First Regular Session Seventy-second General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 19-1030.02 Julie Pelegrin x2700

SENATE BILL 19-247

SENATE SPONSORSHIP

Story, Danielson, Gonzales, Rodriguez, Todd

HOUSE SPONSORSHIP

Arndt and Bird, Cutter, Froelich, Kipp

Senate Committees

House Committees

Education

	A BILL FOR AN ACT
101	CONCERNING CHANGES IN THE EXISTING REQUIREMENTS THAT
102	PERTAIN TO LICENSED PERSONNEL PERFORMANCE EVALUATION
103	SYSTEMS IN THE PUBLIC SCHOOLS, AND, IN CONNECTION
104	THEREWITH, CREATING A WORKING GROUP TO MAKE
105	RECOMMENDATIONS CONCERNING THE IMPLEMENTATION OF
106	LICENSED PERSONNEL PERFORMANCE EVALUATION SYSTEMS.

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.)

Under existing law, each licensed teacher receives a written

evaluation, at least 50% of which must be based on student academic growth. Under the bill, 30% of the evaluation must be based on student academic growth and at least 20% on other measures determined by the school district board of education or the board of cooperative services to support student, educator, and system success.

The bill creates a working group consisting of the commissioner of education, or his or her designee, several members appointed by the governor who represent teachers, administrators, parents, students, and education policy experts, and 6 legislators appointed by legislative leadership. The working group shall review the implementation of educator performance evaluation systems in Colorado and in other states and countries, identify best practices in performance evaluation, and make recommendations to the general assembly and the state board of education to improve the implementation and use of performance evaluations. The working group must complete its report by November 1, 2019, and submit it to the state board of education and the education committees of the general assembly. The department of education will post the report on the department's website. The working group is repealed, effective July 1, 2020.

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

SECTION 1. In Colorado Revised Statutes, 22-9-106, **amend** (1) introductory portion and (1)(e)(II) as follows:

22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules. (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 TO THE SYSTEM, the local board and board of cooperative services shall comply with the provisions of subsection (1.5)

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of this section and shall consult with administrators, principals, and teachers employed within the SCHOOL district or participating SCHOOL 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 MUST address all of the performance standards established by rule of the state board and adopted APPROVED by the general assembly pursuant to section 22-9-105.5, and shall MUST contain, but need not be limited to, the following information:

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(e) (II) The standards set by the local board OR BOARD OF COOPERATIVE SERVICES for effective performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets such THE standards and other criteria for evaluation for each licensed personnel position evaluated. One of the standards for measuring teacher effectiveness shall MUST be directly related to classroom instruction and shall MUST require that at least fifty THIRTY percent of the evaluation is determined by the academic growth of the teacher's students AND AT LEAST TWENTY PERCENT OF THE EVALUATION IS DETERMINED BY OTHER MEASURES AS DETERMINED BY THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES TO SUPPORT STUDENT, EDUCATOR, AND SYSTEM SUCCESS. 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 MUST include multiple measures of student performance in conjunction with student growth expectations, WHICH MEASURES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, STUDENT

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ENGAGEMENT, STUDENT BEHAVIORAL INDICATORS, STUDENT
ATTENDANCE, OR STUDENT ATTAINMENT OF GOALS SPECIFIED IN
STUDENTS' INDIVIDUALIZED EDUCATION PROGRAMS OR STUDENTS'
ADVANCED LEARNING PLANS. For the purposes of measuring
effectiveness, expectations of student academic growth shall MUST 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 MUST 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.
SECTION 2. In Colorado Revised Statutes, 22-9-105.5, amend
(3) introductory portion and (3)(a) as follows:
22-9-105.5. State council for educator effectiveness -
membership - duties - recommendations - rules - legislative
declaration. (3) The council shall have HAS 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

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multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this paragraph (a) shall SUBSECTION (3)(a) MUST require that at least fifty THIRTY 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 MUST 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 this title TITLE 22. For the purposes of quality standards, expectations of student academic growth shall MUST 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 MUST 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 MUST include, but need not be limited to, criteria that will be used to differentiate between performance standards. The defined performance standards shall MUST include, but need not be limited to, "highly effective", "effective", and "ineffective". The council shall consider

