONSECUTIVE PERFORMANCE RATING OF INEFFECTIVE AND SUBMIT SUCH PROCESS BY THE FIRST DAY OF CONVENING OF THE FIRST REGULAR SESSION OF THE SIXTY-NINTH GENERAL ASSEMBLY TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(f) ON OR BEFORE MARCH 1, 2011, TO ADOPT AND RECOMMEND TO THE STATE BOARD A RUBRIC FOR IDENTIFYING MULTIPLE ADDITIONAL QUALITY STANDARDS, IN ADDITION TO STUDENT ACADEMIC GROWTH, THAT ARE RIGOROUS, TRANSPARENT, VALID, AND FAIR;

(g) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL SUPPORT LOCAL SCHOOL DISTRICTS' USE OF EVALUATION DATA FOR DECISIONS IN AREAS SUCH AS COMPENSATION, PROMOTION, RETENTION, REMOVAL, AND PROFESSIONAL DEVELOPMENT;

(h) ON OR BEFORE MARCH 1, 2011, TO MAKE RECOMMENDATIONS TO THE STATE BOARD FOR POLICY CHANGES, AS APPROPRIATE, THAT WILL ENSURE THAT THE STANDARDS AND CRITERIA APPLICABLE TO TEACHER AND PRINCIPAL LICENSURE AND THE ACCREDITATION OF PREPARATION PROGRAMS

ARE DIRECTLY ALIGNED WITH AND SUPPORT THE PREPARATION AND LICENSURE OF EFFECTIVE EDUCATORS;

(i) ON OR BEFORE JULY 1, 2013, AND JULY 1 EACH YEAR THEREAFTER DURING THE IMPLEMENTATION OF THE PERFORMANCE EVALUATION SYSTEM, THE DEPARTMENT SHALL REPORT TO THE COUNCIL THE RESULTS OF THE IMPLEMENTATION AND TESTING OF THE PERFORMANCE EVALUATION SYSTEM. BASED ON THE RESULTS OF THE REPORTS, THE COUNCIL MAY MAKE ADDITIONAL RECOMMENDATIONS TO BE INCORPORATED IN THE FOLLOWING STAGE OF IMPLEMENTATION.

(j) THE COUNCIL SHALL DEVELOP AN IMPLEMENTATION PLAN FOR ITS RECOMMENDATIONS AND WILL IDENTIFY TASKS AND THE ASSOCIATED COSTS AT THE STATE AND DISTRICT LEVELS. THE RECOMMENDATIONS SHALL INCLUDE AN IMPLEMENTATION COST ANALYSIS, INCLUDING ASSESSMENT CHANGES, ASSESSMENT PILOT STUDY, STAFF TRAINING, RESEARCH, DATA REVIEW, AND ANY OTHER TASKS INCLUDED IN THE COUNCIL'S RECOMMENDATIONS. IT IS INCUMBENT ON THE COUNCIL TO CONSULT WITH THE DEPARTMENT AND EXPERT PRACTITIONERS FAMILIAR WITH SCHOOL FINANCE AND TO REPORT BY MARCH 1, 2011, ON THE COSTS TO IMPLEMENT THE COUNCIL'S RECOMMENDATIONS.

(3.5) THE RECOMMENDATIONS MADE BY THE COUNCIL TO THE STATE BOARD PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS VOTE. FOR ANY ISSUE THAT THE COUNCIL WAS UNABLE TO REACH A CONSENSUS, THE COUNCIL SHALL PROVIDE TO THE STATE BOARD THE REASONS IT WAS UNABLE TO REACH A CONSENSUS.

(4) THE COUNCIL'S RECOMMENDATIONS SHALL CONSIST, AT A MINIMUM, OF RECOMMENDATIONS THAT ARE APPLICABLE TO SCHOOL PRINCIPALS AND TEACHERS.

(5) THE COUNCIL'S RECOMMENDATIONS MAY INCLUDE CHANGES TO EXISTING STATUTES OR RULES, IF APPROPRIATE, AS WELL AS RECOMMENDATIONS FOR LOCAL IMPLEMENTATION.

(6) IN MAKING ITS RECOMMENDATIONS, THE COUNCIL SHALL INCLUDE THE EFFECT OF DISTRICT- AND SCHOOL-LEVEL CONDITIONS, AS MEASURED BY THE NINE PERFORMANCE STANDARDS SET FORTH IN THE COMPREHENSIVE APPRAISAL FOR THE DISTRICT IMPROVEMENT RUBRIC AND

BIANNUAL TEACHING, EMPOWERING, LEADING, AND LEARNING INITIATIVE SURVEY OF SCHOOL WORKING CONDITIONS, AS WELL AS ANY ADDITIONAL METHODS OF ASSESSING SUCH CONDITIONS IDENTIFIED BY THE COUNCIL AS VALID, TRANSPARENT, AND RELIABLE.

(7) THE COUNCIL MAY ESTABLISH WORKING GROUPS, TASK FORCES, OR OTHER STRUCTURES FROM WITHIN ITS MEMBERSHIP OR OUTSIDE ITS MEMBERSHIP AS NEEDED TO ADDRESS SPECIFIC ISSUES OR TO ASSIST IN ITS WORK.

(8) ALL RECOMMENDATIONS MADE BY THE COUNCIL PURSUANT TO THIS SECTION SHALL REFLECT A CONSENSUS OF ITS MEMBERS.

(9) UNLESS OTHERWISE PROVIDED FOR, THE OFFICE OF THE GOVERNOR AND THE DEPARTMENT SHALL PROVIDE THE COUNCIL WITH THE SUPPORT, INFORMATION, DATA, ANALYTICAL INFORMATION, AND ADMINISTRATIVE SUPPORT NECESSARY TO DO ITS WORK.

