A BILL FOR AN ACT

CONCERNING MEASURES TO ADDRESS CHARTER SCHOOL ACCOUNTABILITY.

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.)

The bill requires, when appointing members to a charter school's governing body, that the appointing authority make reasonable efforts to ensure that at least one-third of the board is comprised of parents or legal guardians of students who are enrolled in the charter school and people who reflect the demographics of the community where the charter school is located.
The bill prohibits:

- Automatic waivers from being included in charter contracts executed or renewed on or after July 1, 2024; and
- A charter contract from waiving educator personnel performance evaluation system requirements.

Under current law, a charter school is not required to pay rent for school district facilities that are available, and an independent charter school is not required to pay more than $12 in rent per year for a building of a public school that is subject to conversion. The bill repeals this provision.

The bill repeals a requirement that a school district prepare, and provide upon request, a list of vacant or underused buildings and land to the district charter schools, charter school applicants, and other interested persons, and repeals the ability of a district charter school or charter school applicant to apply to use the district building or land.

The bill requires information about laws and policies waived by the charter school to be provided in plain and easy-to-understand language on:

- A school district's enrollment website portal; and
- A charter school's website. Failure to satisfy this requirement is grounds for revocation or nonrenewal of the charter contract.

The bill requires a charter school to publicly report on its website its unredacted federal form 990 and an unredacted copy of any form including revenue and expenses related to marketing and student recruitment, except for redactions required to protect personal or confidential information.

The bill requires a charter school application or renewal to include:

- Descriptions of educational services that the applicant will provide that meet the unmet needs of the students in the community where the charter school is located and, in a charter renewal application, information concerning the progress and results in satisfying this purpose; and
- Its annual minimum pupil enrollment requirement. Failure to satisfy this requirement is grounds for revocation or nonrenewal of the charter contract.

Under current law, certain local board of education (local board) decisions may be appealed to the state board of education (state board). The state board may remand a decision to the local board for reconsideration. If the local board's decision remains unchanged, that decision may be appealed to the state board again. The state board's decision is then the final decision. The bill repeals the second remand to the state board, so that the local board's final decision ends the appeal process.

The bill creates a process for community members to appeal a
local board's decision to approve a charter application.

Under current law, a local board is prohibited from imposing a moratorium on the approval of district charter schools. The bill creates an exception for a school district whose pupil enrollment is less than the immediately preceding budget year or is projected to decline over the next 3 budget years.

The bill allows a local board to revoke or not renew a district charter school charter because of the school district's declining pupil enrollment or the district charter school's declining enrollment. The charter school may appeal the decision.

Under current law, a district accountability committee is required to review a charter school application. The bill requires a district accountability committee to also review a charter school renewal application.

The bill prohibits a charter school governing board member or leader from engaging in activity or having any financial interest that might result in a conflict of interest between the board member's or leader's charter school duties and personal or financial interest.

Under current law, as a part of a charter school contract, the school district and charter school negotiate funding. A school district may retain the actual amount of the charter school's per pupil share of central administrative overhead costs for services provided to the charter school, up to 5% of the district per pupil revenues for each pupil enrolled in a charter school. The bill requires the school district to retain the costs, including any costs that are otherwise not reimbursed for special education services provided to the charter school, and repeals the 5% cap.

Under current law, the department of education is required to submit an annual report to the governor and the house of representatives and senate education committees concerning charter schools. The bill requires the report to include data concerning attrition rates for charter school student enrollment and teacher and administration employment.

Current law generally requires school districts and boards of cooperative services to evaluate the performance of their licensed personnel. The bill requires an evaluation of all personnel, including at institute charter schools, regardless of whether the person is licensed.

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

SECTION 1. In Colorado Revised Statutes, 22-30.5-103, amend (1.5) introductory portion, (1.5)(b), (1.5)(c), and (4); and add (1.5)(d) as follows:

22-30.5-103. Definitions. As used in this part 1, unless the
context otherwise requires:

(1.5) "Automatic waiver" means the waiver of a state statute or state board rule:

(b) That is available to each charter school, including an institute charter school, and is valid for the initial, or subsequent renewal, term of the charter contract; and

c) For which a charter school, including an institute charter school, is not required to submit a statement that specifies the manner in which the charter school intends to comply with the intent of the automatically waived state statute or state board rule; AND

d) IS VALID ONLY FOR A CHARTER SCHOOL, INCLUDING AN INSTITUTE CHARTER SCHOOL, WHOSE CURRENT CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024.

(4) "Local board of education" OR "LOCAL BOARD" means the school district board of education.

SECTION 2. In Colorado Revised Statutes, 22-30.5-104, amend (6)(a), (6)(b), (6)(c)(VIII), (6)(c)(IX), (7)(c), and (7)(e); repeal (7.5); and add (4)(c), (6)(c)(X), (6)(e), (14), and (15) as follows:

22-30.5-104. Charter school - requirements - authority - rules - definitions - repeal. (4) (c) (I) BEGINNING JULY 1, 2024, WHEN MAKING APPOINTMENTS TO THE GOVERNING BODY, THE APPOINTING AUTHORITY SHALL MAKE REASONABLE EFForts TO APPOINT MEMBERS TO ENSURE THAT AT LEAST ONE-THIRD OF THE GOVERNING BODY IS COMPRISED OF PARENTS OR LEGAL GUARDIANS OF STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL AND THE WHOLE GOVERNING BODY REFLECTS THE DEMOGRAPHICS OF THE COMMUNITY WHERE THE CHARTER SCHOOL IS LOCATED.
(II) BEGINNING JULY 1, 2024, IF AT LEAST ONE-THIRD OF THE
GOVERNING BODY IS NOT COMPRISRED OF PARENTS OR LEGAL GUARDIANS
OF STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL OR THE
WHOLE GOVERNING BODY DOES NOT REFLECT THE DEMOGRAPHICS OF THE
COMMUNITY WHERE THE CHARTER SCHOOL IS LOCATED, THE APPOINTING
AUTHORITY SHALL SUBMIT A LETTER TO THE LOCAL BOARD THAT
EXPLAINS THE REASON.

(6) (a) Pursuant to contract, a charter school may operate free
from specified school district policies and free from state rules, as
provided in paragraph (b) of this subsection (6) SUBSECTION (6)(b) OF
THIS SECTION. Pursuant to contract, a local board of education may waive
locally imposed school district requirements, without seeking approval of
the state board; except that a charter school shall not, by contract or
otherwise, operate free of the requirements contained in the "Public
School Finance Act of 1994", article 54 of this title TITLE 22; the
requirements specified in part 4 of article 11 of this title TITLE 22
concerning school accountability committees; or the requirements
contained in the "Children's Internet Protection Act", article 87 of this
title TITLE 22. FOR CHARTER CONTRACTS THAT ARE EXECUTED OR
RENEWED ON OR AFTER JULY 1, 2024, THE CHARTER SCHOOL SHALL NOT,
BY CONTRACT OR OTHERWISE, OPERATE FREE OF THE EDUCATION
PERSONNEL PERFORMANCE EVALUATION SYSTEM REQUIREMENTS
CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

(b) (I) The state board shall promulgate rules that list the
automatic waivers APPLICABLE ONLY for all charter schools WHOSE
CURRENT CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR
BEFORE JUNE 30, 2024. In promulgating the list of automatic waivers, the
state board shall consider the overall impact and complexity of the requirements specified in the statute and the potential consequences that waiving the statute may have on the practices of a charter school. In accordance with its rule-making authority, the state board may review the list of automatic waivers at its discretion. Notwithstanding any provision of this subsection (6)(b) to the contrary, the state board shall not include the following statutes on the list of automatic waivers:

(I) (A) Section 22-9-106, concerning the performance evaluation system for licensed EDUCATION personnel;

(I.5) (B) Section 22-32-109 (1)(b), concerning procedures for competitive bidding in the purchase of goods and services, except professional services;

(II) (C) Section 22-32-109 (1)(n), concerning the annual school calendar and teacher-pupil contact hours;

(II.5) (D) Section 22-32-110 (1)(y), concerning the power to accept and expend gifts, donations, or grants; and

(III) (E) Part 2 of article 63 of this title 22, concerning the employment of licensed EDUCATION personnel.

(II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

(c) A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not an automatic waiver. Notwithstanding any provision of this subsection (6) to the contrary, the state board may not waive any statute or rule relating to:

(VIII) Section 22-33-106.1 concerning suspension and expulsion of students in preschool through second grade; or

(IX) Subsection (3) of this section and sections 22-32-110 (1)(k)
and 22-63-206 (1) relating to discrimination based on hair texture, hair
type, or a protective hairstyle that is commonly or historically associated
with race; or

(X) EDUCATION PERSONNEL PERFORMANCE EVALUATION SYSTEM
REQUIREMENTS CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

(e) (I) AN AUTOMATIC WAIVER INVOKED BY A CHARTER SCHOOL
WHOSE CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE
JUNE 30, 2024, IS VALID UNTIL THE CHARTER CONTRACT EXPIRES. A
CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS EXECUTED OR
RENEWED ON OR BEFORE JUNE 30, 2024, IS INELIGIBLE TO INVOKE ANY
AUTOMATIC WAIVER UPON A CHARTER SCHOOL RENEWAL APPLICATION
SUBMITTED OR CHARTER CONTRACT RENEWAL OCCURRING ON OR AFTER
JULY 1, 2024.