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1	whether additional performance standards should be established.
2	SECTION 3. In Colorado Revised Statutes, add 22-9-110 as
3	follows:
4	22-9-110. Study of personnel performance evaluation systems
5	- work group created - report - repeal. (1) THERE IS CREATED A
6	TEMPORARY WORKING GROUP TO STUDY PERSONNEL PERFORMANCE
7	EVALUATION SYSTEMS AND RECOMMEND BEST PRACTICES IN
8	IMPLEMENTING PERFORMANCE EVALUATIONS, AND ANY APPROPRIATE
9	REGULATORY AND STATUTORY CHANGES, TO INCREASE THE EFFICACY AND
10	USEFULNESS OF PERFORMANCE EVALUATIONS IN SUPPORTING AND
11	IMPROVING STUDENT LEARNING AND OUTCOMES AND PROFESSIONAL
12	GROWTH AND DEVELOPMENT BY TEACHERS AND PRINCIPALS.
13	(2) THE MEMBERSHIP OF THE WORKING GROUP IS AS FOLLOWS:
14	(a) THE COMMISSIONER OF EDUCATION, OR A DESIGNEE, SHALL
15	SERVE AS AN EX OFFICIO MEMBER OF THE WORKING GROUP;
16	(b) THE GOVERNOR SHALL APPOINT MEMBERS OF THE WORKING
17	GROUP AS FOLLOWS:
18	(I) FOUR MEMBERS WHO ARE EMPLOYED AS TEACHERS IN PUBLIC
19	SCHOOLS, EACH OF WHOM IS SELECTED WITH THE ADVICE OF STATEWIDE
20	ASSOCIATIONS THAT REPRESENT EDUCATORS, HOLDS AN INITIAL OR
21	PROFESSIONAL TEACHER OR SPECIAL SERVICES LICENSE PURSUANT TO
22	ARTICLE 60.5 of this title 22 , and received a performance rating
23	OF EFFECTIVE OR HIGHER IN THE MOST RECENT PERFORMANCE
24	EVALUATION;
25	(II) ONE MEMBER WHO IS EMPLOYED AS A TEACHER IN A RURAL
26	SCHOOL DISTRICT OR SMALL RURAL SCHOOL DISTRICT, AS DEFINED IN
2.7	SECTION 22-7-1211 (4) HOLDS AN INITIAL OR PROFESSIONAL TEACHER OR

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1	SPECIAL SERVICES LICENSE PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22,
2	AND RECEIVED A PERFORMANCE RATING OF EFFECTIVE OR HIGHER IN THE
3	MOST RECENT PERFORMANCE EVALUATION;
4	(III) ONE MEMBER WHO IS EMPLOYED AS A TEACHER IN A SCHOOL
5	DISTRICT THAT IS NOT A RURAL SCHOOL DISTRICT OR SMALL RURAL
6	SCHOOL DISTRICT, AS DEFINED IN SECTION 22-7-1211 (4), HOLDS AN
7	INITIAL OR PROFESSIONAL TEACHER OR SPECIAL SERVICES LICENSE
8	pursuant to article 60.5 of this title 22 , and received a
9	PERFORMANCE RATING OF EFFECTIVE OR HIGHER IN THE MOST RECENT
10	PERFORMANCE EVALUATION;
11	(IV) Two members who are employed as public school
12	ADMINISTRATORS IN RURAL SCHOOL DISTRICTS OR SMALL RURAL SCHOOL
13	DISTRICTS, AS DEFINED IN SECTION 22-7-1211 (4), AND RECEIVED A
14	PERFORMANCE RATING OF EFFECTIVE OR HIGHER IN THE MOST RECENT
15	PERFORMANCE EVALUATION;
16	(V) Two members who are employed as public school
17	ADMINISTRATORS AND ONE MEMBER WHO IS EMPLOYED AS A SCHOOL
18	DISTRICT SUPERINTENDENT, EACH OF WHOM IS EMPLOYED IN SCHOOL
19	DISTRICTS THAT ARE NOT RURAL SCHOOL DISTRICTS OR SMALL RURAL
20	SCHOOL DISTRICTS, AS DEFINED IN SECTION 22-7-1211 (4), AND IS
21	SELECTED WITH THE ADVICE OF A STATEWIDE ASSOCIATION THAT
22	REPRESENTS SCHOOL EXECUTIVES. THE SELECTED PUBLIC SCHOOL
23	ADMINISTRATORS MUST HAVE RECEIVED A PERFORMANCE RATING OF
24	EFFECTIVE OR HIGHER IN THE MOST RECENT PERFORMANCE EVALUATION.
25	(VI) Two members who serve as directors of school
26	DISTRICT BOARDS OF EDUCATION, EACH OF WHOM IS SELECTED WITH THE
27	ADVICE OF A STATEWIDE ASSOCIATION THAT REPRESENTS SCHOOL