(10) (a) ON OR BEFORE SEPTEMBER 1, 2011, THE STATE BOARD SHALL PROMULGATE RULES WITH REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, USING THE RECOMMENDATIONS FROM THE COUNCIL. IF THE COUNCIL FAILS TO MAKE RECOMMENDATIONS TO THE STATE BOARD BY MARCH 1, 2011, WITH REGARD TO THE ISSUES SPECIFIED IN PARAGRAPHS (a) TO (h) OF SUBSECTION (3) OF THIS SECTION, THE STATE BOARD SHALL, ON OR BEFORE SEPTEMBER 1, 2011, PROMULGATE RULES CONCERNING ANY ISSUES IN SAID PARAGRAPHS (a) TO (h) THAT THE COUNCIL DID NOT ADDRESS. IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (10), THE STATE BOARD SHALL CONFORM TO THE FOLLOWING TIMELINE:

(I) BEGINNING WITH THE 2011-2012 SCHOOL YEAR, THE DEPARTMENT SHALL WORK WITH SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES TO ASSIST WITH THE DEVELOPMENT OF PERFORMANCE EVALUATION SYSTEMS THAT ARE BASED ON QUALITY STANDARDS.

(II) ON OR BEFORE JANUARY 15, 2012, THE STATE BOARD SHALL PROVIDE TO THE GENERAL ASSEMBLY THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (10). ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY SHALL REVIEW AND APPROVE SUCH RULES AS PROVIDED

FOR IN PARAGRAPH (b) OF THIS SUBSECTION (10).

(III) BEGINNING WITH THE 2012-2013 SCHOOL YEAR, IF THE GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (10), THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY STANDARDS SHALL BE IMPLEMENTED AND TESTED AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

(IV) (A) BEGINNING WITH THE 2013-2014 SCHOOL YEAR, IF THE GENERAL ASSEMBLY APPROVES THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (10), AND BASED ON THE RESULTS OF THE FIRST LEVEL OF IMPLEMENTATION IN THE 2012-2013 SCHOOL YEAR, THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON QUALITY STANDARDS SHALL BE IMPLEMENTED STATEWIDE IN A MANNER AS RECOMMENDED BY THE COUNCIL PURSUANT TO PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION.

(B) DURING THE 2013-14 SCHOOL YEAR, TEACHERS SHALL BE EVALUATED BASED ON QUALITY STANDARDS. DEMONSTRATED EFFECTIVENESS OR INEFFECTIVENESS SHALL BEGIN TO BE CONSIDERED IN THE ACQUISITION OF PROBATIONARY OR NONPROBATIONARY STATUS.

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

(B) DURING THE 2014-2015 SCHOOL YEAR, TEACHERS SHALL CONTINUE TO BE EVALUATED BASED ON QUALITY STANDARDS. DEMONSTRATED EFFECTIVENESS OR INEFFECTIVENESS SHALL BE CONSIDERED IN THE ACQUISITION OR LOSS OF PROBATIONARY OR NONPROBATIONARY STATUS.

(b) ON OR BEFORE FEBRUARY 15, 2012, THE GENERAL ASSEMBLY SHALL REVIEW THE RULES PROMULGATED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (10) IN A BILL THAT IS SEPARATE FROM THE ANNUAL RULE REVIEW BILL INTRODUCED PURSUANT TO SECTION 24-4-103 (8) (d), C.R.S., AND IN ACCORDANCE WITH THE CRITERIA AND PROCEDURES SPECIFIED IN

SECTION 24-4-103 (8) (a) AND (8) (d), C.R.S.; EXCEPT THAT THE GENERAL ASSEMBLY RESERVES THE RIGHT TO REPEAL INDIVIDUAL RULES CONTAINED IN THE RULES PROMULGATED BY THE STATE BOARD. IF ONE OR MORE RULES IS NOT APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO THIS PARAGRAPH (b), THE STATE BOARD SHALL PROMULGATE EMERGENCY RULES PURSUANT TO SECTION 24-4-103 (6), C.R.S., ON SUCH ISSUE OR ISSUES AND RESUBMIT TO THE GENERAL ASSEMBLY ON OR BEFORE MAY 1, 2012. THE GENERAL ASSEMBLY SHALL REVIEW THE EMERGENCY RULES PROMULGATED ACCORDING TO THE PROCESS OUTLINED IN THIS PARAGRAPH (b).

(11) ON OR BEFORE NOVEMBER 1, 2011, THE DEPARTMENT SHALL CREATE AND MAKE AVAILABLE TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES A RESOURCE BANK THAT IDENTIFIES ASSESSMENTS, PROCESSES, TOOLS, AND POLICIES THAT A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES MAY USE TO DEVELOP AN EVALUATION SYSTEM THAT ADDRESSES THE PROVISIONS OF THIS SECTION. THE DEPARTMENT SHALL INCLUDE RESOURCES THAT ARE APPROPRIATE TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES OF DIFFERENT SIZES, DEMOGRAPHICS, AND LOCATIONS. THE DEPARTMENT SHALL UPDATE THE RESOURCE BANK AT LEAST ANNUALLY TO REFLECT NEW RESEARCH AND ONGOING EXPERIENCE IN COLORADO.