(II) AN AUTOMATIC WAIVER TERM INCLUDED IN A CHARTER
CONTRACT EXECUTED OR RENEWED ON OR AFTER JULY 1, 2024, IS NULL
AND VOID AS AGAINST PUBLIC POLICY AND IS UNENFORCEABLE. THIS
SUBSECTION (6)(e)(II) DOES NOT PROHIBIT A CHARTER SCHOOL FROM
OPERATING FREE FROM SPECIFIED STATE STATUTES, STATE BOARD RULES,
OR SCHOOL DISTRICT POLICIES, AS PROVIDED PURSUANT TO THIS SECTION.

(7) (c) In no event shall a charter school be required to pay rent
for space which is deemed available, as negotiated by contract, in school
district facilities. All other costs for the operation and maintenance of the facilities used
by the charter school, shall be subject to negotiation between the
charter school and the school district.

(e) Notwithstanding the provisions of paragraphs (b) and (c) of
this subsection (7) or the provisions of subsection (7.5) of this section
SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, a school district that has space in district facilities that is unoccupied may sell the facilities or use the facilities for a different purpose and is not required to maintain ownership of the facilities for potential use by a charter school.

(7.5) (a) No later than November 1, 2016, and no later than November 1 each year thereafter, each school district that authorizes a charter school and that has or is expecting to have one or more vacant or underused buildings or vacant or underused land available during the next school year shall prepare a list of the vacant or underused buildings and land and provide the list, upon request, to charter schools authorized by the school district, charter school applicants, and other interested persons. The school district shall also post on its website a notice that the list of underused and vacant buildings and land is available to interested persons upon request. The school district must provide the list within two school days after receiving a request. No later than forty-five days after the school district posts the availability of the list or after receiving the list, whichever is later, a charter school of the school district or charter applicant may apply to the school district to use the building or the school district land as the location for the charter school. The local board of education shall review each application for use and, in a public meeting held no later than ninety days after the school district posts the availability of the list, approve or disapprove each application for use of the building or school district land. If the local board of education disapproves an application for use, it must explain at the public meeting and provide in writing to the applicant the reasons for disapproval.

(b) For purposes of this subsection (7.5), a building is considered underused if it has unused capacity to accommodate two hundred fifty
students or more:

(14) (a) BEGINNING JULY 1, 2024, A SCHOOL DISTRICT THAT AUTHORIZES A CHARTER SCHOOL SHALL IMPLEMENT A FUNCTION ON ITS ENROLLMENT WEBSITE PORTAL THAT PROVIDES INFORMATION ABOUT THE CHARTER SCHOOL SELECTED BY A PARENT OR LEGAL GUARDIAN AND REQUIRES THE PARENT OR LEGAL GUARDIAN TO CONFIRM ACKNOWLEDGMENT OF RECEIPT OF THE INFORMATION PRIOR TO APPLICATION SUBMISSION AND ENROLLMENT CONFIRMATION IN THE CHARTER SCHOOL. THE INFORMATION PROVIDED ABOUT THE CHARTER SCHOOL MUST INCLUDE AN ITEMIZED LIST OF CITATIONS TO AND DESCRIPTIONS OF:

(I) STATE STATUTES AND STATE BOARD RULES WAIVED BY THE CHARTER SCHOOL; AND

(II) SCHOOL DISTRICT POLICIES FROM WHICH THE CHARTER SCHOOL IS RELEASED.

(b) BEGINNING JULY 1, 2024, A CHARTER SCHOOL SHALL POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF CITATIONS TO AND DESCRIPTIONS OF:

(I) STATE STATUTES AND STATE BOARD RULES WAIVED BY THE CHARTER SCHOOL; AND

(II) SCHOOL DISTRICT POLICIES FROM WHICH THE CHARTER SCHOOL IS RELEASED.

The information provided in subsections (14)(a) and (14)(b) of this section must be in plain and easy-to-understand language.

(15) EACH CHARTER SCHOOL THAT IS REQUIRED TO ORGANIZE AS A NONPROFIT CORPORATION PURSUANT TO SUBSECTION (4) OF THIS
SECTION OR SECTION 22-30.5-507 (4) SHALL POST AN UNREDACTED COPY
OF ITS FEDERAL FORM 990, OR AN EQUIVALENT FORM, AND AN
UNREDACTED COPY OF ANY FORM INCLUDING REVENUE AND EXPENSES
RELATED TO MARKETING AND STUDENT RECRUITMENT ON THE CHARTER
SCHOOL'S PUBLIC WEBSITE IN A FREE DOWNLOADABLE FORMAT; EXCEPT
THAT THE CHARTER SCHOOL SHALL REDACT ANY PERSONALLY
IDENTIFIABLE OR CONFIDENTIAL INFORMATION THAT IS PROTECTED
PURSUANT TO FEDERAL OR STATE LAW.

SECTION 3. In Colorado Revised Statutes, 22-30.5-105, amend
(3) as follows:

22-30.5-105. Charter schools - contract contents - regulations.
(3) (a) A FOR A CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS
EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, THE contract
between a charter school and the chartering local board of education shall
MUST reflect all requests for release of the charter school from state
statutes and state board rules that are not automatic waivers and a list of
the automatic waivers that the charter school is invoking. Within ten days
after the contract is approved by the chartering local board of education,
the chartering local board of education shall deliver to the state board any
request for waiver of state statutes and state board rules that are not
automatic waivers. The chartering local board of education shall request
the release by submitting a complete copy of the signed charter contract.
Within forty-five days after a request for release is received by the state
board, the state board shall either grant or deny the request. If the state
board grants the request, it may orally notify the chartering local board of
education and the charter school of its decision. If the state board denies
the request, it shall MUST notify the chartering local board of education
and the charter school in writing that the request is denied and specify the reasons for denial. If the chartering local board of education and the charter school do not receive notice of the state board's decision within forty-five days after submittal of the request for release, the request shall be deemed granted. If the state board denies a request for release that includes multiple state statutes or state board rules, the denial shall specify the state statutes and state board rules for which the release is denied, and the denial shall apply only to those specified state statutes and state board rules.

(b) For a charter contract executed or renewed on or after July 1, 2024, the contract between a charter school and the chartering local board of education must reflect all requests for release of the charter school from state statutes and state board rules. Within ten days after the contract is approved by the chartering local board of education, the chartering local board of education shall deliver to the state board any request received for waiver of state statutes and state board rules. The chartering local board of education shall request the release by submitting a complete copy of the signed charter contract. Within forty-five days after a request for release is received by the state board, the state board shall either grant or deny the request. If the state board grants the request, it may orally notify the chartering local board of education and the charter school of its decision. If the state board denies the request, it must notify the chartering local board of education and the charter school in writing that the request is denied and specify the reasons for denial. If the
CHARTERING LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL DO

NOT RECEIVE NOTICE OF THE STATE BOARD'S DECISION WITHIN FORTY-FIVE

DAYS AFTER SUBMITTAL OF THE REQUEST FOR RELEASE, THE REQUEST IS

DEEMED GRANTED. IF THE STATE BOARD DENIES A REQUEST FOR RELEASE

THAT INCLUDES MULTIPLE STATE STATUTES OR STATE BOARD RULES, THE

DENIAL MUST SPECIFY THE STATE STATUTES AND STATE BOARD RULES FOR

WHICH THE RELEASE IS DENIED, AND THE DENIAL APPLIES ONLY TO THOSE

SPECIFIED STATE STATUTES AND STATE BOARD RULES.

SECTION 4. In Colorado Revised Statutes, 22-30.5-106, add

(1)(f.5) and (1)(l.5) as follows:

22-30.5-106. Charter application - contents. (1) The charter

school application is a proposed agreement upon which the charter

applicant and the chartering local board of education negotiate a charter

contract. At a minimum, each charter school application includes:

(f.5) DESCRIPTIONS OF EDUCATIONAL SERVICES THAT THE

PROPOSED CHARTER SCHOOL WILL PROVIDE, WHICH MUST SPECIFICALLY

ADDRESS SERVING UNMET NEEDS, AS IDENTIFIED BY THE SCHOOL DISTRICT,

OF THE STUDENTS IN THE COMMUNITY WHERE THE CHARTER SCHOOL IS

LOCATED;

(l.5) THE PROPOSED CHARTER SCHOOL'S ANNUAL MINIMUM PUPIL

ENROLLMENT REQUIREMENT;

SECTION 5. In Colorado Revised Statutes, 22-30.5-108, amend

(3) introductory portion, (3)(a), (3)(c), and (3.5); repeal (3)(d); and add

(4.5) as follows:


(3) If the notice of appeal, or the motion to review by the state board,

relates to a local board's decision to deny a charter application or to refuse
to renew or to revoke a charter, or to a local board's unilateral imposition of conditions that are unacceptable to the charter applicant or the charter school, the appeal and review process **shall be** as follows:

(a) Within sixty days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board shall review the decision of the local board of education and make its findings. If the state board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the state board shall remand the decision to the local board of education with written instructions for reconsideration. Said instructions shall include specific recommendations concerning the matters requiring reconsideration.