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l	DISTRICT BOARDS OF EDUCATION;
2	(VII) TWO MEMBERS WHO ARE EMPLOYED BY CHARTER SCHOOLS
3	THAT HAVE NOT REQUESTED WAIVERS OF ANY PORTION OF THIS ARTICLE
4	9, ONE OF WHOM IS EMPLOYED AS A TEACHER, ONE OF WHOM IS EMPLOYED
5	AS AN ADMINISTRATOR, BOTH OF WHOM RECEIVED A PERFORMANCE
6	RATING OF EFFECTIVE OR HIGHER IN THE MOST RECENT PERFORMANCE
7	EVALUATION, AND BOTH OF WHOM ARE SELECTED WITH THE ADVICE OF A
8	STATEWIDE ADVOCACY GROUP FOR CHARTER SCHOOLS;
9	(VIII) TWO MEMBERS WHO ARE PARENTS OF PUBLIC SCHOOL
10	STUDENTS, BOTH OF WHOM ARE SELECTED WITH THE ADVICE OF A
11	STATEWIDE PARENT AND TEACHER ASSOCIATION;
12	(IX) ONE MEMBER WHO IS A CURRENT STUDENT OR RECENT
13	GRADUATE OF A COLORADO PUBLIC SCHOOL AND WHO IS SELECTED WITH
14	THE ADVICE OF A STATEWIDE STUDENT COALITION; AND
15	(X) TWO MEMBERS WHO HAVE EXPERTISE IN EDUCATION POLICY,
16	ONE OF WHOM IS AN ACADEMIC WITH EXPERTISE IN EDUCATOR
17	PERFORMANCE EVALUATIONS; AND
18	(c) THE LEADERSHIP OF THE HOUSE OF REPRESENTATIVES AND THE
19	SENATE SHALL APPOINT MEMBERS AS FOLLOWS:
20	$(I)\ The \ president \ of the \ senate \ shall \ appoint \ two \ senators,$
21	AT LEAST ONE OF WHOM SERVES ON THE SENATE EDUCATION COMMITTEE,
22	AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT ONE SENATOR
23	WHO SERVES ON THE SENATE EDUCATION COMMITTEE; AND
24	(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL
25	APPOINT TWO REPRESENTATIVES, AT LEAST ONE OF WHOM SERVES ON THE
26	EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE
27	MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT

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ONE REPRESENTATIVE WHO SERVES ON THE EDUCATION COMMITTEE OF
THE HOUSE OF REPRESENTATIVES.

