

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0660.01 Julie Pelegrin x2700

SENATE BILL 22-069

SENATE SPONSORSHIP

Story, Gonzales, Jaquez Lewis

HOUSE SPONSORSHIP

Froelich and McLachlan, Bacon, Bennett, Cutter, Duran, Jodeh, Kipp, Ricks, Titone, Young

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITING THE USE OF STUDENT ACADEMIC MEASURES
102 IN EVALUATING THE PERFORMANCE OF LICENSED PERSONNEL
103 DURING SCHOOL YEARS IN WHICH THE DELIVERY OF
104 INSTRUCTION IS DISRUPTED.

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>.)

When disruptions in the delivery of instruction due to a disaster emergency occur during a school year, the bill prohibits a school district or board of cooperative services from considering student growth

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

measures or other student performance measures in evaluating the performance of licensed educators until the disruptions have ceased for 2 consecutive school years and a baseline for student growth and performance can be reestablished. The bill makes an exception to allow the school district or board of cooperative services to use the measures in a school year in which there are disruptions in the delivery of instruction due to a disaster emergency, after consulting with the school district's or board's advisory personnel performance evaluation council.

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

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

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

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

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

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

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

3 **SECTION 2.** In Colorado Revised Statutes, 22-9-106, **add** (10)
4 as follows:

5 **22-9-106. Local boards of education - duties - performance**
6 **evaluation system - compliance - rules - definitions - repeal.**

7 (10) (a) NOTWITHSTANDING ANY PROVISION OF THIS ARTICLE 9 OR ANY
8 PROVISION OF THE STATE BOARD'S RULES THAT IMPLEMENT THIS ARTICLE
9 9 TO THE CONTRARY, BEGINNING WITH THE 2022-23 SCHOOL YEAR, A
10 SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES SHALL NOT
11 CONSIDER STUDENT ACADEMIC GROWTH MEASURES OR OTHER STUDENT
12 PERFORMANCE MEASURES IN EVALUATING THE PERFORMANCE OF
13 LICENSED PERSONNEL IN A SCHOOL YEAR IN WHICH THERE IS A DISRUPTION
14 IN THE DELIVERY OF INSTRUCTION DUE TO A DISASTER EMERGENCY, WHICH
15 MAY INCLUDE A PUBLIC HEALTH EMERGENCY. THE SCHOOL DISTRICT OR
16 BOARD OF COOPERATIVE SERVICES SHALL NOT RESUME USING STUDENT
17 ACADEMIC GROWTH MEASURES OR OTHER STUDENT PERFORMANCE
18 MEASURES IN EVALUATING THE PERFORMANCE OF LICENSED PERSONNEL
19 UNTIL AFTER THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES
20 EXPERIENCES TWO FULL, CONSECUTIVE SCHOOL YEARS WITHOUT
21 DISRUPTION IN THE DELIVERY OF INSTRUCTION. THE SCHOOL DISTRICT OR
22 BOARD OF COOPERATIVE SERVICES MAY USE STUDENT ASSESSMENT
23 RESULTS OR OTHER STUDENT ACADEMIC GROWTH OR PERFORMANCE
24 MEASURES OBTAINED DURING THE SECOND CONSECUTIVE SCHOOL YEAR
25 THAT IS COMPLETED WITHOUT DISRUPTION IN THE DELIVERY OF
26 INSTRUCTION ONLY TO ESTABLISH A BASELINE FOR STUDENT ACADEMIC
27 GROWTH OR PERFORMANCE. THE SCHOOL DISTRICT OR BOARD OF

1 COOPERATIVE SERVICES SHALL NOT BEGIN USING STUDENT ASSESSMENT
2 RESULTS OR OTHER STUDENT ACADEMIC GROWTH OR PERFORMANCE
3 MEASURES IN EVALUATING LICENSED PERSONNEL UNTIL THE THIRD
4 CONSECUTIVE SCHOOL YEAR THAT IS COMPLETED WITHOUT DISRUPTION IN
5 THE DELIVERY OF INSTRUCTION.

6 (b) NOTWITHSTANDING SUBSECTION (10)(a) OF THIS SECTION, A
7 SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES, AFTER
8 CONSULTING WITH THE ADVISORY PERSONNEL PERFORMANCE EVALUATION
9 COUNCIL FOR THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES,
10 MAY CHOOSE TO USE STUDENT ASSESSMENT RESULTS OR OTHER STUDENT
11 ACADEMIC GROWTH OR PERFORMANCE MEASURES IN EVALUATING THE
12 PERFORMANCE OF LICENSED PERSONNEL IN A SCHOOL YEAR IN WHICH
13 THERE IS A DISRUPTION IN THE DELIVERY OF INSTRUCTION DUE TO A
14 DISASTER EMERGENCY.

15 (c) AS USED IN THIS SUBSECTION (10), UNLESS THE CONTEXT
16 OTHERWISE REQUIRES:

17 (I) "DISASTER EMERGENCY" MEANS A DISASTER EMERGENCY THAT
18 THE GOVERNOR DECLARES PURSUANT TO SECTION 24-33.5-704.

19 (II) "DISRUPTION IN THE DELIVERY OF INSTRUCTION" INCLUDES AN
20 UNSCHEDULED INTERRUPTION OF ANY LENGTH TO THE FULL-TIME
21 IN-PERSON DELIVERY OF INSTRUCTION FOR STUDENTS ENROLLED IN
22 IN-PERSON EDUCATIONAL PROGRAMS, THE REQUIREMENT TO WEAR MASKS
23 IN CLASSROOMS, OR THE REQUIREMENT TO SOCIALLY DISTANCE IN
24 CLASSROOMS, ANY OF WHICH OCCUR AS A RESULT OF A DISASTER
25 EMERGENCY.

26 (III) "PUBLIC HEALTH EMERGENCY" MEANS:

27 (A) AN ACT OF BIOTERRORISM, A PANDEMIC INFLUENZA, OR AN

1 EPIDEMIC CAUSED BY A NOVEL AND HIGHLY FATAL INFECTIOUS AGENT,
2 FOR WHICH AN EMERGENCY IS DECLARED BY A FEDERAL, STATE, OR LOCAL
3 PUBLIC HEALTH AGENCY; OR A DISASTER EMERGENCY IS DECLARED BY THE
4 GOVERNOR; OR

5 (B) A HIGHLY INFECTIOUS ILLNESS OR AGENT WITH EPIDEMIC OR
6 PANDEMIC POTENTIAL FOR WHICH A DISASTER EMERGENCY IS DECLARED
7 BY THE GOVERNOR.

8 **SECTION 3. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, or safety.