(c) Following the remand, THE LOCAL BOARD OF EDUCATION'S FINAL DECISION IS NOT SUBJECT TO APPEAL if the local board of education's final decision is still to:

(I) Deny a charter application or to unilaterally impose the condition on a charter applicant; or if the local board of education's final decision is still to

(II) Refuse to renew or to revoke a charter; or

(III) To unilaterally impose conditions unacceptable to the charter school. A second notice of appeal may be filed with the state board within thirty days following such final decision:

(d) Within thirty days following receipt of the second notice of appeal or the making of a motion for a second review by the state board and after reasonable public notice, the state board, at a public hearing, shall determine whether the final decision of the local board of education was contrary to the best interests of the pupils, school district, or
community. If such a finding is made, the state board shall remand such final decision to the local board with instructions to approve the charter application, or to renew or reinstate the charter or to approve or disapprove the conditions imposed on the charter applicant or the charter school. The decision of the state board shall be final and not subject to appeal.

(3.5) In lieu of a first appeal to the state board pursuant to paragraph (a) of subsection (3) of this section, the parties may agree to facilitation. Within thirty days after denial of a charter application, or nonrenewal or revocation of a charter, or unilateral imposition of conditions on a charter applicant or a charter school by the local board of education, the parties may file a notice of facilitation with the state board. The parties may continue in facilitation as long as both parties agree to its continued use. If one party subsequently rejects facilitation, and such rejection is not reconsidered within seven days, the local board of education shall reconsider its denial of a charter application, or nonrenewal or revocation of a charter, or unilateral imposition of conditions on a charter applicant or a charter school and make a final decision as provided in paragraph (b) of subsection (3) of this section. The charter applicant may file a notice of appeal with the state board as provided in paragraph (c) of subsection (3) of this section within thirty days after a local board of education's final decision to deny a charter application, to refuse to renew or to revoke a charter, or to unilaterally impose conditions on a charter applicant or a charter school:

(4.5) (a) If the notice of appeal, or the motion to review by the state board, relates to a local board decision to grant a
CHARTER, THE APPEAL AND REVIEW PROCESS IS AS FOLLOWS:

(I) WITHIN SIXTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL OR THE MAKING OF A MOTION TO REVIEW BY THE STATE BOARD, AND AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD, AT A PUBLIC HEARING THAT MAY BE HELD IN THE DISTRICT WHERE THE PROPOSED CHARTER SCHOOL HAS APPLIED FOR A CHARTER, SHALL REVIEW THE DECISION OF THE LOCAL BOARD AND DETERMINE WHETHER THE DECISION TO GRANT THE CHARTER APPLICATION WAS ARBITRARY AND CAPRICIOUS OR WHETHER THE ESTABLISHMENT OR OPERATION OF THE PROPOSED CHARTER SCHOOL WOULD:

(A) VIOLATE A FEDERAL OR STATE LAW CONCERNING CIVIL RIGHTS; OR

(B) VIOLATE A COURT ORDER; AND

(II) IF THE STATE BOARD DETERMINES THE CHARTER APPLICATION SHOULD BE DENIED PURSUANT TO SUBSECTION (4.5)(a)(I) OF THIS SECTION, THE STATE BOARD SHALL REMAND THE DECISION TO THE LOCAL BOARD WITH INSTRUCTIONS TO DENY THE CHARTER APPLICATION. THE STATE BOARD'S DECISION IS FINAL AND NOT SUBJECT TO APPEAL.

(b) ANY PERSON WHO RESIDES IN THE GEOGRAPHIC BOUNDARIES OF THE SCHOOL DISTRICT WHERE THE LOCAL BOARD DECIDES TO GRANT A CHARTER MAY APPEAL THE DECISION PURSUANT TO THIS SUBSECTION (4.5).

(c) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES AS MAY BE NECESSARY TO IMPLEMENT THIS SUBSECTION (4.5).

SECTION 6. In Colorado Revised Statutes, 22-30.5-109, amend (8); and add (9) as follows:

22-30.5-109. Charter schools - reporting - publicizing - limits
(8) The local board of education of a school district shall not impose a moratorium on the approval of charter applications for charter schools within the school district; EXCEPT THAT A LOCAL BOARD MAY IMPOSE A MORATORIUM ON THE APPROVAL OF CHARTER APPLICATIONS FOR CHARTER SCHOOLS WITHIN THE SCHOOL DISTRICT IF THE SCHOOL DISTRICT'S PUPIL ENROLLMENT IS LESS THAN THE SCHOOL DISTRICT'S PUPIL ENROLLMENT FROM THE IMMEDIATELY PRECEDING BUDGET YEAR OR IS PROJECTED TO DECLINE OVER THE SUBSEQUENT THREE BUDGET YEARS.

(9) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PUPIL ENROLLMENT" HAS THE SAME MEANING SET FORTH IN SECTION 22-54-103.

SECTION 7. In Colorado Revised Statutes, 22-30.5-110, amend (2) introductory portion, (2)(a), and (3); and add (2)(a.5) and (2.5) as follows:

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation. (2) A charter school renewal application submitted to the chartering local board of education shall MUST contain:

(a) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, targets for the measures used to determine the levels of attainment of the performance indicators, and other terms of the charter contract and the results achieved by the charter school's students on the assessments administered through the Colorado student assessment program. THE REPORT MUST ALSO CONTAIN INFORMATION CONCERNING THE EDUCATIONAL SERVICES THAT THE CHARTER SCHOOL PROVIDES AND THE...
PROGRESS AND RESULTS OF THE CHARTER SCHOOL IN SERVING, THROUGH
THE EDUCATIONAL SERVICES, UNMET NEEDS, AS IDENTIFIED BY THE
SCHOOL DISTRICT, OF THE STUDENTS IN THE COMMUNITY WHERE THE
CHARTER SCHOOL IS LOCATED.

(a.5) FOR A CHARTER SCHOOL RENEWAL APPLICATION SUBJECT TO
APPROVAL ON OR AFTER JULY 1, 2024, ALL REQUESTS FOR RELEASE OF THE
CHARTER SCHOOL FROM STATE STATUTES AND STATE BOARD RULES;

(2.5) (a) WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER
SCHOOL RENEWAL APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE
WHETHER THE APPLICATION CONTAINS THE MINIMUM COMPONENTS
SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND IS THEREFORE
COMPLETE. IF THE APPLICATION IS INCOMPLETE, THE SCHOOL DISTRICT
SHALL NOTIFY THE CHARTER APPLICANT WITHIN THE FIFTEEN-DAY PERIOD
AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE
APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE THAT
THE APPLICANT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED
INFORMATION TO THE LOCAL BOARD OF EDUCATION FOR REVIEW. THE
LOCAL BOARD OF EDUCATION IS NOT REQUIRED TO TAKE ACTION ON THE
APPLICATION IF THE APPLICANT DOES NOT PROVIDE THE REQUIRED
INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT
MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD
AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO RESPOND. THE
SCHOOL DISTRICT MAY ACCEPT ANY ADDITIONAL INFORMATION THE
APPLICANT PROVIDES THAT THE SCHOOL DISTRICT DOES NOT REQUEST.
THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL REVIEW THE
COMPLETE APPLICATION AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE
LOCAL BOARD OF EDUCATION TAKES ACTION ON THE APPLICATION.
(b) FOR PURPOSES OF REVIEWING A CHARTER SCHOOL RENEWAL APPLICATION, A DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE AT LEAST:

(I) ONE PERSON WITH A DEMONSTRATED KNOWLEDGE OF CHARTER SCHOOLS, REGARDLESS OF WHETHER THAT PERSON RESIDES WITHIN THE SCHOOL DISTRICT; AND

(II) ONE PARENT OR LEGAL GUARDIAN OF A CHILD ENROLLED IN A CHARTER SCHOOL IN THE SCHOOL DISTRICT.

(3) (a) A charter may be revoked or not renewed by the chartering local board of education if it determines that the charter school did any of the following:

(a) (I) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter contract;

(b) (II) Failed to meet or make adequate progress toward achievement of the goals, objectives, content standards, pupil performance standards, targets for the measures used to determine the levels of attainment of the performance indicators, applicable federal requirements, or other terms identified in the charter contract;

(c) (III) Failed to meet generally accepted standards of fiscal management; or

(d) (IV) Violated any provision of law from which the charter school was not specifically exempted;

(V) FAILED TO POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF CITATIONS AND DESCRIPTIONS OF STATE STATUTES AND STATE BOARD RULES WAIVED BY THE CHARTER SCHOOL, OR SCHOOL DISTRICT POLICIES FROM WHICH THE CHARTER SCHOOL IS RELEASED;
(VI) FAILED TO SATISFY ITS ANNUAL MINIMUM PUPIL ENROLLMENT REQUIREMENT; OR

(VII) FAILED TO COMPLY WITH A CIVIL JUDGMENT OR COURT ORDER THAT AFFECTS THE COMMUNITY IT SERVES.

(b) A LOCAL BOARD MAY REVOKE OR NOT RENEW A DISTRICT CHARTER SCHOOL’S CHARTER IF THE SCHOOL DISTRICT IS EXPERIENCING DECLINING PUPIL ENROLLMENT OR THE DISTRICT CHARTER SCHOOL IS EXPERIENCING DECLINING PUPIL ENROLLMENT, OR IF A VIOLATION OF SECTION 22-30.5-110.4 OCCURRED.