- (3) (a) The appointing authorities shall appoint the members of the working group no later than June 1, 2019. In appointing members of the working group, the appointing authorities, to the extent practicable, shall ensure that the members represent areas throughout the state and are representative of the demographic diversity of the state. The governor shall appoint persons from among the appointed members to serve as chair and vice-chair of the working group.
- (b) The working group shall meet at the call of the chair at least four times before October 31, 2019. The department shall provide staffing for the working group and a place for the working group to meet. Notwithstanding the provisions of section 2-2-326, the members of the working group, including the legislative members, serve without per diem and without reimbursement for expenses.
- (4) THE WORKING GROUP SHALL REVIEW THE IMPLEMENTATION OF PERFORMANCE EVALUATION SYSTEMS BY SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES ACROSS THE STATE, INCLUDING THOSE THAT HAVE ADOPTED THE STATE MODEL PERFORMANCE EVALUATION SYSTEM AND THOSE THAT HAVE ADOPTED LOCAL LICENSED PERSONNEL PERFORMANCE EVALUATION SYSTEMS. THE WORKING GROUP SHALL ALSO REVIEW THE RESEARCH ON EDUCATOR PERFORMANCE EVALUATION AND EDUCATOR PERFORMANCE EVALUATION SYSTEMS IN OTHER STATES AND COUNTRIES TO IDENTIFY BEST PRACTICES AND PROCEDURES IN PROVIDING PERFORMANCE EVALUATIONS THAT DIFFERENTIATE EDUCATOR

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1	PERFORMANCE AND PROVIDE ACTIONABLE, CONSTRUCTIVE FEEDBACK TO
2	IMPROVE STUDENT LEARNING AND OUTCOMES, IMPROVE TEACHING AND
3	LEADERSHIP PRACTICE, DRIVE PROFESSIONAL GROWTH, AND SUPPORT
4	LONG-TERM SATISFACTION IN THE PROFESSION. SPECIFICALLY, THE
5	WORKING GROUP SHALL, AT A MINIMUM:
6	(a) SOLICIT INFORMATION FROM TEACHERS, PRINCIPALS, AND
7	DISTRICT-LEVEL ADMINISTRATORS, FROM EXPERTS IN THE AREA OF
8	PERSONNEL EVALUATIONS AND HUMAN RESOURCES, AND FROM MEMBERS
9	OF THE BUSINESS COMMUNITY THAT EMPHASIZE POSITIVE EMPLOYEE
10	RETENTION POLICIES, CONCERNING IMPLEMENTATION OF PERFORMANCE
11	EVALUATION SYSTEMS AND THE DELIVERY AND APPLICATION OF
12	ACTIONABLE, CONSTRUCTIVE FEEDBACK AND THE APPROPRIATE PURPOSES
13	AND GOALS OF PERFORMANCE EVALUATION;
14	(b) IDENTIFY THE MULTIPLE FACTORS THAT DETERMINE STUDENT,
15	EDUCATOR, AND SYSTEM SUCCESS AND THE POTENTIAL IMPACTS OF THOSE
16	FACTORS ON PERFORMANCE EVALUATION SYSTEMS;
17	(c) REVIEW THE IMPLEMENTATION OF TEACHER AND PRINCIPAL
18	PERFORMANCE EVALUATION SYSTEMS BY SCHOOL DISTRICTS AND BOARDS
19	OF COOPERATIVE SERVICES, WHICH MAY INCLUDE:
20	(I) GATHERING EDUCATOR AND ADMINISTRATOR FEEDBACK
21	CONCERNING THE PERFORMANCE EVALUATION SYSTEM;
22	(II) REVIEWING THE USE OF THE STATE MODEL PERFORMANCE
23	EVALUATION SYSTEM, INCLUDING:
24	(A) THE NUMBER OF SCHOOL DISTRICTS AND BOARDS OF
25	COOPERATIVE SERVICES THAT HAVE ADOPTED THE STATE MODEL
26	PERFORMANCE EVALUATION SYSTEM;
27	(B) THE NUMBER OF SCHOOL DISTRICTS AND BOARDS OF

