

CHAPTER 100

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 98-1089

BY REPRESENTATIVES Allen, Dean, Tupa, T. Williams, Arrington, and Bacon;
also SENATORS Arnold, B. Alexander, and Matsunaka.

AN ACT

CONCERNING THE PERFORMANCE EVALUATION SYSTEM FOR CERTIFICATED EDUCATION PERSONNEL.

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

SECTION 1. 22-9-108, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

22-9-108. Evaluator training - universities and colleges - duties. (1) (a) THE GENERAL ASSEMBLY FINDS THAT CREDIBLE, FAIR, AND PROFESSIONAL EVALUATIONS OF CERTIFICATED PERSONNEL DEPEND UPON HIGH QUALITY, EFFECTIVE TRAINING FOR PRINCIPALS AND ADMINISTRATORS THAT IS CONSISTENT ACROSS THE STATE. THEREFORE, THE STATE BOARD, IN EVALUATING AND APPROVING EDUCATOR PREPARATION PROGRAMS PURSUANT TO SECTION 22-2-109, AND IN APPROVING EVALUATOR TRAINING PROGRAMS PROVIDED BY A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE SERVICES, SHALL ENSURE THAT SAID PROGRAMS MEET THE REQUIREMENTS SPECIFIED IN THIS SECTION.

(b) EVERY UNIVERSITY AND COLLEGE WITHIN THE STATE THAT HAS A PRINCIPAL OR ADMINISTRATOR PREPARATION PROGRAM SHALL ENSURE THAT THE PROGRAM INCLUDES TRAINING IN THE EVALUATION OF CERTIFICATED PERSONNEL THAT MEETS THE REQUIREMENTS SPECIFIED IN THIS SECTION. IN ADDITION, THE UNIVERSITY OR COLLEGE SHALL COOPERATE WITH THE STATE BOARD IN CONNECTION WITH THE STATE BOARD'S DUTIES UNDER SECTIONS 22-9-104 AND 22-2-109.

(c) EVERY SCHOOL DISTRICT AND BOARD OF COOPERATIVE SERVICES THAT PROVIDES TRAINING IN THE EVALUATION OF CERTIFICATED PERSONNEL SHALL ENSURE

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

THAT SUCH TRAINING MEETS THE REQUIREMENTS SPECIFIED IN THIS SECTION.

(2) EACH UNIVERSITY OR COLLEGE THAT OFFERS A PRINCIPAL OR ADMINISTRATOR PREPARATION PROGRAM OR SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES THAT PROVIDES EVALUATOR TRAINING SHALL STRUCTURE THE EVALUATOR TRAINING PROGRAM ON A STANDARDS-BASED SKILL OUTCOME MODEL THAT TAKES INTO ACCOUNT RESEARCH CONCERNING EVALUATION OF CERTIFICATED PERSONNEL. AT A MINIMUM, EACH EVALUATOR TRAINING PROGRAM SHALL INCLUDE STANDARDS-BASED PERFORMANCE ASSESSMENTS OF EACH PARTICIPANT, DEMONSTRATED COMPETENCY, AND CERTIFICATION BY THE UNIVERSITY, COLLEGE, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES OF THE SKILLS MASTERED BY EACH PARTICIPANT. THE UNIVERSITY, COLLEGE, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES SHALL WORK COLLABORATIVELY WITH PRINCIPALS AND ADMINISTRATORS WHO ARE RESPONSIBLE FOR EVALUATING CERTIFICATED PERSONNEL TO DEVELOP RESEARCH-BASED STANDARDS FOR ASSESSING AND CERTIFYING EVALUATOR SKILLS. THE UNIVERSITY, COLLEGE, SCHOOL DISTRICT, OR BOARD OF COOPERATIVE SERVICES SHALL REGULARLY REVIEW BOTH THE MODEL FOR THE EVALUATOR TRAINING PROGRAM AND THE PROGRAM PERFORMANCE STANDARDS TO ENSURE THAT THEY CONTINUE TO REFLECT RESEARCH CONCERNING EVALUATION OF CERTIFICATED PERSONNEL.

(3) AT A MINIMUM, EACH EVALUATOR TRAINING PROGRAM SHALL INCLUDE TRAINING IN THE FOLLOWING AREAS:

- (a) TEACHING AND LEARNING STYLES;
- (b) STUDENT PERFORMANCE AND STUDENT ASSESSMENT;
- (c) DATA COLLECTION AND DOCUMENTATION; AND
- (d) SCHOOL DISTRICT STANDARDS AND STATE MANDATES.

SECTION 2. 22-2-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-2-109. State board of education - additional duties. (1) The state board of education shall:

(p) ADOPT RULES TO ENSURE THAT PRINCIPAL AND ADMINISTRATOR PROGRAMS OF PREPARATION MEET THE REQUIREMENTS CONCERNING INSTRUCTION IN EVALUATING CERTIFICATED PERSONNEL SPECIFIED IN SECTION 22-9-108.

SECTION 3. 22-9-104 (2) (b), Colorado Revised Statutes, is amended to read:

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

(b) Work and cooperate with the state's universities and colleges ~~which~~ THAT have teacher, principal, or administrator education programs to assure that ~~persons~~ PRINCIPALS AND ADMINISTRATORS having evaluation responsibilities will receive adequate education and training THAT MEETS THE REQUIREMENTS SPECIFIED IN SECTION 22-9-108 ~~which~~ AND will enable them to make thorough, credible, fair, and professional quality evaluations of all certificated personnel whom those ~~persons~~ PRINCIPALS OR ADMINISTRATORS may be responsible for evaluating;

SECTION 4. 22-9-106 (4), Colorado Revised Statutes, is amended to read:

22-9-106. Local boards of education - duties. (4) No person shall be responsible for the evaluation of certificated personnel unless such person has an administrative certificate issued pursuant to article 60 of this title OR A PRINCIPAL OR ADMINISTRATOR LICENSE ISSUED PURSUANT TO ARTICLE 60.5 OF THIS TITLE and has received education and training in evaluation skills approved by the department of education ~~which~~ 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 an administrative certificate OR A PRINCIPAL OR ADMINISTRATOR LICENSE or have an administrative certificate OR PRINCIPAL OR ADMINISTRATOR LICENSE renewed unless the state board determines that such person has received education and training approved by the department of education.