SECTION 8. In Colorado Revised Statutes, add 22-30.5-110.4 as follows:

22-30.5-110.4. Conflict of interest. NOTWITHSTANDING ANY LAW TO THE CONTRARY, A MEMBER OF A GOVERNING BOARD OF A CHARTER SCHOOL OR THE LEADER OF A CHARTER SCHOOL SHALL NOT ENGAGE IN ANY ACTIVITY OR HAVE ANY FINANCIAL INTEREST THAT MAY RESULT IN A CONFLICT OF INTEREST BETWEEN THE MEMBER'S OR LEADER'S DUTIES CONCERNING THE CHARTER SCHOOL AND THE MEMBER'S OR LEADER'S PERSONAL OR FINANCIAL INTEREST.

SECTION 9. In Colorado Revised Statutes, 22-30.5-112, amend (2)(a)(III)(A), (2)(a.3), and (2)(c)(II); and add (2)(a.1) as follows:

22-30.5-112. Charter schools - financing - guidelines - definitions. (2) (a) (III) (A) For budget year 2000-01 and budget years thereafter FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, except as otherwise provided in paragraph (a.3) of this subsection (2) SUBSECTION (2)(a.3) OF THIS SECTION, each charter school and the chartering school district shall negotiate funding under PURSUANT TO the contract. The charter school shall MUST receive one
hundred percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an online pupil and one hundred percent of the district per pupil online funding for each online pupil enrolled in the charter school; except that the chartering school district may choose to retain the actual amount of the charter school's per pupil share of the central administrative overhead costs for services, actually provided to the charter school up to five percent of the district per pupil revenues for each pupil who is not an online pupil enrolled in the charter school. and up to five percent of the district per pupil online funding for each online pupil enrolled in the charter school.

(a.1) For a charter contract executed or renewed on or after July 1, 2024, each charter school and the chartering school district shall negotiate funding pursuant to the contract. The charter school must receive one hundred percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an online pupil and one hundred percent of the district per pupil online funding for each online pupil enrolled in the charter school; except that the chartering school district shall retain the actual amount of the charter school's per pupil share of the central administrative overhead costs for services, including any costs that are otherwise not reimbursed for special education services provided to the charter school.

(a.3) If for a charter contract executed or renewed on or before June 30, 2024, if the authorizing school district enrolls five hundred or fewer students, the charter school must receive funding in the amount of the greater of one hundred percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an online pupil and one hundred percent of the district per pupil online funding for each online pupil enrolled in the charter school.
pupil online funding for each online pupil enrolled in the charter school 
plus one hundred percent of the district per pupil revenues for each pupil 
who is not an online pupil enrolled in the charter school, minus the actual 
amount of the charter school's per pupil share of the central administrative 
overhead costs incurred by the school district, based on audited figures, 
or eighty-five percent of the district per pupil revenues for each pupil 
enrolled in the charter school who is not an online pupil plus eighty-five 
percent of the district per pupil online funding for each online pupil 
enrolled in the charter school.

(c) (II) For budget year 2000-01 and budget years thereafter FOR A CHARTER CONTRACT EXECUTED ON OR BEFORE JUNE 30, 2024, the amount of funding received by a charter school pursuant to this subsection (2) shall MUST not be less than one hundred percent of the chartering school district's district per pupil revenues, minus up to five percent as provided in subparagraph (III) of paragraph (a) of this subsection (2) SUBSECTION (2)(a)(III) OF THIS SECTION, multiplied by the number of pupils enrolled in the charter school or as otherwise provided in paragraph (a.3) of this subsection (2) SUBSECTION (2)(a.3) OF THIS SECTION for any charter school chartered by a school district that enrolls five hundred or fewer students.

SECTION 10. In Colorado Revised Statutes, 22-30.5-112.1, amend (3)(a) and (3)(b); and add (3)(a.5) as follows:


(3) (a) For budget year 2004-05 and budget years thereafter FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, each district charter school and the qualifying school district that
approved the charter shall negotiate funding under PURSUANT TO the charter contract. The district charter school shall MUST receive one hundred percent of the adjusted district per pupil revenues for each pupil enrolled in the district charter school who is not an online pupil and one hundred percent of the district per pupil online funding for each online pupil enrolled in the district charter school; except that the qualifying school district may choose to retain the sum of the actual amount of the district charter school's per pupil share of the central administrative overhead costs for services actually provided to the district charter school, up to five percent of the adjusted district per pupil revenues for each pupil who is not an online pupil enrolled in the district charter school, and up to five percent of the district per pupil online funding for each online pupil enrolled in the district charter school.

(a.5) FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR AFTER JULY 1, 2024, EACH DISTRICT CHARTER SCHOOL AND THE QUALIFYING SCHOOL DISTRICT THAT APPROVED THE CHARTER SHALL NEGOTIATE FUNDING PURSUANT TO THE CHARTER CONTRACT. THE DISTRICT CHARTER SCHOOL MUST RECEIVE ONE HUNDRED PERCENT OF THE ADJUSTED DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL WHO IS NOT AN ONLINE PUPIL AND ONE HUNDRED PERCENT OF THE DISTRICT PER PUPIL ONLINE FUNDING FOR EACH ONLINE PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL; EXCEPT THAT THE CHARTERING SCHOOL DISTRICT SHALL RETAIN THE ACTUAL AMOUNT OF THE CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD COSTS FOR SERVICES, INCLUDING ANY COSTS THAT ARE OTHERWISE NOT REIMBURSED FOR SPECIAL EDUCATION SERVICES PROVIDED TO THE CHARTER SCHOOL.
(b) Notwithstanding any provision of this subsection (3) to the contrary, if a charter contract executed or renewed on or before June 30, 2024, if a qualifying school district enrolls five hundred or fewer students, the district charter school shall must receive funding in the amount of the greater of one hundred percent of the district per pupil online funding for each online pupil enrolled in the district charter school plus one hundred percent of the district per pupil revenues for each pupil who is not an online pupil enrolled in the district charter school, minus the actual amount of the district charter school's per pupil share of the central administrative overhead costs incurred by the qualifying school district, based on audited figures, or eighty-five percent of the district per pupil revenues for each pupil who is not an online pupil plus eighty-five percent of the district per pupil online funding for each online pupil enrolled in the district charter school.

SECTION 11. In Colorado Revised Statutes, 22-30.5-113, add (4) as follows:

22-30.5-113. State board - department of education - duties - charter schools - evaluation - report. (4) For the report submitted pursuant to this section, in the 2024-25 budget year, and each year thereafter, the department shall include data concerning attrition rates for students enrolled in, and teachers, administrators, and administrative personnel employed by, a charter school. At a minimum, the report must include:

(a) The number of students enrolled in a charter school in the preceding school year, reported for the state as a whole and for each district charter school and institute charter
SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER;

(b) THE NUMBER OF STUDENTS ENROLLED IN A CHARTER SCHOOL IN THE CURRENT SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER;

(c) THE NUMBER OF TEACHERS EMPLOYED BY A CHARTER SCHOOL IN THE PRECEDING SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER;

(d) THE NUMBER OF TEACHERS EMPLOYED BY A CHARTER SCHOOL IN THE CURRENT SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER;

(e) THE NUMBER OF ADMINISTRATORS AND ADMINISTRATIVE PERSONNEL EMPLOYED BY A CHARTER SCHOOL IN THE PRECEDING SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER; AND

(f) THE NUMBER OF ADMINISTRATORS AND ADMINISTRATIVE PERSONNEL EMPLOYED BY A CHARTER SCHOOL IN THE CURRENT SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND GENDER.
SECTION 12. In Colorado Revised Statutes, 22-30.5-306, amend (2)(a) as follows:

(2) With the assistance from the commissioner or the commissioner's designee, the selected applicant and the local board of education shall negotiate the terms of the independent charter, which may be different from or in addition to the terms of the response to the request for proposals; except that:

(a) The independent charter school shall be entitled to use the school building in which the public school that is subject to conversion was operated. The independent charter school and the local board of education shall negotiate an amount of rent to be paid, which shall not be more than twelve dollars per year, and all other costs for the operation and maintenance of the building and related facilities.

SECTION 13. In Colorado Revised Statutes, 22-30.5-502, amend (1.5)(b) and (1.5)(c); and add (1.5)(d) as follows:

22-30.5-502. Definitions. As used in this part 5, unless the context otherwise requires:

(1.5) "Automatic waiver" means the waiver of a state statute or state board rule:

(b) That is available to each charter school, including each institute charter school, and is valid for the initial, or subsequent renewal, term of the charter contract; and

(c) For which a charter school, including an institute charter school, is not required to submit a statement that specifies the manner in which the charter school intends to comply with the intent of the automatically waived state statute or state board rule; AND
IS VALID ONLY FOR A CHARTER SCHOOL, INCLUDING AN INSTITUTE CHARTER SCHOOL, WHOSE CURRENT CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024.