(12) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN RECEIVED AND CREDITED TO THE GREAT TEACHERS AND LEADERS FUND, CREATED IN SECTION 22-9-105.7. THE DEPARTMENT IS HEREBY AUTHORIZED TO HIRE ANY EMPLOYEES NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SECTION. ANY NEW POSITIONS CREATED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE AVAILABILITY OF FUNDING AND SHALL BE ELIMINATED AT SUCH TIME AS MONEYS ARE NO LONGER AVAILABLE IN THE GREAT TEACHERS AND LEADERS FUND. ALL POSITION DESCRIPTIONS AND NOTICE TO HIRE FOR POSITIONS CREATED PURSUANT TO THIS SECTION SHALL CLEARLY STATE THAT SUCH POSITION IS SUBJECT TO AVAILABLE FUNDING.

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

22-9-105.7. Great teachers and leaders fund - created - gifts, grants, and donations. (1) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND FEDERAL GRANTS FOR THE IMPLEMENTATION OF

SECTION 22-9-105.5; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION EXCEPT FROM FEDERAL MONEYS THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS OR ANY LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL FEDERAL MONEYS RECEIVED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE GREAT TEACHERS AND LEADERS FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING SECTION 22-9-105.5.

(2) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF SECTION 22-9-105.5 MAY BE INVESTED BY THE STATE TREASURER, AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(3) FOR FISCAL YEARS 2010-2011 AND 2011-2012, IF TWO HUNDRED FIFTY THOUSAND DOLLARS IS NOT CREDITED TO THE FUND THROUGH FEDERAL GRANTS ON OR BEFORE SEPTEMBER 30, 2010, THE COMMISSIONER SHALL NOTIFY THE STATE TREASURER OF THE DIFFERENCE. AS PROVIDED FOR IN SECTION 22-54-117 (1) (g), UPON RECEIPT OF SUCH NOTICE, THE STATE TREASURER SHALL TRANSFER TO THE FUND THE AMOUNT OF THE DIFFERENCE OUT OF THE CONTINGENCY RESERVE FUND, CREATED PURSUANT TO SECTION 22-54-117 FOR THE IMPLEMENTATION OF SECTION 22-9-105.5. IF THERE IS AN INSUFFICIENT AMOUNT IN THE CONTINGENCY RESERVE FUND, THE STATE TREASURER SHALL TRANSFER TO THE FUND ANY REMAINING AMOUNT OF THE DIFFERENCE FROM THE STATE EDUCATION FUND, CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION FOR THE IMPLEMENTATION OF SECTION 22-9-105.5.

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

SECTION 7. The introductory portion to 22-9-106 (1) and 22-9-106 (1) (c), (1) (d) (V), (1) (e), (2.5), (3.3), (3.5), (4) (a), and (4.5), Colorado Revised Statutes, are amended, and the said 22-9-106 is further amended BY THE ADDITION OF THE FOLLOWING NEW

SUBSECTIONS, to read:

22-9-106. Local boards of education - duties - performance evaluation system - repeal. (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. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services 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 ~~shall~~ NEED not be limited to, the following information:

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

(I) Probationary teachers receive at least two documented observations and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year. PROBATIONARY TEACHERS SHALL RECEIVE THE WRITTEN EVALUATION REPORT AT LEAST TWO WEEKS BEFORE THE LAST CLASS DAY OF THE SCHOOL YEAR.

(II) Nonprobationary teachers receive at least one observation each year and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section every three years; EXCEPT THAT, BEGINNING WITH THE 2012-13 ACADEMIC YEAR, NONPROBATIONARY TEACHERS SHALL RECEIVE A WRITTEN EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF

THIS SECTION EACH ACADEMIC YEAR ACCORDING TO THE PERFORMANCE STANDARDS ESTABLISHED BY RULE OF THE STATE BOARD AND ADOPTED BY THE GENERAL ASSEMBLY PURSUANT TO SECTION 22-9-105.5. NONPROBATIONARY TEACHERS SHALL RECEIVE THE WRITTEN EVALUATION REPORT AT LEAST TWO WEEKS BEFORE THE LAST CLASS DAY OF THE SCHOOL YEAR.

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

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

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

(V) (A) Measuring the level of performance of all licensed personnel within the school district or employed by a board of cooperative services. THIS SUB-SUBPARAGRAPH (A) IS REPEALED, EFFECTIVE 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.

(B) MEASURING THE LEVEL OF EFFECTIVENESS OF ALL LICENSED PERSONNEL WITHIN THE SCHOOL DISTRICT. THIS SUB-SUBPARAGRAPH (B) SHALL TAKE 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.

(e) (I) The standards set by the local board for satisfactory 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 performance shall be directly related to classroom instruction and shall include multiple measures of student performance. The performance evaluation system shall 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 (I) IS REPEALED 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.

(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. THE STANDARDS SHALL INCLUDE MULTIPLE MEASURES OF STUDENT PERFORMANCE IN CONJUNCTION WITH STUDENT GROWTH EXPECTATIONS. FOR THE PURPOSES OF MEASURING EFFECTIVENESS, EXPECTATIONS OF STUDENT ACADEMIC GROWTH SHALL 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 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 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.

(2.5) (a) The council shall actively participate with the local board or board of cooperative services in developing written standards for evaluation that clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each licensed person meets such standards pursuant to paragraph (e) of subsection (1) of this section. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE 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.

(b) THE COUNCIL SHALL ACTIVELY PARTICIPATE WITH THE LOCAL BOARD IN DEVELOPING WRITTEN STANDARDS FOR EVALUATION THAT CLEARLY SPECIFY PERFORMANCE STANDARDS AND THE QUALITY STANDARDS AND THE CRITERIA TO BE USED TO DETERMINE WHETHER THE PERFORMANCE OF EACH LICENSED PERSON MEETS SUCH STANDARDS PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION. THIS PARAGRAPH (b) SHALL TAKE 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.