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1	COOPERATIVE SERVICES THAT HAVE ADOPTED A LOCAL PERFORMANCE
2	EVALUATION SYSTEM; AND
3	(C) A REVIEW OF THE DIFFERENCES BETWEEN THE COMPONENTS
4	OF THE STATE MODEL PERFORMANCE EVALUATION SYSTEM AND THE
5	COMPONENTS OF LOCAL PERFORMANCE EVALUATION SYSTEMS ADOPTED
6	BY SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES; AND
7	(III) REVIEWING THE PROCEDURE FOR APPLYING FOR WAIVERS
8	FROM THE REQUIREMENTS OF THIS ARTICLE 9, INCLUDING THE NUMBER OF
9	SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES THAT HAVE
10	OBTAINED WAIVERS FOR ONE OR MORE OF THE REQUIREMENTS AND THE
11	MANNER IN WHICH THOSE THAT HAVE OBTAINED WAIVERS HAVE MET THE
12	INTENT OF THIS ARTICLE 9;
13	(d) REVIEW THE RESEARCH CONCERNING EDUCATOR
14	PERFORMANCE EVALUATION AND THE PERFORMANCE EVALUATION
15	SYSTEMS USED BY OTHER STATES AND COUNTRIES TO IDENTIFY MODEL
16	PERFORMANCE EVALUATION SYSTEMS AND BEST PRACTICES IN
17	IMPLEMENTING PERFORMANCE EVALUATION, INCLUDING BEST PRACTICES
18	WITH REGARD TO MEASURES OF PERFORMANCE; APPROPRIATE INTERVALS
19	FOR REVIEW AND FEEDBACK; METHODS OF REVIEW AND OBSERVATION;
20	METHODS FOR PROVIDING ACTIONABLE, CONSTRUCTIVE FEEDBACK; AND
21	METHODS FOR DIFFERENTIATING AMONG EDUCATORS BASED ON SERVICE
22	CHARACTERISTICS SUCH AS LENGTH OF SERVICE, TYPES OF EDUCATIONAL
23	SERVICES PROVIDED, AND LEVEL OF LICENSURE;
24	(e) BENCHMARK THE STATE MODEL PERFORMANCE EVALUATION
25	SYSTEM AND THE IMPLEMENTATION OF TEACHER AND PRINCIPAL
26	PERFORMANCE EVALUATION SYSTEMS BY SCHOOL DISTRICTS AND BOARDS
27	OF COOPERATIVE SERVICES AGAINST THE IDENTIFIED BEST PRACTICES AND

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1	IDENTIFY AREAS OF HIGH PERFORMANCE BY SCHOOL DISTRICTS AND
2	BOARDS OF COOPERATIVE SERVICES AND AREAS FOR IMPROVEMENT;
3	(f) RECOMMEND CHANGES IN PRACTICE IN IMPLEMENTING
4	PERFORMANCE EVALUATION SYSTEMS AND REGULATORY OR STATUTORY
5	CHANGES TO IMPROVE THE IMPLEMENTATION OF PERFORMANCE
6	EVALUATION SYSTEMS BY SCHOOL DISTRICTS AND BOARDS OF
7	COOPERATIVE SERVICES IN THE STATE TO BETTER SUPPORT STUDENT
8	LEARNING AND OUTCOMES AND PROFESSIONAL GROWTH AND
9	DEVELOPMENT BY, AND RETENTION OF, TEACHERS AND PRINCIPALS.
10	(5) By November 1, 2019, the working group shall prepare
11	A REPORT THAT SUMMARIZES THE RESULTS OF ITS REVIEW OF
12	PERFORMANCE EVALUATION SYSTEMS AND MAKES RECOMMENDATIONS AS
13	DESCRIBED IN SUBSECTION $(4)(f)$ OF THIS SECTION. THE WORKING GROUP
14	SHALL SUBMIT THE REPORT TO THE STATE BOARD, AND THE DEPARTMENT
15	SHALL PRESENT THE REPORT TO THE EDUCATION COMMITTEES OF THE
16	HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
17	COMMITTEES, AT THE HEARING HELD PURSUANT TO SECTION 2-7-203 IN
18	NOVEMBER OR DECEMBER OF 2019. THE DEPARTMENT SHALL POST THE
19	REPORT ON THE DEPARTMENT'S WEBSITE FOR PUBLIC REVIEW.
20	(6) This section is repealed, effective July 1, 2020.
21	SECTION 4. Safety clause. The general assembly hereby finds,
22	determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, and safety.

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