SECTION 5. 22-9-106 (1), (2.5), (3), 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. (1) All school districts and boards of cooperative services ~~which~~ THAT employ certificated 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 certificated personnel, including all teachers, principals, and administrators, with the exception of certificated personnel employed by a board of cooperative services for a period of six weeks or less. In developing the certificated 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 certificated 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 contain, but shall not be limited to, the following information:

(a) The title or position of the evaluator for each certificated personnel position to be evaluated;

(b) The certificated personnel positions to be evaluated, which shall include all certificated personnel, all part-time teachers as defined in section 22-63-103 (6), and all administrators and principals;

(c) The frequency and duration of the evaluations, which shall be on a regular basis and of such frequency and duration as to ~~insure~~ 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 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 AND THAT 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.

(d) The purposes of the evaluation, which shall ~~serve as~~ INCLUDE BUT NEED NOT BE LIMITED TO:

(I) PROVIDING a basis for the improvement of instruction;

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

(III) ~~serve as~~ PROVIDING the measurement of satisfactory performance for individual certificated personnel and ~~serve~~ SERVING as documentation for an unsatisfactory performance dismissal proceeding under article 63 of this title;

(IV) ~~serve~~ SERVING as a measurement of the professional growth and development of certificated personnel; and

(V) ~~measure~~ MEASURING the level of performance of all certificated personnel within the school district or employed by a board of cooperative services;

(e) The standards SET BY THE LOCAL BOARD for satisfactory performance for certificated personnel and the criteria to be used to determine whether the performance of each certificated ~~personnel~~ PERSON meets such standards and other criteria for evaluation for each certificated 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 CERTIFICATED PERSONNEL AND ARE COMMUNICATED AND DISCUSSED BY THE PERSON BEING EVALUATED AND THE EVALUATOR PRIOR TO AND DURING THE COURSE OF THE EVALUATION.

(f) The methods of evaluation, which shall include, but shall not be limited to, direct observations by the evaluator and a process of systematic data-gathering.

(2.5) The council shall actively participate with the local board or board of cooperative services in developing written standards for evaluation ~~which~~ THAT clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each certificated ~~personnel~~ PERSON meets such standards pursuant to paragraph (e) of subsection (1) of this section.

(3) An evaluation report shall be issued upon the completion of an evaluation made pursuant to this section and shall:

(a) Be in writing;

(b) Contain a written improvement plan, ~~which~~ THAT shall be specific as to what improvements, if any, are needed in the performance of the certificated personnel and shall clearly set forth recommendations for improvements, including recommendations for additional education and training during the teacher's recertification process;

(c) Be specific as to the strengths and weaknesses in the performance of the individual being evaluated;

(d) Specifically identify when a direct observation was made;

(e) Identify data sources;

(f) Be discussed and be signed by the evaluator and the person being evaluated, each to receive a copy of the report. The signature on the report of any person shall not be construed to indicate agreement with the information contained in the report. IF THE PERSON BEING EVALUATED DISAGREES WITH ANY OF THE CONCLUSIONS OR RECOMMENDATIONS MADE IN THE EVALUATION REPORT, THE PERSON MAY ATTACH ANY WRITTEN EXPLANATION OR OTHER RELEVANT DOCUMENTATION THAT THE PERSON DEEMS NECESSARY.

(g) Be reviewed by a supervisor of the evaluator, whose signature shall also appear on said report.

(3.2) IN ADDITION TO THE ITEMS SPECIFIED IN SUBSECTION (3) OF THIS SECTION, THE EVALUATION OF A TEACHER MAY INCLUDE ANY PEER, PARENT, OR STUDENT INPUT OBTAINED FROM STANDARDIZED SURVEYS.

(3.3) EACH PRINCIPAL OR ADMINISTRATOR WHO IS RESPONSIBLE FOR EVALUATING CERTIFICATED PERSONNEL SHALL KEEP RECORDS AND DOCUMENTATION FOR EACH EVALUATION CONDUCTED. EACH PRINCIPAL AND ADMINISTRATOR WHO IS RESPONSIBLE FOR EVALUATING CERTIFICATED PERSONNEL SHALL BE EVALUATED AS TO HOW WELL HE OR SHE CARRIES OUT THE EVALUATION RESPONSIBILITIES UNDER THE SCHOOL DISTRICT'S EVALUATION SYSTEM.

(4.5) Any ~~certificated personnel~~ 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 ~~certificated personnel~~ PERSON is now performing satisfactorily, no further action shall be taken concerning the original performance evaluation. If such evaluation shows the ~~certificated personnel~~ PERSON is still not performing satisfactorily, the evaluator shall either make additional recommendations for improvement or may recommend the dismissal of such ~~certificated personnel~~ PERSON in accordance with the provisions of article 63 of this title.

SECTION 6. Effective date - applicability. This act shall take effect July 1, 1998, and the provisions of section 5 of this act shall apply to evaluations conducted on or after said date.

SECTION 7. 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.

Approved: April 17, 1998