(3.3) Each principal or administrator who is responsible for evaluating licensed personnel shall keep records and documentation for each evaluation conducted. Each principal and administrator who is responsible for evaluating licensed personnel shall be evaluated as to how well he or she ~~carries out the evaluation responsibilities under the~~ COMPLIES WITH THIS SECTION AND WITH THE school district's evaluation system.

(3.5) (a) A teacher or principal whose performance is deemed to be unsatisfactory pursuant to paragraph (e) of subsection (1) of this section shall be given notice of deficiencies. A remediation plan to correct ~~said~~ THE deficiencies shall be developed by the district or the board of cooperative services and the teacher or principal AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE INTENDED TO HELP THE TEACHER OR PRINCIPAL TO ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION. The teacher or principal shall be given a reasonable period of time to remediate the deficiencies and shall receive a statement of the resources and assistance available for the purposes of correcting the performance or the deficiencies. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE 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.

(b) (I) A TEACHER OR PRINCIPAL WHOSE PERFORMANCE IS DEEMED TO BE INEFFECTIVE PURSUANT TO PARAGRAPH (e) OF SUBSECTION (1) OF THIS SECTION SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN MEASURING HIS OR HER PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES.

(II) EACH SCHOOL DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE SUPERINTENDENT OR HIS OR HER DESIGNEE OF THE SCHOOL DISTRICT AND SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. IF THERE IS NO COLLECTIVE BARGAINING AGREEMENT IN PLACE, FOLLOWING THE RULING OF THE SUPERINTENDENT OR HIS OR HER DESIGNEE, THE APPEALING TEACHER MAY REQUEST A REVIEW BY A MUTUALLY AGREED-UPON THIRD PARTY. THE DECISION OF THE THIRD PARTY SHALL REVIEW WHETHER THE DECISION WAS ARBITRARY OR CAPRICIOUS AND SHALL BE BINDING ON BOTH PARTIES. THE COST OF ANY SUCH REVIEW SHALL BE BORNE EQUALLY BY BOTH PARTIES. WHERE A COLLECTIVE BARGAINING AGREEMENT IS IN PLACE, EITHER PARTY MAY CHOOSE TO OPT INTO THIS PROCESS. THE SUPERINTENDENT'S DESIGNEE SHALL NOT BE THE PRINCIPAL WHO CONDUCTED THE EVALUATION. FOR A NONPROBATIONARY TEACHER, A REMEDIATION PLAN TO CORRECT THE DEFICIENCIES SHALL BE DEVELOPED BY THE DISTRICT OR THE BOARD OF COOPERATIVE SERVICES AND SHALL INCLUDE PROFESSIONAL DEVELOPMENT OPPORTUNITIES THAT ARE INTENDED TO HELP THE NONPROBATIONARY TEACHER TO ACHIEVE AN EFFECTIVE RATING IN HIS OR HER NEXT PERFORMANCE EVALUATION. THE NONPROBATIONARY TEACHER SHALL BE GIVEN A REASONABLE PERIOD OF TIME TO REMEDIATE THE DEFICIENCIES AND SHALL RECEIVE A STATEMENT OF THE RESOURCES AND ASSISTANCE AVAILABLE FOR THE PURPOSE OF IMPROVING EFFECTIVENESS.

(III) THIS PARAGRAPH (b) SHALL TAKE 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.

(IV) SUBPARAGRAPH (II) OF THIS PARAGRAPH (b) IS REPEALED,

EFFECTIVE FEBRUARY 15, 2013.

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

(4.5) (a) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her performance through the implementation of the plan. If the next performance evaluation shows that the person is performing satisfactorily, no further action shall be taken concerning the original performance evaluation. If ~~such~~ THE evaluation shows the person is still not performing satisfactorily, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of the person, which dismissal shall be in accordance with the provisions of article 63 of this title if the person is a teacher. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE 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.

(b) ANY PERSON WHOSE PERFORMANCE EVALUATION INCLUDES A REMEDIATION PLAN SHALL BE GIVEN AN OPPORTUNITY TO IMPROVE HIS OR HER EFFECTIVENESS THROUGH THE IMPLEMENTATION OF THE PLAN. IF THE NEXT PERFORMANCE EVALUATION SHOWS THAT THE PERSON IS PERFORMING EFFECTIVELY, NO FURTHER ACTION SHALL BE TAKEN CONCERNING THE ORIGINAL PERFORMANCE EVALUATION. IF THE EVALUATION SHOWS THE

PERSON IS STILL NOT PERFORMING EFFECTIVELY, HE OR SHE SHALL RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN MEASURING THE PERSON'S PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL DISTRICT SHALL ENSURE THAT A NONPROBATIONARY TEACHER WHO OBJECTS TO A RATING OF INEFFECTIVENESS HAS AN OPPORTUNITY TO APPEAL THAT RATING, IN ACCORDANCE WITH A FAIR AND TRANSPARENT PROCESS DEVELOPED, WHERE APPLICABLE, THROUGH COLLECTIVE BARGAINING. AT A MINIMUM, THE APPEAL PROCESS PROVIDED SHALL ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT AND SHALL PLACE THE BURDEN UPON THE NONPROBATIONARY TEACHER TO DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE. THE APPEAL PROCESS SHALL TAKE NO LONGER THAN NINETY DAYS, AND THE NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO A POSSIBLE LOSS OF NONPROBATIONARY STATUS UNTIL AFTER A FINAL DETERMINATION REGARDING THE RATING OF INEFFECTIVENESS IS MADE. FOR A PERSON WHO RECEIVES A PERFORMANCE RATING OF INEFFECTIVE, THE EVALUATOR SHALL EITHER MAKE ADDITIONAL RECOMMENDATIONS FOR IMPROVEMENT OR MAY RECOMMEND THE DISMISSAL OF THE PERSON, WHICH DISMISSAL SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 63 OF THIS TITLE IF THE PERSON IS A TEACHER. THIS PARAGRAPH (b) SHALL TAKE 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.

