

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0165.04 Jacob Baus x2173

HOUSE BILL 26-1291

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HOUSE SPONSORSHIP

Hamrick and Goldstein,

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Kolker,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MODIFICATIONS TO THE EXECUTION OF LICENSED  
102 PERSONNEL PERFORMANCE EVALUATIONS.

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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 current law, a local board of education's (local board) or board of cooperative services' (BOCES) licensed personnel employment performance system must ensure that nonprobationary teachers receive one evaluation resulting in a written evaluation report in each academic year.

The bill requires that nonprobationary teachers receive one

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

evaluation resulting in a written evaluation report at least once every 3 academic years; except that, if a nonprobationary teacher receives a less than effective rating, the local board or BOCES may require that the nonprobationary teacher receive one evaluation that results in a written evaluation report in the next academic year.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 22-9-102 as  
3 follows:

4           **22-9-102. Legislative declaration.**

5           (1) The general assembly ~~hereby~~ declares that:

6           (a) ~~A system to evaluate~~ EVALUATING the effectiveness of  
7 licensed personnel is ~~crucial~~ ESSENTIAL to improving the ~~quality of~~  
8 ~~education in this state and declares that such a system shall be applicable~~  
9 ~~to all licensed personnel in the school districts and boards of cooperative~~  
10 ~~services throughout the state; and~~ INSTRUCTION AND STUDENT OUTCOMES  
11 IN PUBLIC SCHOOLS;

12           (b) ~~The purposes of the evaluation shall be to:~~ LOCAL BOARDS OF  
13 EDUCATION AND BOARDS OF COOPERATIVE SERVICES ARE BEST  
14 POSITIONED TO DESIGN AND IMPLEMENT EVALUATION SYSTEMS THAT  
15 REFLECT LOCAL NEEDS AND STAFFING REALITIES, CONSISTENT WITH  
16 GUIDING STATE STANDARDS;

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

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

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

21           ~~(IV) Evaluate the level of performance based on the effectiveness~~  
22 ~~of licensed personnel; and~~

23           ~~(V) Provide a basis for making decisions in the areas of hiring;~~

1 compensation, promotion, assignment, professional development, earning  
2 and retaining nonprobationary status, dismissal, and nonrenewal of  
3 contract.

4 (c) REQUIRING ANNUAL FORMAL EVALUATIONS FOR ALL  
5 NONPROBATIONARY TEACHERS CAN STRAIN LIMITED ADMINISTRATIVE  
6 CAPACITY WITHOUT NECESSARILY IMPROVING INSTRUCTIONAL PRACTICE;  
7 AND

8 (d) ALLOWING DISTRICTS TO CONDUCT FORMAL EVALUATIONS OF  
9 NONPROBATIONARY TEACHERS ON A PERIODIC BASIS, WHILE MAINTAINING  
10 ANNUAL EVALUATIONS FOR PROBATIONARY AND LESS THAN EFFECTIVE  
11 TEACHERS, SUPPORTS MEANINGFUL FEEDBACK, INSTRUCTIONAL  
12 IMPROVEMENT, AND ADMINISTRATIVE EFFICIENCY.

13 (2) ~~The general assembly further declares that a professionally~~  
14 ~~sound and credible system to evaluate the effectiveness of licensed~~  
15 ~~personnel shall be designed with the involvement of licensed personnel~~  
16 ~~and citizens of the school district or board of cooperative services~~  
17 THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY TO GRANT  
18 LOCAL SCHOOL BOARDS OR BOARDS OF COOPERATIVE SERVICES  
19 FLEXIBILITY REGARDING EVALUATION FREQUENCY AND THE DESIGNATION  
20 OF QUALIFIED EVALUATORS WITHIN THEIR LICENSED PERSONNEL  
21 EVALUATION SYSTEMS.