SECTION 14. In Colorado Revised Statutes, 22-30.5-507, amend (7)(a) introductory portion, (7)(b)(VIII), and (7)(b)(IX); and add (7)(b)(X), (7)(d), and (15) as follows:

22-30.5-507. Institute charter school - requirements - authority - rules - definitions. (7) (a) Pursuant to the charter contract, an institute charter school may operate free from specified statutes and state board rules. The state board shall promulgate rules that list the automatic waivers for all charter schools whose current charter contract was executed or renewed on or before June 30, 2024, including institute charter schools. In promulgating the list of automatic waivers, the state board shall consider the overall impact and complexity of the requirements specified in the statute and the potential consequences that waiving the statute may have on the practices of a charter school, including an institute charter school. In accordance with its rule-making authority, the state board may review the list of automatic waivers at its discretion. Notwithstanding any provision of this subsection (7)(a) to the contrary, the state board shall not include the following statutes on the list of automatic waivers:

(b) An institute charter school may apply to the state board, through the institute, for a waiver of state statutes and state rules that are not automatic waivers. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any statute or rule relating to:

(VIII) Section 22-33-106.1 concerning suspension and expulsion
of students in preschool through second grade; or

(IX) Subsection (3) of this section and sections 22-32-110 (1)(k) and 22-63-206 (1) relating to discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race; or

(X) EDUCATION PERSONNEL PERFORMANCE EVALUATION SYSTEM REQUIREMENTS CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

(d) (I) AN AUTOMATIC WAIVER INVOKED BY AN INSTITUTE CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, IS VALID UNTIL THE CHARTER CONTRACT EXPIRES. AN INSTITUTE CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, IS INELIGIBLE TO INVOKE ANY AUTOMATIC WAIVER UPON AN INSTITUTE CHARTER SCHOOL RENEWAL APPLICATION SUBMITTED OR CHARTER CONTRACT RENEWAL OCCURRING ON OR AFTER JULY 1, 2024.

(II) AN AUTOMATIC WAIVER TERM INCLUDED IN A CHARTER CONTRACT EXECUTED OR RENEWED ON OR AFTER JULY 1, 2024, IS NULL AND VOID AS AGAINST PUBLIC POLICY AND IS UNENFORCEABLE. THIS SUBSECTION (7)(d)(II) DOES NOT PROHIBIT AN INSTITUTE CHARTER SCHOOL FROM OPERATING FREE FROM SPECIFIED STATUTES AND STATE BOARD RULES, AS PROVIDED PURSUANT TO THIS SECTION.

(15) BEGINNING JULY 1, 2024, AN INSTITUTE CHARTER SCHOOL SHALL POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF CITATIONS TO AND DESCRIPTIONS OF STATE STATUTES AND STATE BOARD RULES WAIVED BY THE CHARTER SCHOOL.

SECTION 15. In Colorado Revised Statutes, 22-30.5-509, add

(1)(f.5) as follows:
22-30.5-509. Institute charter school application - contents.

(1) The institute charter school application is a proposed agreement upon which the institute charter applicant and the institute negotiate a charter contract. At a minimum, each institute charter school application includes:

(f.5) DESCRIPTIONS OF EDUCATIONAL SERVICES THAT THE PROPOSED CHARTER SCHOOL WILL PROVIDE, WHICH MUST SPECIFICALLY ADDRESS SERVING UNMET NEEDS, AS IDENTIFIED BY THE SCHOOL DISTRICT, OF THE STUDENTS IN THE COMMUNITY WHERE THE CHARTER SCHOOL IS LOCATED;

SECTION 16. In Colorado Revised Statutes, 22-30.5-511, amend (3)(d) and (3)(e); and add (3)(f) as follows:

22-30.5-511. Institute charter schools - term - renewal of contract - grounds for nonrenewal or revocation - appeal. (3) The institute board may revoke or deny renewal of a charter contract if the institute board determines that the institute charter school did any of the following:

(d) Failed to meet generally accepted standards of fiscal management; or

(e) Violated any provision of law from which the institute charter school was not specifically exempted; OR

(f) FAILED TO POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF CITATIONS AND DESCRIPTIONS OF STATE STATUTES AND STATE BOARD RULES WAIVED BY THE INSTITUTE CHARTER SCHOOL.

SECTION 17. In Colorado Revised Statutes, amend 22-9-101 as follows:

22-9-101. Short title. This article ARTICLE 9 shall be known and
may be cited as the "Licensed EDUCATION Personnel Performance Evaluation Act".

**SECTION 18.** In Colorado Revised Statutes, 22-9-102, amend (1) introductory portion, (1)(a), (1)(b) introductory portion, (1)(b)(III), (1)(b)(IV), and (2) as follows:

22-9-102. Legislative declaration. (1) The general assembly hereby FINDS AND declares that:

(a) A system to evaluate the effectiveness of Licensed EDUCATION personnel is crucial to improving the quality of education in this state and declares that such a THE system shall be IS applicable to all Licensed EDUCATION personnel in the school districts, and boards of cooperative services, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS throughout the state; and

(b) The purposes of the evaluation shall be ARE to:

(III) Serve as a measurement of the professional growth and development of Licensed EDUCATION personnel;

(IV) Evaluate the level of performance based on the effectiveness of Licensed EDUCATION personnel; and

(2) The general assembly further declares that a professionally sound and credible system to evaluate the effectiveness of Licensed EDUCATION personnel shall MUST be designed with the involvement of Licensed EDUCATION personnel and citizens of the school district or board of cooperative services.

**SECTION 19.** In Colorado Revised Statutes, 22-9-103, amend (1.5) and (5); and add (1.6), (1.7), (1.8), and (1.9) as follows:

22-9-103. Definitions. As used in this article 9, unless the context otherwise requires:
"Licensed personnel" or "licensed person" means a person who is employed to instruct students, to provide professional services to students in direct support of the education instructional program, or to administer, direct, or supervise the instructional program in a school in the state and who holds a valid license or authorization pursuant to article 60.5 of this title 22. "DISTRICT CHARTER SCHOOL" means a charter school authorized by a school district board of education pursuant to Part 1 of Article 30.5 of this title 22.

"Education personnel" or "education professional" means a person who is employed to instruct students; to provide professional services to students in direct support of the education instructional program; or to administer, direct, or supervise the instructional program in a public school in the state, including a district charter school or institute charter school, regardless of whether the person holds a valid license or authorization pursuant to article 60.5 of this title 22.

"Institute" means the state charter school institute created pursuant to section 22-30.5-503.

"Institute board" means the governing board of the state charter school institute appointed pursuant to section 22-30.5-505.

"Institute charter school" means a charter school authorized by the state charter school institute pursuant to Part 5 of Article 30.5 of this title 22.

"Teacher" means a person who holds an alternative, initial, or professional teacher license issued pursuant to the provisions of article 60.5 of this title and who is employed by a school district, or a DISTRICT
charter school, OR INSTITUTE CHARTER SCHOOL in the state to instruct, direct, or supervise an education program, REGARDLESS OF WHETHER THE PERSON HOLDS AN ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE 22.

SECTION 20. In Colorado Revised Statutes, 22-9-104, amend (1), (1.5), (2)(a), (2)(b), (2)(c), and (3) introductory portion; and add (3)(d) and (4) as follows:

22-9-104. State model education personnel performance evaluation system - department - state board - powers and duties - rules - repeal. (1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a state model licensed EDUCATION personnel performance evaluation system that may be adopted by each school district and board of cooperative services within the state AND THE INSTITUTE. In promulgating said THE guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed EDUCATION personnel and citizens of the school district or districts, AND SHALL ALLOW THE INSTITUTE TO INVOLVE AND CONSULT WITH INSTITUTE CHARTER SCHOOL EDUCATION PERSONNEL AND CITIZENS OF THE COMMUNITIES SERVED BY INSTITUTE CHARTER SCHOOLS. Each school district and board of cooperative services, AND THE INSTITUTE, has the flexibility needed to develop a system of personnel performance evaluation that is specifically designed to meet the individual needs of that school district or board of cooperative services AND THE INSTITUTE.

(1.5) To assist school districts and boards of cooperative services in implementing the state model licensed EDUCATION personnel
performance evaluation system and in developing and implementing local systems of personnel performance evaluation, AND TO ASSIST THE INSTITUTE IN IMPLEMENTING THE STATE MODEL EDUCATIONAL PERSONNEL PERFORMANCE EVALUATION SYSTEM AND IN DEVELOPING AND IMPLEMENTING AN INSTITUTE SYSTEM OF PERSONNEL PERFORMANCE EVALUATION, by the beginning of the 2023-24 2024-25 school year, the department shall:

(a) Create a modified rubric specifically for measuring the performance of a licensed person AN EDUCATION PROFESSIONAL who has received a rating of highly effective for at least three consecutive school years and provide guidelines for focusing on professional growth and career development in evaluating licensed EDUCATION personnel who are consistently rated highly effective;

(b) Work with school districts, and boards of cooperative services, AND THE INSTITUTE to create and make publicly available rubrics for measuring the performance of licensed EDUCATION personnel in a limited number of specialized teacher or principal roles;

(c) Provide evaluator training at no cost to school districts, and boards of cooperative services, AND THE INSTITUTE to ensure that all evaluators have the skills necessary to observe and evaluate licensed EDUCATION personnel with fidelity to the licensed EDUCATION personnel performance evaluation system implemented by the evaluator's school district, or board of cooperative services, OR THE INSTITUTE;

(d) Provide guidelines for considering a licensed AN EDUCATION person's professional growth achievements, such as attainment of national board certification or fulfillment of differentiated professional roles, as proof that the licensed person EDUCATION PROFESSIONAL meets one or
more of the quality standards, in lieu of some or all of the elements that
demonstrate attainment of the quality standards; and

(e) Provide information concerning best practices in methods of
conducting licensed EDUCATION personnel evaluations, including
innovative methods for observation.

