

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB26-1291 be amended as follows:

1 Amend printed bill, page 3, after line 25 insert:

2 "SECTION 2. In Colorado Revised Statutes, 22-9-104, amend  
3 (1.5) introductory portion and (1.5)(a) as follows:

4 **22-9-104. State model licensed personnel performance**  
5 **evaluation system - department - state board - powers and duties -**  
6 **rules.**

7 (1.5) To assist school districts and boards of cooperative services  
8 in implementing the state model licensed personnel performance  
9 evaluation system and in developing and implementing local systems of  
10 personnel performance evaluation, ~~by the beginning of the 2023-24~~  
11 ~~school year~~, the department shall:

12 (a) Create a modified rubric specifically for measuring the  
13 performance of a licensed person who has received a rating of highly  
14 effective for at least three consecutive ~~school~~ EVALUATION years and  
15 provide guidelines for focusing on professional growth and career  
16 development in evaluating licensed personnel who are consistently rated  
17 highly effective;".

18 Renumber succeeding sections accordingly.

19 Page 3, line 27, strike "and (1)(c)(II);" and substitute "(1)(c)(II), and  
20 (3)(b);"

21 Page 4, line 1, before "(10)" insert "(1)(c.5) and".

22 Page 5, line 6, strike "YEARS." and substitute "YEARS WITHIN A DISTRICT."

23 Page 5, after line 15 insert:

24 "(C) IF REQUESTED BY A NONPROBATIONARY TEACHER WHO  
25 RECEIVES AT LEAST AN EFFECTIVE RATING, A LOCAL BOARD OR BOARD OF  
26 COOPERATIVE SERVICES SHALL REQUIRE THAT THE NONPROBATIONARY  
27 TEACHER RECEIVE A DOCUMENTED OBSERVATION IN EACH ACADEMIC  
28 YEAR STARTING IN THE ACADEMIC YEAR FOLLOWING THE REQUEST, OR  
29 WHEN OTHERWISE PRACTICABLE AS DETERMINED BY THE LOCAL BOARD OR  
30 BOARD OF COOPERATIVE SERVICES, AND ONE EVALUATION THAT RESULTS  
31 IN A WRITTEN EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF THIS  
32 SECTION IN EACH ACADEMIC YEAR STARTING IN THE ACADEMIC YEAR  
33 FOLLOWING THE REQUEST, OR WHEN OTHERWISE PRACTICABLE AS  
34 DETERMINED BY THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES.

35 (D) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES MAY  
36 REQUIRE THAT A NONPROBATIONARY TEACHER RECEIVE A DOCUMENTED

1 OBSERVATION AND EVALUATION THAT RESULTS IN A WRITTEN  
2 EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION  
3 PRIOR TO THE NONPROBATIONARY TEACHER'S SCHEDULED EVALUATION  
4 YEAR IF THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES HAS  
5 DOCUMENTED AND SUBSTANTIATED PERFORMANCE DEFICIENCIES  
6 SUPPORTED BY EVIDENCE.

7 (E) SUBSECTION (1)(c)(II)(D) OF THIS SECTION DOES NOT LIMIT,  
8 SUPERSEDE, OR IMPAIR COLLECTIVE BARGAINING RIGHTS, OBLIGATIONS TO  
9 MEET AND CONFER, OR ANY WRITTEN AGREEMENT GOVERNING  
10 EVALUATION POLICIES.

11 (c.5) (I) THE SCHEDULE OF FORMAL EVALUATIONS FOR  
12 NONPROBATIONARY TEACHERS AND THE ASSIGNMENT OF  
13 NONPROBATIONARY TEACHERS WITHIN THE SCHEDULE. THE SCHEDULE  
14 AND ASSIGNMENT WITHIN THE SCHEDULE MUST BE EQUITABLE, MUST  
15 REASONABLY DISTRIBUTE FORMAL EVALUATIONS ACROSS ACADEMIC  
16 YEARS, AND MUST BE EXCLUSIVELY BASED ON PREDETERMINED AND  
17 OBJECTIVE CRITERIA THAT ARE APPLIED UNIFORMLY TO ALL SIMILARLY  
18 SITUATED NONPROBATIONARY TEACHERS.

19 (II) IF A NONPROBATIONARY TEACHER TRANSFERS FROM ONE  
20 SCHOOL DISTRICT TO ANOTHER SCHOOL DISTRICT, THE LOCAL BOARD OR  
21 BOARD OF COOPERATIVE SERVICES OF THE RECEIVING SCHOOL DISTRICT  
22 MAY REQUIRE, IN THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES'  
23 DISCRETION, THAT THE NONPROBATIONARY TEACHER RECEIVE A FORMAL  
24 EVALUATION IN THEIR FIRST YEAR EMPLOYED WITH THE RECEIVING  
25 SCHOOL DISTRICT.

26 (3) (b) A school district or board of cooperative services shall  
27 complete the written evaluations for all licensed personnel employed by  
28 the school district or board of cooperative services and shall report the  
29 final performance ratings for all licensed personnel who were evaluated  
30 to the department no later than October 15 of the ~~school~~ ACADEMIC year  
31 following the ~~school~~ year for which the evaluations are completed. FOR  
32 AN ACADEMIC YEAR WHEN A NONPROBATIONARY TEACHER DID NOT  
33 RECEIVE A DOCUMENTED OBSERVATION AND EVALUATION RESULTING IN  
34 A WRITTEN EVALUATION PURSUANT TO SUBSECTION (1)(c) OF THIS  
35 SECTION, THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES  
36 SHALL REPORT THE LATEST PERFORMANCE RATING RECEIVED BY THE  
37 NONPROBATIONARY TEACHER."

38 Page 5, strike lines 26 and 27 and substitute:

39 **"SECTION 4. Act subject to petition - effective date.** This act  
40 takes effect July 1, 2028; except that, if a referendum petition is filed  
41 pursuant to section 1 (3) of article V of the state constitution against this

1 act or an item, section, or part of this act within the ninety-day period  
2 after final adjournment of the general assembly, then the act, item,  
3 section, or part will not take effect unless approved by the people at the  
4 general election to be held in November 2026 and, in such case, will take  
5 effect July 1, 2028, or on the date of the official declaration of the vote  
6 thereon by the governor, whichever is later."

7 Page 6, strike lines 1 through 3.

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