CHAPTER 269

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 22-069

BY SENATOR(S) Story, Gonzales, Jaquez Lewis, Bridges, Buckner, Danielson, Fields, Kolker, Pettersen;
also REPRESENTATIVE(S) McLachlan and Froelich, Bacon, Bernett, Cutter, Duran, Jodeh, Kipp, Ricks, Titone, Young, Bird, Boesenecker, Exum, Herod, Hooton, Lindsay, McCluskie, McCormick, Sullivan.

AN ACT

CONCERNING THE USE OF STUDENT ACADEMIC MEASURES IN EVALUATING THE PERFORMANCE OF LICENSED PERSONNEL FOR THE 2021-22 AND 2022-23 SCHOOL YEARS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) The significant and repeated disruptions in the delivery of instruction caused by the COVID-19 pandemic have caused and continue to cause a high level of student learning loss;

(b) Educators have risen to the challenge of overcoming the effects of these disruptions, working harder and longer and with more creativity than was ever before required of them; and

(c) Despite the extraordinary efforts of educators, student performance on assessments has likely declined because of the continued disruptions, but these declines are not related to the effectiveness of educators' performance and should not negatively impact the evaluation of their performance.

(2) The general assembly therefore finds that, to preserve confidence in the integrity of the licensed personnel performance evaluation system, it is necessary to prohibit the use of student academic growth measures and other student performance measures as factors in evaluating licensed personnel performance until the disruptions in the delivery of instruction have ceased for a sufficient number of school years in order to reestablish a valid baseline for student academic growth and

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performance and begin measuring student academic growth and performance against that baseline.

SECTION 2. In Colorado Revised Statutes, 22-9-106, **amend** (9) as follows:

22-9-106. Local boards of education - duties - performance evaluation system - compliance - rules - repeal. (9) (a) Notwithstanding any provision of this article 9 or any provision of state board rule that implements this article 9 to the contrary:

(I) For the 2020-21 school year, evaluation ratings for licensed personnel must not include consideration of student academic growth measures or other student performance measures; AND

(II) FOR THE 2021-22 AND 2022-23 SCHOOL YEARS, EVALUATION RATINGS FOR LICENSED PERSONNEL MUST NOT INCLUDE MEASURES OF STUDENT ACADEMIC GROWTH DERIVED FROM THE COLORADO GROWTH MODEL CREATED PURSUANT TO SECTION 22-11-202 OR CONSIDERATION OF THE PERFORMANCE PLAN TYPE IMPLEMENTED BY A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE SERVICES PURSUANT TO SECTION 22-11-208 OR BY A SCHOOL PURSUANT TO SECTION 22-11-210, INCLUDING CONSIDERATION OF PERFORMANCE OR STUDENT ACADEMIC GROWTH WITHIN THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR SCHOOL.

(b) This subsection (9) is repealed, effective ~~July 1, 2022~~ JULY 1, 2024.

SECTION 3. Appropriation. For the 2022-23 state fiscal year, $21,265 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation for educator effectiveness unit administration.

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

Approved: May 31, 2022