(2) The state board shall:

(a) Provide training and leadership and give technical assistance
to school districts, and boards of cooperative services, AND THE INSTITUTE
in the development of a licensed EDUCATION personnel performance
evaluation system;

(b) Work and cooperate with the state's universities and colleges
that have teacher, principal, or administrator education programs to
ensure that principals and administrators who have evaluation
responsibilities will receive adequate education and training that meets
the requirements specified in section 22-9-108 and will enable them to
make thorough, credible, fair, and professional quality evaluations of all
licensed EDUCATION personnel whom those principals or administrators
may be responsible for evaluating;

(c) Promulgate rules concerning the planning, development,
implementation, and assessment of the state model licensed EDUCATION
personnel performance evaluation system to evaluate the effectiveness of
licensed EDUCATION personnel;

(3) For evaluations completed for the 2023-24 school year, and
each school year thereafter the state board shall promulgate rules as
necessary to ensure that, under the state model licensed personnel
performance evaluation system and a local system of personnel
performance evaluation:
(d) This subsection (3) is repealed, effective July 1, 2026.

(4) For evaluations completed for the 2024-25 school year, and each school year thereafter, the state board shall promulgate rules as necessary to ensure that, pursuant to the state model education personnel performance evaluation system and a local or the institute system of personnel performance evaluation:

(a) Thirty percent of a teacher's or principal's evaluation is determined by the academic growth of the teacher's students or the students enrolled in the principal's school, as applicable, and the remainder is based on the teacher's or principal's attainment of the quality standards;

(b) Except as otherwise provided in subsection (4)(c) of this section, of the thirty percent of a teacher's or principal's evaluation that is based on student academic growth, up to ten percent may be based on measures of collective student academic growth that are based on the performance of all students enrolled at a particular grade level within the school in which the teacher or principal is employed or the performance of all students enrolled in the school in which the teacher or principal is employed, but a teacher's or principal's evaluation must not include measures of collective student academic growth that are based on the performance of students who are not enrolled in the school in which the teacher or principal is employed; and

(c) The evaluation of an education professional who has been employed by a school district, board of cooperative
SERVICES, OR INSTITUTE CHARTER SCHOOL FOR ONE SCHOOL YEAR OR LESS
MUST NOT INCLUDE DATA THAT WAS CREATED PRIOR TO THE DATE ON WHICH THE EDUCATION PROFESSIONAL STARTED EMPLOYMENT WITH THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL.

SECTION 21. In Colorado Revised Statutes, 22-9-105.5, amend (2)(c) introductory portion, (3) introductory portion, (3)(c), (5), (6), and (11); and add (3)(k), (10.5), and (11.5) as follows:


(2) (c) The purpose of the council shall be the same as that of the governor's council for educator effectiveness established by executive order, and shall be to consider options and make recommendations to the state board and the general assembly that seek to ensure that all licensed EDUCATION personnel are:

(3) The council shall have the following duties:

(c) On or before March 1, 2011, to provide the state board with recommendations that will ensure development of a set of guidelines for establishing performance standards for each category of licensed EDUCATION personnel to be evaluated pursuant to this article ARTICLE 9. The guidelines shall outline criteria to be applied in assigning educators to appropriate performance standards, which shall include measures of student longitudinal academic growth.

(k) On or before July 1, 2024, the council shall make recommendations to the state board to incorporate the Institute and Institute Charter Schools, as necessary, within the recommendations described in subsections (3)(a) to (3)(i) of this
SECTION.

(5) The council's recommendations may include changes to existing statutes or rules, if appropriate, as well as recommendations for local or institute implementation.

(6) In making its recommendations, the council shall include the effect of district-level, institute-level, and school-level conditions, as measured by the nine performance standards set forth in the comprehensive appraisal for the district or institute improvement rubric and biannual teaching, empowering, leading, and learning initiative survey of school working conditions, as well as any additional methods of assessing such conditions identified by the council as valid, transparent, and reliable.

(10.5) On or before September 1, 2024, the state board shall promulgate rules with regard to the council recommendations made pursuant to subsection (3)(k) of this section. If the council fails to make recommendations to the state board by July 1, 2024, the state board shall, on or before September 1, 2024, promulgate rules concerning incorporation of the institute and institute charter schools, as necessary, within the rules promulgated from recommendations in subsections (3)(a) to (3)(i) of this section.

(11) On or before November 1, 2011, the department shall create and make available to school districts, and boards of cooperative services, and the institute a resource bank that identifies assessments, processes, tools, and policies that a school district, or a board of cooperative services, or the institute may use to develop an evaluation system that addresses the provisions of this section. The department shall include
resources that are appropriate to school districts and boards of cooperative services, AND FOR THE INSTITUTE TO APPLY TO INSTITUTE CHARTER SCHOOLS, of different sizes, demographics, and locations. The department shall update the resource bank at least annually to reflect new research and ongoing experience in Colorado.

(11.5) NOTWITHSTANDING SUBSECTION (12) OF THIS SECTION, ON OR BEFORE SEPTEMBER 1, 2024, THE STATE BOARD SHALL PROMULGATE, AMEND, OR REPEAL RULES AS NECESSARY TO ENSURE APPLICATION TO EDUCATION PERSONNEL.

SECTION 22. In Colorado Revised Statutes, 22-9-106, amend (1) introductory portion, (1)(a), (1)(b), (1)(c)(II), (1)(c)(III), (1)(d) introductory portion, (1)(d)(III), (1)(d)(IV), (1)(d)(V)(B), (1)(e)(II), (1)(e)(III), (1)(e)(IV), (1)(f), (1.5)(a), (1.5)(b), (1.5)(c)(I), (1.5)(c)(II) introductory portion, (1.5)(c)(II)(C), (1.5)(c)(III) introductory portion, (1.5)(c)(III)(B), (1.5)(d), (2), (2.5)(b)(I), (2.5)(c) introductory portion, (2.5)(c)(II), (3)(a)(II), (3)(b), (3.2)(b), (3.3), (4)(a), (4)(c), (4.5)(b), (5), (6), (7)(b), and (7)(c); and add (1)(e)(V) as follows:

22-9-106. Local boards of education and institute - duties - performance evaluation system - compliance - legislative declaration - rules - repeal. (1) All school districts and boards of cooperative services that employ licensed EDUCATION personnel, AND THE INSTITUTE FOR ALL INSTITUTE CHARTER SCHOOLS THAT EMPLOY EDUCATION PERSONNEL, shall adopt a written system to evaluate the employment performance of school district, and board of cooperative services, licensed AND INSTITUTE CHARTER SCHOOL EDUCATION personnel, including all teachers, principals, and administrators, with the exception of licensed EDUCATION personnel employed by a board of cooperative
services for a period of six weeks or less. In developing the licensed EDUCATION personnel performance evaluation system and any amendments thereto, the local board, and board of cooperative services, AND THE INSTITUTE shall comply with subsection (1.5) of this section and shall consult with administrators, principals, and teachers employed within the district, or participating districts in a board of cooperative services, OR INSTITUTE CHARTER SCHOOLS; parents; and the school district licensed EDUCATION 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 must address all of the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5, and must contain, but need not be limited to, the following information:

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

(b) The licensed EDUCATION personnel positions to be evaluated, which shall include INCLUDING all licensed EDUCATION 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 must be on a regular basis and of such frequency and duration as to 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 must ensure that:

(II) Nonprobationary teachers receive at least one observation each academic year and one evaluation that results in a written evaluation
report pursuant to subsection (3) of this section each academic year according to the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5. Nonprobationary teachers must receive the written evaluation report at least two weeks before the last class day of the school year.

(III) Principals shall receive one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year according to the performance standards established by rule of the state board and adopted by the general assembly pursuant to section 22-9-105.5.

(d) The purposes of the evaluation, which must include, but need not be limited to:

(III) Providing the measurement of satisfactory performance for individual licensed EDUCATION personnel and serving as documentation for an unsatisfactory performance dismissal proceeding under PURSUANT TO article 63 of this title TITLE 22;

(IV) Serving as a measurement of the professional growth and development of licensed EDUCATION personnel; and

(V) (B) Measuring the level of effectiveness of all licensed EDUCATION personnel within the school district OR WITHIN INSTITUTE CHARTER SCHOOLS.

(e) (II) The standards set by the local board OR THE INSTITUTE for effective performance for licensed EDUCATION personnel and the criteria to be used to determine whether the performance of each licensed person EDUCATION PROFESSIONAL meets the standards and other criteria for evaluation for each licensed EDUCATION personnel position evaluated.