22 (3) ~~The general assembly further declares that the involvement~~  
23 ~~and support of parents of children in public schools, acting as partners~~  
24 ~~with teachers and public school administrators, are key to the educational~~  
25 ~~progress of their children.~~

26 **SECTION 2.** In Colorado Revised Statutes, 22-9-106, **amend** (1)  
27 introductory portion, (1)(c) introductory portion, and (1)(c)(II); and **add**

1 (10) as follows:

2 **22-9-106. Local boards of education - duties - performance**  
3 **evaluation system - compliance - rules.**

4 (1) ~~All school districts and boards~~ A LOCAL BOARD OR A BOARD  
5 of cooperative services that ~~employ~~ EMPLOYS licensed personnel shall  
6 adopt a written system to evaluate the employment performance of school  
7 district ~~and~~ OR board of cooperative services licensed personnel,  
8 including all teachers, principals, and administrators, with the exception  
9 of licensed personnel employed by a board of cooperative services for a  
10 period of six weeks or less. In developing the licensed personnel  
11 performance evaluation system and any amendments, ~~thereto~~ the local  
12 board and board of cooperative services shall comply with subsection  
13 (1.5) of this section and shall consult with administrators, principals, and  
14 teachers employed within the district or participating districts in a board  
15 of cooperative services, parents, and the school district licensed personnel  
16 performance evaluation council or the board of cooperative services  
17 personnel performance evaluation council created pursuant to section  
18 22-9-107. The performance evaluation system must address all of the  
19 performance standards established by rule of the state board and adopted  
20 by the general assembly pursuant to section 22-9-105.5, and must contain,  
21 but need not be limited to, the following information:

22 (c) The frequency and duration of ~~the~~ evaluations, which must be  
23 on a regular basis and of ~~such~~ A frequency and duration ~~as to ensure~~ THAT  
24 ENSURES the collection of a sufficient amount of data from which reliable  
25 conclusions and findings may be drawn. At a minimum, the ~~performance~~  
26 LICENSED PERSONNEL evaluation system must ensure that:

27 (II) (A) Nonprobationary teachers receive at least one

1 DOCUMENTED observation ~~each academic year~~ and one evaluation that  
2 results in a written evaluation report pursuant to subsection (3) of this  
3 section ~~each academic year according to the performance standards~~  
4 ~~established by rule of the state board and adopted by the general assembly~~  
5 ~~pursuant to section 22-9-105.5. Nonprobationary teachers~~ AT LEAST ONCE  
6 EVERY THREE ACADEMIC YEARS. A NONPROBATIONARY TEACHER must  
7 receive the written evaluation report at least two weeks before the last  
8 class day of the school year IN WHICH THE EVALUATION IS CONDUCTED.

9 (B) FOR A NONPROBATIONARY TEACHER WHO RECEIVES A LESS  
10 THAN EFFECTIVE RATING, THE LOCAL BOARD OR BOARD OF COOPERATIVE  
11 SERVICES SHALL REQUIRE THAT THE NONPROBATIONARY TEACHER  
12 RECEIVES AT LEAST ONE DOCUMENTED OBSERVATION IN THE NEXT  
13 ACADEMIC YEAR AND ONE EVALUATION THAT RESULTS IN A WRITTEN  
14 EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF THIS SECTION IN  
15 THE NEXT ACADEMIC YEAR.

16 (10) THIS SECTION, INCLUDING SUBSECTION (1)(c) OF THIS SECTION  
17 CONCERNING THE FREQUENCY OF FORMAL EVALUATIONS, DOES NOT  
18 PROHIBIT A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES FROM  
19 ADOPTING, OR A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES  
20 FROM IMPLEMENTING AND MAINTAINING, A LICENSED PERSONNEL  
21 EVALUATION POLICY OR LICENSED PERSONNEL EVALUATION SYSTEM THAT  
22 INCLUDES INFORMAL EVALUATIONS, OBSERVATIONS, COACHING, OR  
23 FEEDBACK THAT IS UNRELATED TO THE EVALUATION DESCRIBED IN THIS  
24 SECTION BUT THAT IS FOR THE PURPOSE OF SUPPORTING A LICENSED  
25 PERSONNEL AND THEIR PROFESSIONAL DEVELOPMENT.

26 **SECTION 3. Safety clause.** The general assembly finds,  
27 determines, and declares that this act is necessary for the immediate

1 preservation of the public peace, health, or safety or for appropriations for  
2 the support and maintenance of the departments of the state and state  
3 institutions.