(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 OF THE EVALUATION IS DETERMINED BY THE ACADEMIC GROWTH OF THE STUDENTS ENROLLED IN THE PRINCIPAL'S SCHOOL. FOR PRINCIPALS, THE QUALITY STANDARDS SHALL 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;

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

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

(8) ON OR BEFORE AUGUST 1, 2014, EACH LOCAL BOARD OF EDUCATION SHALL DEVELOP, IN COLLABORATION WITH A LOCAL TEACHERS ASSOCIATION OR, IF NONE EXISTS, WITH TEACHERS FROM THE DISTRICT, AN INCENTIVE SYSTEM, THE PURPOSE OF WHICH SHALL BE TO ENCOURAGE EFFECTIVE TEACHERS IN HIGH-PERFORMING SCHOOLS TO MOVE TO JOBS IN SCHOOLS THAT HAVE LOW PERFORMANCE RATINGS.

SECTION 8. 22-11-302 (1), Colorado Revised Statutes, is amended by THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

22-11-302. School district accountability committees - powers and duties. (1) Each school district accountability committee shall have the following powers and duties:

(d) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY BASIS TO PRINCIPALS CONCERNING THE DEVELOPMENT AND USE OF ASSESSMENT TOOLS USED FOR THE PURPOSE OF MEASURING AND EVALUATING STUDENT ACADEMIC GROWTH AS IT RELATES TO TEACHER EVALUATIONS.

(e) THE SCHOOL ACCOUNTABILITY COMMITTEE FOR THE PRINCIPAL'S SCHOOL SHALL PROVIDE INPUT AND RECOMMENDATIONS TO THE DISTRICT ACCOUNTABILITY COMMITTEE AND THE DISTRICT ADMINISTRATION CONCERNING THE PRINCIPAL'S EVALUATION.

SECTION 9. 22-11-402 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-11-402. School accountability committee - powers and duties - meetings. (1) Each school accountability committee shall have the following powers and duties:

(e) TO PROVIDE INPUT AND RECOMMENDATIONS ON AN ADVISORY BASIS TO DISTRICT ACCOUNTABILITY COMMITTEES AND DISTRICT ADMINISTRATION CONCERNING:

(I) PRINCIPAL DEVELOPMENT PLANS FOR THEIR PRINCIPAL PURSUANT TO SECTION 22-9-106; AND

(II) PRINCIPAL EVALUATIONS CONDUCTED PURSUANT TO SECTION 22-9-106.

SECTION 10. 22-63-103 (7), Colorado Revised Statutes, is amended to read:

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

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

SECTION 11. 22-63-202 (2), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-63-202. Employment contracts - contracts to be in writing - duration - damage provision. (2) (c.5) (I) THE GENERAL ASSEMBLY FINDS THAT, FOR THE FAIR EVALUATION OF A PRINCIPAL BASED ON THE DEMONSTRATED EFFECTIVENESS OF HIS OR HER TEACHERS, THE PRINCIPAL NEEDS THE ABILITY TO SELECT TEACHERS WHO HAVE DEMONSTRATED EFFECTIVENESS AND HAVE DEMONSTRATED QUALIFICATIONS AND TEACHING EXPERIENCE THAT SUPPORT THE INSTRUCTIONAL PRACTICES OF HIS OR HER SCHOOL. THEREFORE, EACH EMPLOYMENT CONTRACT EXECUTED PURSUANT TO THIS SECTION SHALL CONTAIN A PROVISION STATING THAT A TEACHER

MAY BE ASSIGNED TO A PARTICULAR SCHOOL ONLY WITH THE CONSENT OF THE HIRING PRINCIPAL AND WITH INPUT FROM AT LEAST TWO TEACHERS EMPLOYED AT THE SCHOOL AND CHOSEN BY THE FACULTY OF TEACHERS AT THE SCHOOL TO REPRESENT THEM IN THE HIRING PROCESS, AND AFTER A REVIEW OF THE TEACHER'S DEMONSTRATED EFFECTIVENESS AND QUALIFICATIONS, WHICH REVIEW DEMONSTRATES THAT THE TEACHER'S QUALIFICATIONS AND TEACHING EXPERIENCE SUPPORT THE INSTRUCTIONAL PRACTICES OF HIS OR HER SCHOOL.

(II) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO, DURING THE PRIOR SCHOOL YEAR, WAS DEEMED SATISFACTORY, OR WAS DEEMED EFFECTIVE IN A DISTRICT THAT HAS IMPLEMENTED A MULTI-TIERED EVALUATION SYSTEM AND HAS IDENTIFIED RATINGS EQUIVALENT TO EFFECTIVE, AND HAS NOT SECURED A POSITION THROUGH SCHOOL-BASED HIRING SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH PRIORITY HIRING POOL SHALL ENSURE THE NONPROBATIONARY TEACHER A FIRST OPPORTUNITY TO INTERVIEW FOR AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN A SCHOOL DISTRICT.