One of the standards for measuring teacher effectiveness must be directly
related to classroom instruction and must require that thirty percent of the evaluation is determined by the academic growth of the teacher's students. The remainder of the evaluation must be based on attainment of the quality standards. For school districts, the district accountability committee shall provide input and recommendations concerning the assessment tools used to measure student academic growth as it relates to teacher evaluations. The standards must include multiple measures of student performance in conjunction with student growth expectations. For the purposes of measuring effectiveness, expectations of student academic growth must take into consideration diverse factors, including but not limited to special education, student mobility, and classrooms with a student population in which ninety-five percent meet the definition of high-risk student as defined in section 22-7-604.5 (1.5). The performance evaluation system must also ensure that the standards and criteria are available in writing to all licensed education personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

(III) Except as otherwise provided in subsection (1)(e)(IV) or (1)(e)(V) of this section, for performance evaluations completed for the 2023-24 school year and school years thereafter, of the thirty percent of a teacher's evaluation that is based on student academic growth, up to ten percent may be based on measures of collective student academic growth that are based on the performance of all students enrolled at a particular grade level within the school in which the teacher is employed or the performance of all students enrolled in the school in which the teacher is employed, but a teacher's evaluation must not include measures of collective student academic growth that are based on the performance of
students who are not enrolled in the school in which the teacher is employed.

(IV) (A) For performance evaluations completed for the 2023-24 school year, and school years thereafter, the evaluation of a licensed person EDUCATION PROFESSIONAL who has been employed by a school district, or board of cooperative services, for one school year or less must not include data that was created prior to the date on which the licensed person EDUCATION PROFESSIONAL commenced employment with the school district or board of cooperative services.

(B) THIS SUBSECTION (1)(e)(IV) IS REPEALED, EFFECTIVE JULY 1, 2026.

(V) FOR PERFORMANCE EVALUATIONS COMPLETED FOR THE 2024-25 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER, THE EVALUATION OF AN EDUCATION PROFESSIONAL WHO HAS BEEN EMPLOYED BY A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL FOR ONE SCHOOL YEAR OR LESS MUST NOT INCLUDE DATA THAT WAS CREATED PRIOR TO THE DATE ON WHICH THE EDUCATION PROFESSIONAL STARTED EMPLOYMENT WITH THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL.

(f) The methods of evaluation, which must include, but are not limited to, direct observations by the evaluator and a process of systematic data-gathering. School districts, and boards of cooperative services, AND THE INSTITUTE are encouraged to experiment, with the agreement of their school district personnel performance evaluation councils, with innovative methods of observation, which may include observations by mentors or teaching coaches, peers, department leaders, and video or digital recording; and a peer assistance and review model...
that allows licensed EDUCATION personnel to be evaluated by peers who
are licensed in the same field as the licensed person EDUCATION
PROFESSIONAL being evaluated and, if feasible, have more than one year
of experience.

(1.5) (a) A local board, or board of cooperative services, OR THE
INSTITUTE may adopt the state model licensed EDUCATION personnel
performance evaluation system established by the rules promulgated by
the state board pursuant to section 22-9-105.5 or may develop its own
local licensed OR INSTITUTE EDUCATION personnel evaluation system that
complies with the requirements established pursuant to this section and
the rules promulgated by the state board. If a school district, or board of
cooperative services, OR THE INSTITUTE develops its own local licensed
OR INSTITUTE EDUCATION personnel evaluation system, the local board,
or board of cooperative services, OR INSTITUTE, or any interested party
may submit to the department, or the department may solicit and collect,
data related to said personnel evaluation system for review by the
department.

(b) The department shall monitor school districts', and boards of
cooperative services', AND THE INSTITUTE'S implementation of the
requirements for local licensed OR INSTITUTE EDUCATION personnel
evaluation systems. If, upon initial review by the department, the data
submitted or collected pursuant to paragraph (a) of this subsection (1.5)
SUBSECTION (1.5)(a) OF THIS SECTION indicates that a school district, or
board of cooperative services, OR THE INSTITUTE is unable to implement
a local licensed OR INSTITUTE EDUCATION personnel evaluation system
that meets the objectives of this article ARTICLE 9, the department shall
conduct a more thorough review of the school district's, or board of
cooperative services', OR THE INSTITUTE'S processes and procedures for
said THE evaluation system to ensure that it is professionally sound;
results in fair, adequate, and credible evaluations; satisfies the quality
standards established by rule of the state board in a manner that is
appropriate to the size, demographics, and location of the local board, or
board of cooperative services, OR INSTITUTE CHARTER SCHOOLS; and is
consistent with the goals, objectives, and intent of this article ARTICLE 9.

(c) (I) Pursuant to section 22-11-206 (4)(b), if the department has
reason to believe that a local licensed OR INSTITUTE EDUCATION personnel
evaluation system developed by a local board, or board of cooperative
services, OR THE INSTITUTE is not in substantial compliance with one or
more of the applicable statutory or regulatory requirements of this article
ARTICLE 9, the department shall notify the local board, or board of
cooperative services, OR THE INSTITUTE that it has ninety days after the
date of the notice to bring its local licensed OR INSTITUTE EDUCATION
personnel evaluation system into compliance. The department shall work
collaboratively with the school district, or board of cooperative services,
OR THE INSTITUTE during the ninety-day period to bring the local licensed
OR INSTITUTE EDUCATION personnel evaluation system into compliance
with the applicable statutory or regulatory requirements.

(II) If, at the end of the ninety-day period, the department finds
that the local licensed OR INSTITUTE EDUCATION personnel evaluation
system is not substantially in compliance with the applicable statutory or
regulatory requirements, the department shall determine the appropriate
remedies to correct the identified areas of noncompliance, including, but
not limited to:

(C) As a last resort, requiring the school district, or board of
cooperative services, OR THE INSTITUTE to implement some or all of the
state model system. A school district, or board of cooperative services, OR
THE INSTITUTE shall only be required to implement those aspects of the
state model system that are deemed necessary to bring the local licensed
OR INSTITUTE EDUCATION personnel evaluation system into compliance.

(III) If the department determines that the noncompliance is
substantial enough to call into question the validity of the educator
evaluation ratings, the department may take appropriate action that may
include invalidating the school district's, or board of cooperative services',
OR THE INSTITUTE'S educator ratings for the evaluation cycles in question.
If the department determines that the noncompliance requires invalidating
the school district's, or board of cooperative services', OR THE INSTITUTE'S
educator ratings:

(B) A teacher who received a rating of partially effective or
ineffective shall receive a "no score" rating for the year in question.
However, if in the following academic year, the department determines
that the school district's, or board of cooperative services', OR INSTITUTE'S
local licensed or INSTITUTE EDUCATION personnel evaluation system is
compliant with the requirements of this article ARTICLE 9 and the teacher
receives a performance evaluation rating of ineffective or partially
effective, this rating shall have HAS the consequence of a second
consecutive ineffective rating.

(d) The general assembly finds that, for purposes of section 17 of
article IX of the state constitution, the review of local licensed OR
INSTITUTE EDUCATION personnel evaluation systems as provided for in
this subsection (1.5) is an important component of an accountable
program to meet state academic standards and, therefore, may be funded
from moneys MONEY in the state education fund created in section 17 (4) of article IX of the state constitution.

(2) In implementing such evaluation system and procedures, the school district, or board of cooperative services, OR THE INSTITUTE shall conduct all evaluations so as to observe the legal and constitutional rights of licensed EDUCATION personnel, and no evaluation information shall NOT be gathered by electronic devices without the consent of the licensed EDUCATION personnel. No Informality in any evaluation or in the manner of making or recording any evaluation shall NOT invalidate such evaluation.

(2.5) (b) (I) The council shall actively participate with the local board OR THE INSTITUTE in developing written standards for evaluation that clearly specify performance standards and the quality standards and the criteria to be used to determine whether the performance of each licensed person EDUCATION PROFESSIONAL meets such standards pursuant to subsection (1)(e) of this section.

(c) Notwithstanding any provision of paragraph (c) of subsection (1)(e) of this section or subsection (7) of this section to the contrary:

(II) A local board OR THE INSTITUTE may use the results of state assessments administered pursuant to section 22-7-1006.3 as a measure of student academic growth for evaluations prepared for the school year in which the assessments are administered only if the local board OR THE INSTITUTE receives the results by the date by which probationary teachers and nonprobationary teachers must receive the written evaluation report as provided in paragraph (c) of subsection (1) SUBSECTION (1)(c) of this section. If a local board OR THE INSTITUTE does not receive the results of
state assessments in time to use them in the written evaluation report prepared for the school year in which the assessments are administered, the local board shall use the results of the state assessments as measures of student academic growth for educator evaluations and professional development in the school year following the school year in which the assessments are administered. In any year in which a local board OR THE INSTITUTE does not receive the state assessment results by the deadline for the written evaluation reports, the local board OR THE INSTITUTE must use alternate measures of student academic growth, including the results of local assessments if available.

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

(II) Contain a written improvement plan that is specific as to what improvements, if any, are needed in the performance of the licensed EDUCATION personnel and clearly sets forth recommendations for improvements, including recommendations for additional education and training; during the licensed person's license renewal process;

(b) A school district, or board of cooperative services, OR THE INSTITUTE shall complete the written evaluations for all licensed EDUCATION personnel employed by the school district, or board of cooperative services, OR AN INSTITUTE CHARTER SCHOOL and shall report the final performance ratings for all licensed EDUCATION personnel who were evaluated to the department no later than October 15 of the school year following the school year for which the evaluations are completed.

(3.2) (b) In addition to the items specified in subsection (3) of this section, each principal's evaluation MUST include input from the teachers employed in the principal's school and may include input from
the students enrolled in the school and their parents. Each school district AND THE INSTITUTE shall specify the manner in which input from teachers and from students and parents, if any, is collected but shall ensure that the information collected remains anonymous and confidential.

(3.3) Each principal or administrator who is responsible for evaluating licensed EDUCATION personnel shall keep records and documentation for each evaluation conducted. Each principal and administrator who is responsible for evaluating licensed EDUCATION personnel shall be evaluated as to how well he or she THE PRINCIPAL AND ADMINISTRATOR complies with this section and with the school district's OR THE INSTITUTE'S evaluation system.

(4) (a) Except as provided in subsection (4)(b) of this section, a person shall not be responsible for the evaluation of licensed EDUCATION personnel unless the person has a principal or administrator license issued pursuant to article 60.5 of this title 22, or is a designee of a person with a principal or administrator license, and has received education and training in evaluation skills provided or approved by the department that will enable the person to make fair, professional, and credible evaluations of the personnel whom the person is responsible for evaluating. Pursuant to section 22-9-104 (1.5), the department shall make available at no cost to each school district, and board of cooperative services, AND THE INSTITUTE training for persons who are responsible for evaluating licensed EDUCATION personnel. A person shall not be issued a principal or administrator license or have a principal or administrator license renewed unless the state board determines that the person has received education and training provided or approved by the department.

(c) Each school district, and board of cooperative services, AND
THE INSTITUTE is encouraged to provide training to multiple persons to serve as evaluators to enable a licensed person being evaluated to request an alternative evaluator.

(4.5) (b) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve his or her effectiveness through the implementation of the plan. If the next performance evaluation shows that the person is performing effectively, no further action shall be taken concerning the original performance evaluation. If the evaluation shows the person is still not performing effectively, he or she shall receive written notice that his or her performance evaluation shows a rating of ineffective, a copy of the documentation relied upon in measuring the person's performance, and identification of deficiencies. Each school district AND THE INSTITUTE shall ensure that a nonprobationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal that rating, in accordance with a fair and transparent process developed, where applicable, through collective bargaining. At a minimum, the appeal process provided shall allow a nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent of the school district OR THE INSTITUTE BOARD and shall place the burden upon the nonprobationary teacher to demonstrate that a rating of effectiveness was appropriate. The appeal process shall take no longer than ninety days, and the nonprobationary teacher shall not be subject to a possible loss of nonprobationary status until after a final determination regarding the rating of ineffectiveness is made. For a person who receives a performance rating of ineffective, the evaluator shall either make additional recommendations for improvement or may recommend the
dismissal of the person, which dismissal shall MUST be in accordance with
the provisions of article 63 of this title TITLE 22 if the person is a teacher
EMPLOYED BY A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE
SERVICES. This paragraph (b) shall SUBSECTION (4.5)(b) take effect at such
the time as THE INITIAL PHASE OF IMPLEMENTATION OF the
performance evaluation system based on quality standards established
pursuant to this section and the rules promulgated by the state board
pursuant to section 22-9-105.5 has completed the initial phase of
implementation and has been implemented statewide. The commissioner
shall provide notice of such implementation to the revisor of statutes on
or before July 1, 2014, and each July 1 thereafter until statewide
implementation occurs.

(5) The school district, or board of cooperative services, licensed
OR INSTITUTE EDUCATION personnel performance evaluation system,
processes, and procedures must be in accord with the rules adopted by the
state board. The system shall MUST be developed after consultation with
the school district or board of cooperative services licensed EDUCATION
personnel performance evaluation council created pursuant to section
22-9-107 with regard to the planning, development, adoption, and
implementation of such THE system, and said THE council shall conduct
a continuous evaluation of said THE system.

(6) Pursuant to subsection (1.5) of this section, the department
shall approve REVIEW any school district's, or board of cooperative
services', OR THE INSTITUTE'S local licensed OR INSTITUTE EDUCATION
personnel performance evaluation system and related processes and
procedures to determine whether such system, processes, and procedures
are consistent with this article ARTICLE 9.
(7) Every principal must be evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this subsection (7) must require that thirty percent of the evaluation is determined by the academic growth of the students enrolled in the principal's school, and the remainder of the evaluation is based on the principal's attainment of the quality standards. For principals, the quality standards must include, but need not be limited to:

(b) The number and percentage of licensed education personnel in the principal's school who are rated as effective or highly effective; and

(c) The number and percentage of licensed education personnel in the principal's school who are rated as ineffective but are improving in effectiveness.

SECTION 23. In Colorado Revised Statutes, 22-9-107, amend (1), (2), and (3) as follows:

22-9-107. School district and institute personnel performance evaluation councils - duties. (1) The institute and every school district and board of cooperative services in the state subject to the provisions of this article ARTICLE 9 shall have an advisory school district personnel performance evaluation council, or advisory board of cooperative services personnel performance evaluation council, which, shall, at a minimum, MUST consist of the following members to be appointed by the local board of education, or board of cooperative services, OR INSTITUTE:

(a) In the case of a school district, one teacher, one administrator, and one principal from the school district; one resident from the school district who is a parent of a child attending a school within said THE district; and one resident of the school district who is not a parent with a
child in the district; or

1. In the case of a board of cooperative services, one teacher, one administrator, and one principal representative of the school district or districts participating in the board of cooperative services; one person employed by the board of cooperative services who is defined as licensed personnel; pursuant to section 22-9-103 (1.5); one resident who is a parent of a child attending a school within said district or districts; and one resident representative of the school district or districts participating in the board of cooperative services who is not a parent with a child in said district or districts; or

2. In the case of the institute, one teacher, one administrator, and one principal representative of institute charter schools; one person who is a parent or legal guardian of a child attending an institute charter school; and one resident of a community where an institute charter school is located who is not a parent with a child attending an institute charter school.

3. Said council shall consult with the local board or board of cooperative services as to the fairness, effectiveness, credibility, and professional quality of the licensed education personnel performance evaluation system and its processes and procedures and shall conduct a continuous evaluation of said system.

4. The council for a school district or the institute may be composed of any other school district or institute committee having proper membership, as defined in subsection (1) of this section.

SECTION 24. In Colorado Revised Statutes, 22-9-108, amend (1), (2), (3) introductory portion, and (3)(d) as follows:
22-9-108. Evaluator training - universities and colleges - duties. (1) (a) The general assembly finds that credible, fair, and professional evaluations of licensed EDUCATION 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, OR THE INSTITUTE, 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 licensed EDUCATION 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 PURSUANT TO sections 22-9-104 and 22-2-109.

(c) THE INSTITUTE, AND every school district and board of cooperative services that provides training in the evaluation of licensed EDUCATION personnel shall ensure that such THE 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, OR THE INSTITUTE 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 licensed EDUCATION personnel. At a minimum, each evaluator training program shall MUST include standards-based performance assessments of...
each participant, demonstrated competency, and certification by the university, college, school district, or board of cooperative services, OR
THE INSTITUTE of the skills mastered by each participant. The university, college, school district, or board of cooperative services, OR THE INSTITUTE shall work collaboratively with principals and administrators who are responsible for evaluating licensed EDUCATION personnel to develop research-based standards for assessing and certifying evaluator skills. The university, college, school district, or board of cooperative services, OR THE INSTITUTE 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 licensed EDUCATION personnel.

(3) At a minimum, each evaluator training program MUST include training in the following areas:

(d) School district OR INSTITUTE standards and state mandates.

SECTION 25. In Colorado Revised Statutes, 22-9-109, amend (1) introductory portion and (2) as follows:

(1) Notwithstanding the provisions of section 24-72-204 (3), C.R.S., the evaluation report and all public records as defined in section 24-72-202 (6), C.R.S., used in preparing the evaluation report shall be confidential and shall be available only to the licensed person EDUCATION PROFESSIONAL being evaluated, to the duly elected and appointed public officials who supervise his or her EDUCATION PROFESSIONAL’S work, and, if applicable, to a hearing officer conducting a hearing pursuant to the provisions of section 22-63-302 or the court of appeals reviewing a decision of the board of education pursuant to the
provisions of section 22-63-302; except that:

(2) Nothing in this section shall prevent a school district, or a board of cooperative services, or the institute from collecting information concerning an individual educator's performance evaluation ratings and student assessment results linked to the individual educator. A school district, or a board of cooperative services, or the institute may use the information collected to fulfill its duties as required by law, including reporting this information in the aggregate at the state, district, or school level. In such instances, the identity of individual educators or students, including, but not limited to, student assessments results linked to the individual educator, must otherwise remain confidential and must not be published or publicly disclosed in any way that would identify an individual educator.

SECTION 26. In Colorado Revised Statutes, 23-78-105, amend (2)(a)(I) as follows:

23-78-105. Teacher mentor grant program - created - standards - report. (2) A partnership consisting of at least one local education provider and at least one educator preparation program may submit an application for a grant to the department of higher education in accordance with guidelines adopted by the department. The department shall establish the application requirements, which must include a plan by which the applicant intends to sustain the teacher mentor program after the grant period ends. In selecting grant recipients, the department shall ensure, to the extent practicable, that the grant recipients include applicants of varying size from rural, urban, and suburban areas across the state. The department may award grants only to those applicants that commit to implementing a teacher mentor program that:
(a) Recruits only teachers who have at least three years of experience teaching and, to the extent practicable:

(I) Are rated effective or higher through a licensed personnel performance evaluation system pursuant to article 9 of title 22;

and

SECTION 27. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.