(B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH (c.5), A SCHOOL DISTRICT SHALL WORK WITH ITS LOCAL TEACHERS ASSOCIATION TO DEVELOP POLICIES FOR THE LOCAL SCHOOL BOARD TO ADOPT. IF NO TEACHER ASSOCIATION EXISTS IN THE SCHOOL DISTRICT, THE SCHOOL DISTRICT SHALL CREATE AN EIGHT PERSON COMMITTEE CONSISTING OF FOUR SCHOOL DISTRICT MEMBERS AND FOUR TEACHERS, WHICH COMMITTEE SHALL DEVELOP SUCH POLICIES. UPON NOTICE TO THE NONPROBATIONARY TEACHER, THE DEPARTMENT OF HUMAN RESOURCES FOR THE SCHOOL DISTRICT SHALL IMMEDIATELY PROVIDE THE NONPROBATIONARY TEACHER WITH A LIST OF ALL VACANT POSITIONS FOR WHICH HE OR SHE IS QUALIFIED, AS WELL AS A LIST OF VACANCIES IN ANY AREA IDENTIFIED BY THE SCHOOL DISTRICT TO BE AN AREA OF CRITICAL NEED. AN APPLICATION FOR A VACANCY SHALL BE MADE TO THE PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF THE APPLICATION PROVIDED BY THE NONPROBATIONARY TEACHER TO THE SCHOOL DISTRICT. WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY TEACHER SHALL BE

TRANSFERRED TO THAT POSITION.

(C) THIS SUBPARAGRAPH (II) IS REPEALED, EFFECTIVE 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.

(III) (A) ANY ACTIVE NONPROBATIONARY TEACHER WHO WAS DEEMED EFFECTIVE DURING THE PRIOR SCHOOL YEAR AND HAS NOT SECURED A MUTUAL CONSENT PLACEMENT SHALL BE A MEMBER OF A PRIORITY HIRING POOL, WHICH PRIORITY HIRING POOL SHALL ENSURE THE NONPROBATIONARY TEACHER A FIRST OPPORTUNITY TO INTERVIEW FOR A REASONABLE NUMBER OF AVAILABLE POSITIONS FOR WHICH HE OR SHE IS QUALIFIED IN THE SCHOOL DISTRICT.

(B) WHEN A DETERMINATION IS MADE THAT A NONPROBATIONARY TEACHER'S SERVICES ARE NO LONGER REQUIRED FOR THE REASONS SET FORTH IN SUBPARAGRAPH (VII) OF THIS PARAGRAPH (c.5), THE NONPROBATIONARY TEACHER SHALL BE NOTIFIED OF HIS OR HER REMOVAL FROM THE SCHOOL. IN MAKING DECISIONS PURSUANT TO THIS PARAGRAPH (c.5), A SCHOOL DISTRICT SHALL WORK WITH ITS LOCAL TEACHERS ASSOCIATION TO DEVELOP POLICIES FOR THE LOCAL SCHOOL BOARD TO ADOPT. IF NO TEACHER ASSOCIATION EXISTS IN THE SCHOOL DISTRICT, THE SCHOOL DISTRICT SHALL CREATE AN EIGHT PERSON COMMITTEE CONSISTING OF FOUR SCHOOL DISTRICT MEMBERS AND FOUR TEACHERS, WHICH COMMITTEE SHALL DEVELOP SUCH POLICIES. UPON NOTICE TO THE NONPROBATIONARY TEACHER, THE SCHOOL DISTRICT SHALL IMMEDIATELY PROVIDE THE NONPROBATIONARY TEACHER WITH A LIST OF ALL VACANT POSITIONS FOR WHICH HE OR SHE IS QUALIFIED, AS WELL AS A LIST OF VACANCIES IN ANY AREA IDENTIFIED BY THE SCHOOL DISTRICT TO BE AN AREA OF CRITICAL NEED. AN APPLICATION FOR A VACANCY SHALL BE MADE TO THE PRINCIPAL OF A LISTED SCHOOL, WITH A COPY OF THE APPLICATION PROVIDED BY THE NONPROBATIONARY TEACHER TO THE SCHOOL DISTRICT. WHEN A PRINCIPAL RECOMMENDS APPOINTMENT OF A NONPROBATIONARY TEACHER APPLICANT TO A VACANT POSITION, THE NONPROBATIONARY

TEACHER SHALL BE TRANSFERRED TO THAT POSITION.

(C) THIS SUBPARAGRAPH (III) SHALL TAKE 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.

(IV) IF A NONPROBATIONARY TEACHER IS UNABLE TO SECURE A MUTUAL CONSENT ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT AFTER TWELVE MONTHS OR TWO HIRING CYCLES, WHICHEVER PERIOD IS LONGER, THE SCHOOL DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE UNTIL SUCH TIME AS THE TEACHER IS ABLE TO SECURE AN ASSIGNMENT. IF THE TEACHER SECURES AN ASSIGNMENT AT A SCHOOL OF THE SCHOOL DISTRICT WHILE PLACED ON UNPAID LEAVE, THE SCHOOL DISTRICT SHALL REINSTATE THE TEACHER'S SALARY AND BENEFITS AT THE LEVEL THEY WOULD HAVE BEEN IF THE TEACHER HAD NOT BEEN PLACED ON UNPAID LEAVE.

(V) NOTHING IN THIS SECTION SHALL LIMIT THE ABILITY OF A SCHOOL DISTRICT TO PLACE A TEACHER IN A TWELVE-MONTH OR OTHER LIMITED-TERM ASSIGNMENTS, INCLUDING, BUT NOT LIMITED TO, A TEACHING ASSIGNMENT, SUBSTITUTE ASSIGNMENT, OR INSTRUCTIONAL SUPPORT ROLE DURING THE PERIOD IN WHICH THE TEACHER IS ATTEMPTING TO SECURE AN ASSIGNMENT THROUGH SCHOOL-BASED HIRING. SUCH AN ASSIGNMENT SHALL NOT CONSTITUTE AN ASSIGNMENT THROUGH SCHOOL-BASED HIRING AND SHALL NOT BE DEEMED TO INTERRUPT THE PERIOD IN WHICH THE TEACHER IS REQUIRED TO SECURE AN ASSIGNMENT THROUGH SCHOOL-BASED HIRING BEFORE THE DISTRICT SHALL PLACE THE TEACHER ON UNPAID LEAVE.

(VI) THE PROVISIONS OF THIS PARAGRAPH (c.5) MAY BE WAIVED IN WHOLE OR IN PART FOR A RENEWABLE FOUR-YEAR PERIOD BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-117, PROVIDED THAT THE LOCAL SCHOOL BOARD APPLYING FOR THE WAIVER, IN CONJUNCTION WITH THE SUPERINTENDENT AND TEACHERS ASSOCIATION IN A DISTRICT THAT HAS AN OPERATING MASTER EMPLOYMENT CONTRACT, IF APPLICABLE,

DEMONSTRATES THAT THE WAIVER IS IN THE BEST INTEREST OF STUDENTS ENROLLED IN THE SCHOOL DISTRICT, SUPPORTS THE EQUITABLE DISTRIBUTION OF EFFECTIVE TEACHERS, AND WILL NOT RESULT IN PLACEMENT OTHER THAN BY MUTUAL CONSENT OF THE TEACHER IN A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT IS REQUIRED TO IMPLEMENT A PRIORITY IMPROVEMENT PLAN OR TURNAROUND PLAN PURSUANT TO ARTICLE 11 OF THIS TITLE. NOTWITHSTANDING THE PROVISIONS OF THIS PARAGRAPH (c.5), A WAIVER SHALL NOT BE GRANTED FOR A REQUEST THAT EXTENDS THE TIME FOR SECURING AN ASSIGNMENT THROUGH SCHOOL-BASED HIRING FOR MORE THAN TWO YEARS.

(VII) THIS PARAGRAPH (c.5) SHALL APPLY TO ANY TEACHER WHO IS DISPLACED AS A RESULT OF DROP IN ENROLLMENT; TURNAROUND; PHASE-OUT; REDUCTION IN PROGRAM; OR REDUCTION IN BUILDING, INCLUDING CLOSURE, CONSOLIDATION, OR RECONSTITUTION.

SECTION 12. 22-63-202 (3), Colorado Revised Statutes, is amended to read:

22-63-202. Employment contracts - contracts to be in writing - duration - damage provision. (3) A teacher may be suspended temporarily during the contractual period until the date of dismissal as ordered by the board pursuant to section 22-63-302 or may have his OR HER employment contract cancelled during the contractual period when there is a justifiable decrease in the number of teaching positions. The manner in which employment contracts will be cancelled when there is a justifiable decrease in the number of teaching positions ~~may~~ SHALL be included in any contract between the board of education of the school district and school district employees ~~If there is no such contract provision, when a justifiable reduction in the number of teaching positions within a particular endorsement area occurs, the employment contracts of first-year probationary teachers who are occupying such positions shall be cancelled first. Further reductions in the number of teaching positions through the cancellation of employment contracts of second-year and third-year probationary teachers and nonprobationary teachers shall be made in accordance with an established policy of the board of education of the school district. The provisions of this subsection (3) concerning the cancellation of employment contracts shall not create any property right or contract right, express or implied, for second-year and third-year probationary teachers~~ OR IN AN ESTABLISHED POLICY OF THE BOARD, WHICH

CONTRACT OR POLICY SHALL INCLUDE THE CRITERIA DESCRIBED IN SECTION 22-9-106 AS SIGNIFICANT FACTORS IN DETERMINING WHICH EMPLOYMENT CONTRACTS TO CANCEL AS A RESULT OF THE DECREASE IN TEACHING POSITIONS. EFFECTIVE FEBRUARY 15, 2012, THE CONTRACT OR POLICY SHALL INCLUDE CONSIDERATION OF PROBATIONARY AND NONPROBATIONARY STATUS AND THE NUMBER OF YEARS A TEACHER HAS BEEN TEACHING IN THE SCHOOL DISTRICT; EXCEPT THAT THESE CRITERIA MAY BE CONSIDERED ONLY AFTER THE CONSIDERATION OF THE CRITERIA DESCRIBED IN SECTION 22-9-106 AND ONLY IF THE CONTRACT OR POLICY IS IN THE BEST INTEREST OF THE STUDENTS ENROLLED IN THE SCHOOL DISTRICT.

SECTION 13. 22-63-203 (1), (2) (b) (III), and (2) (b) (IV), Colorado Revised Statutes, are amended to read:

22-63-203. Probationary teachers - renewal and nonrenewal of employment contract - repeal. (1) (a) EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS SUBSECTION (1), the provisions of this section shall apply only to probationary teachers and shall no longer apply when the teacher has been reemployed for the fourth year, EXCEPT AS PROVIDED FOR IN PARAGRAPH (a.5) OF SUBSECTION (4) OF THIS SECTION. THIS PARAGRAPH (a) IS REPEALED, EFFECTIVE JULY 1, 2014.

(b) FOR ANY SCHOOL DISTRICT THAT HAS IMPLEMENTED THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS PURSUANT TO SECTION 22-9-106 AND THE RULES ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 22-9-105.5, THE PROVISIONS OF THIS SECTION SHALL APPLY ONLY TO PROBATIONARY TEACHERS AND SHALL NO LONGER APPLY WHEN THE TEACHER HAS BEEN GRANTED NONPROBATIONARY STATUS AS A RESULT OF THREE CONSECUTIVE YEARS OF DEMONSTRATED EFFECTIVENESS, AS DETERMINED THROUGH HIS OR HER PERFORMANCE EVALUATIONS AND CONTINUOUS EMPLOYMENT.

(2) (b) For purposes of paragraph (a) of this subsection (2):

(III) The three CONSECUTIVE school years of DEMONSTRATED EFFECTIVENESS AND continuous employment required for the probationary period shall not be deemed to be interrupted by the temporary illness of a probationary teacher. A leave of absence approved by the board of a school district or a military leave of absence pursuant to article 3 of title 28, C.R.S., shall not be considered to be an interruption of the CONSECUTIVE YEARS OF

DEMONSTRATED EFFECTIVENESS AND continuous employment required for the probationary period, but the time of such leaves of absence shall not be included in computing the required probationary period.

(IV) The three CONSECUTIVE school years of DEMONSTRATED EFFECTIVENESS AND continuous employment required for the probationary period shall not be deemed to be interrupted by the acceptance by a probationary teacher of the position of chief administrative officer in said school district, but the period of time during which such teacher serves in such capacity shall not be included in computing said probationary period.

SECTION 14. 22-63-203 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-63-203. Probationary teachers - removal and nonrenewal of employment contract - repeal. (4) (a.5) (I) BEGINNING WITH THE 2010-2011 SCHOOL YEAR, AN EMPLOYING SCHOOL DISTRICT MAY OPT TO RENEW THE TEACHER'S CONTRACT ON EITHER A PROBATIONARY OR NONPROBATIONARY STATUS OR TO NOT RENEW THE CONTRACT OF A PROBATIONARY TEACHER WHO HAS COMPLETED HIS OR HER THIRD YEAR OF EMPLOYMENT. THIS PARAGRAPH (a.5) SHALL BE REPEALED AFTER THE PERFORMANCE EVALUATION SYSTEM BASED ON QUALITY STANDARDS HAS BEEN IMPLEMENTED PURSUANT TO SECTION 22-9-105.5.

(II) A PROBATIONARY TEACHER WHO IS DEEMED TO BE PERFORMING SATISFACTORILY IN ANY OF SCHOOL YEARS 2010-2011, 2011-2012, AND 2012-2013 SHALL, FOR PURPOSES OF ARTICLE 9 OF THIS TITLE, BE DEEMED TO HAVE PERFORMED EFFECTIVELY DURING THE SAME SCHOOL YEAR OR YEARS. BEGINNING WITH THE 2013-2014 SCHOOL YEAR, ALL TEACHERS SHALL BE EVALUATED IN ACCORDANCE WITH THE NEW PERFORMANCE EVALUATION SYSTEM THAT IS BASED ON MEASURES OF EFFECTIVENESS; HOWEVER, A SCHOOL DISTRICT MAY EXTEND THE PROBATIONARY STATUS OF A TEACHER WHO HAS THREE CONSECUTIVE SATISFACTORY RATINGS AS OF JULY 1, 2013, BY NO MORE THAN ONE YEAR.

SECTION 15. Part 2 of article 63 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-63-203.5. Nonprobationary portability. BEGINNING WITH THE 2014-2015 SCHOOL YEAR, A NONPROBATIONARY TEACHER, EXCEPT FOR A

NONPROBATIONARY TEACHER WHO HAS HAD TWO CONSECUTIVE PERFORMANCE EVALUATIONS WITH AN INEFFECTIVE RATING, WHO IS EMPLOYED BY A SCHOOL DISTRICT AND IS SUBSEQUENTLY HIRED BY A DIFFERENT SCHOOL DISTRICT MAY PROVIDE TO THE HIRING SCHOOL DISTRICT EVIDENCE OF HIS OR HER STUDENT ACADEMIC GROWTH DATA AND PERFORMANCE EVALUATIONS FOR THE PRIOR TWO YEARS FOR THE PURPOSES OF RETAINING NONPROBATIONARY STATUS. IF, UPON PROVIDING SUCH DATA, THE NONPROBATIONARY TEACHER CAN SHOW TWO CONSECUTIVE PERFORMANCE EVALUATIONS WITH EFFECTIVENESS RATINGS IN GOOD STANDING, HE OR SHE SHALL BE GRANTED NONPROBATIONARY STATUS IN THE HIRING SCHOOL DISTRICT.

SECTION 16. 22-54-117 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-54-117. Contingency reserve - capital construction expenditures reserve - fund - lottery proceeds contingency reserve. (1) (g) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (e) OF THIS SUBSECTION (1) TO THE CONTRARY, AS PROVIDED FOR IN SECTION 22-9-105.7 (3) AND UPON RECEIPT OF NOTICE FROM THE COMMISSIONER, FOR FISCAL YEARS 2010-2011 AND 2011-2012, THE STATE TREASURER SHALL DEDUCT AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS FROM THE CONTINGENCY RESERVE FUND AND TRANSFER SUCH AMOUNT TO THE GREAT TEACHERS AND LEADERS FUND, CREATED IN SECTION 22-9-105.7.

SECTION 17. 22-63-206, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

SECTION 18. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Brandon C. Shaffer PRESIDENT OF THE SENATE	Terrance D. Carroll SPEAKER OF THE HOUSE OF REPRESENTATIVES
Karen Goldman SECRETARY OF THE SENATE	Marilyn Eddins CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES

APPROVED_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO