

CHAPTER 121

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 07-140

BY SENATOR(S) Spence, Wiens, Kopp, Harvey, Kester, McElhany, Penry, Tupa, Williams, May R., Schultheis, and Taylor;
also REPRESENTATIVE(S) Benefield, Balmer, Butcher, Carroll M., Kerr J., Massey, Mitchell V., Rose, and Summers.

AN ACT

**CONCERNING THE CREATION OF A TEACHER IDENTIFIER SYSTEM, AND, IN CONNECTION THEREWITH,
CREATING THE QUALITY TEACHERS COMMISSION.**

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 68
Quality Teachers Commission

22-68-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "QUALITY TEACHERS ACT".

22-68-102. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) THE EDUCATION OF COLORADO'S CHILDREN IS IMPORTANT TO THE FUTURE OF THE STATE OF COLORADO, AND EACH CHILD IN COLORADO DESERVES A QUALITY EDUCATION. RESEARCH SHOWS THAT QUALITY EDUCATION INCREASES CORRESPONDINGLY WITH THE QUALITY AND EXPERIENCE OF TEACHERS AND PRINCIPALS.

(b) IN ITS DECEMBER 2006 REPORT, THE ALLIANCE FOR QUALITY TEACHING IDENTIFIED A SIGNIFICANT AND WIDENING "TEACHER GAP" THAT IS CORRELATED WITH STUDENT ACHIEVEMENT. THE TEACHER GAP REFERS TO THE PHENOMENON THAT POOR AND MINORITY STUDENTS ARE MORE LIKELY TO BE INSTRUCTED BY LESS-QUALIFIED OR LESS-EXPERIENCED TEACHERS THAN THEIR MORE AFFLUENT AND WHITE PEERS.

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

(c) RECENT RESEARCH CONFIRMS THAT A COORDINATED AND COMPREHENSIVE STATEWIDE DATA SYSTEM TO TRACK TEACHERS IS NECESSARY TO MAKE INFORMED POLICY DECISIONS TO ENHANCE THE QUALITY OF TEACHERS AND PRINCIPALS. THIS SYSTEM WOULD NOT ONLY TRACK DEMOGRAPHIC AND LICENSURE INFORMATION ABOUT TEACHERS, BUT ALSO WOULD HAVE THE ABILITY TO MONITOR CRITICAL FEATURES OF THE TEACHER AND PRINCIPAL WORKFORCE, INCLUDING CREDENTIALS, ENDORSEMENTS, QUALIFICATIONS, TURNOVER, PROJECTED SHORTAGES, DISTRIBUTION PATTERNS, AND WORKING CONDITIONS.

(d) COLORADO CURRENTLY MAINTAINS THREE SEPARATE STATE-LEVEL DATA SYSTEMS TO TRACK THE EMERGING AND CURRENT TEACHER AND PRINCIPAL WORKFORCE. WHILE THIS INFORMATION IS ADEQUATE FOR PROVIDING INFORMATION ABOUT THE OVERALL QUALITY OF TEACHERS AND PRINCIPALS AT A FIXED POINT IN TIME, DUE TO CAPACITY, ACCURACY, COORDINATION, AND ACCESSIBILITY, THE DATA IN THESE SYSTEMS ARE INSUFFICIENT TO LONGITUDINALLY ASSESS QUALITY AND EXPERIENCE OF TEACHERS AND PRINCIPALS.

(e) THERE IS A CLEAR AND PRESENT NEED TO ENHANCE COLORADO'S EDUCATIONAL DATA SYSTEMS TO PROVIDE POLICYMAKERS WITH THE ACCURATE AND EFFECTIVE DATA REQUIRED TO BEGIN ADDRESSING QUESTIONS ABOUT QUALITY TEACHING AND LEARNING.

(f) ALTHOUGH COLORADO HAS TAKEN A MAJOR STEP TOWARD IMPROVING DATA THROUGH THE ENACTMENT OF HOUSE BILL 07-1048, WHICH CONCERNS LONGITUDINAL ANALYSIS OF STUDENT ASSESSMENTS, A COMPREHENSIVE LONGITUDINAL SYSTEM MUST ALSO INCLUDE THE DEVELOPMENT AND ADOPTION OF A UNIQUE TEACHER AND PRINCIPAL IDENTIFIER SYSTEM, INCLUDING A WELL-DESIGNED SYSTEM FOR INTEGRATING THE IDENTIFIER INTO EXISTING AND EMERGING DATABASES, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HOUSE BILL 07-1048. THE IDENTIFIER WOULD PROVIDE THE MEANS TO UNDERSTAND THE CONNECTIONS AMONG STUDENT ACADEMIC GROWTH, TEACHER AND PRINCIPAL TRAINING, TEACHER QUALIFICATIONS, AND TEACHER WORKING CONDITIONS, INCLUDING DEMOGRAPHICS, INDUCTION, PROFESSIONAL DEVELOPMENT, AND SCHOOL LEADERSHIP.

(g) THE IDENTIFIER SYSTEM AND EXISTING AND EMERGING DATABASES, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HOUSE BILL 07-1048, SHOULD BE DESIGNED AND INTEGRATED IN SUCH A WAY AS TO ADEQUATELY AND SATISFACTORILY BALANCE PROTECTIONS FOR TEACHERS AND PRINCIPALS WHILE STILL PROVIDING BENEFICIAL INFORMATION TO POLICYMAKERS. THE IDENTIFIER SYSTEM SHOULD ALSO BE DESIGNED TO CREATE A POSITIVE IMPACT ON TEACHING AND LEARNING AND AT NO TIME SHOULD STATE LEVEL PUNITIVE ACTION RESULT FROM ANY DATA PRODUCED THROUGH THE USE OF THE IDENTIFIER.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE STATE OF COLORADO TO CREATE A COMMISSION TO ASSESS THE DEVELOPMENT AND IMPLEMENTATION OF A UNIQUE TEACHER IDENTIFIER SYSTEM THAT WOULD BE INTEGRATED WITH EXISTING AND EMERGING EDUCATIONAL DATABASES, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HOUSE BILL 07-1048. THE COMMISSION SHALL ALSO STUDY THE

TEACHER GAP AND RECOMMEND WAYS TO EFFECTIVELY RESOLVE IT FOR THE BETTERMENT OF THE CHILDREN OF COLORADO AND TO DEVELOP POLICY TOOLS TO ASSIST SCHOOL DISTRICTS IN CLOSING THE TEACHER GAP.

22-68-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE QUALITY TEACHERS COMMISSION CREATED PURSUANT TO SECTION 22-68-104.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "FUND" MEANS THE QUALITY TEACHERS FUND CREATED IN SECTION 22-68-105.

(4) "IDENTIFIER" MEANS A UNIQUE TEACHER IDENTIFIER AS STUDIED BY THE COMMISSION PURSUANT TO SECTION 22-68-104.

(5) "PRINCIPAL" MEANS ANY PERSON WHO IS EMPLOYED AS THE CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF ANY SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATION INSTRUCTIONAL PROGRAM IN SUCH SCHOOL.

(6) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(7) "TEACHER" MEANS A PERSON:

(a) WHO HOLDS AN ALTERNATIVE, AN INITIAL, OR A PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED BY A SCHOOL DISTRICT TO INSTRUCT, DIRECT, OR SUPERVISE AN INSTRUCTIONAL PROGRAM; OR

(b) WHO IS EMPLOYED BY A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL TO INSTRUCT, DIRECT, OR SUPERVISE AN INSTRUCTIONAL PROGRAM.

(8) "TEACHER GAP" MEANS THE DOCUMENTED PHENOMENON THAT A POOR OR MINORITY STUDENT IS MORE LIKELY TO BE TAUGHT BY A LESS-QUALIFIED OR LESS-EXPERIENCED TEACHER THAN THE STUDENT'S MORE AFFLUENT OR WHITE PEERS.

22-68-104. Quality teachers commission - creation - membership - duties.

(1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE QUALITY TEACHERS COMMISSION. THE COMMISSION SHALL HAVE THE FOLLOWING PURPOSES:

(a) TO EXAMINE THE TEACHER GAP IN COLORADO TO DETERMINE WHY IT EXISTS, WHY IT IS WIDENING, AND HOW IT DIRECTLY AFFECTS STUDENT ACHIEVEMENT;

(b) TO GATHER FROM SCHOOL DISTRICTS DATA CONCERNING POLICIES AND

PRACTICES THAT HAVE BEEN FOUND TO BE EFFECTIVE IN REDUCING THE TEACHER GAP IN EACH SCHOOL DISTRICT AND, ON THE BASIS OF THE DATA, TO MAKE SPECIFIC RECOMMENDATIONS FOR REDUCING THE TEACHER GAP STATEWIDE;

(c) TO STUDY THE FEASIBILITY OF ESTABLISHING AN IDENTIFIER PROTOCOL FOR TEACHERS AND A STRUCTURE FOR INTEGRATING THE IDENTIFIER INTO THE STATE'S EXISTING AND EMERGING EDUCATIONAL DATABASES, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HOUSE BILL 07-1048, TO IMPROVE DATA QUALITY AND INCREASE THE KNOWLEDGE BASE REGARDING TEACHING AND ITS RELATIONSHIP WITH STUDENT LEARNING; AND

(d) TO STUDY THE FEASIBILITY OF ESTABLISHING AN IDENTIFIER PROTOCOL FOR PRINCIPALS THAT WOULD BE INTEGRATED WITH A TEACHER IDENTIFIER PROTOCOL AND THE STATE'S EXISTING AND EMERGING EDUCATIONAL DATABASES, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HOUSE BILL 07-1048.

(2) (a) THE COMMISSION SHALL CONSIST OF THIRTEEN COMMISSIONERS TO BE APPOINTED BY THE GOVERNOR ON OR BEFORE JULY 1, 2007. THE COMMISSION SHALL CONSIST OF THE FOLLOWING MEMBERSHIP:

(I) ONE REPRESENTATIVE FROM THE STATE BOARD;

(II) ONE REPRESENTATIVE FROM THE DEPARTMENT WHO HAS EXPERTISE IN DATA SYSTEMS;

(III) ONE REPRESENTATIVE FROM THE COLORADO COMMISSION ON HIGHER EDUCATION;

(IV) ONE REPRESENTATIVE FROM THE GOVERNOR'S OFFICE;

(V) ONE REPRESENTATIVE FROM A STATEWIDE MEMBERSHIP ORGANIZATION THAT REPRESENTS TEACHERS;

(VI) ONE REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT REPRESENTS SCHOOL EXECUTIVES;

(VII) ONE REPRESENTATIVE FROM A STATEWIDE ORGANIZATION THAT REPRESENTS SCHOOL DISTRICT BOARDS OF EDUCATION;

(VIII) ONE SCHOOL PRINCIPAL;

(IX) TWO TEACHERS WHO COMPLETED THEIR TEACHER PREPARATION IN COLORADO;

(X) ONE PARENT OF A STUDENT ENROLLED IN A PUBLIC SCHOOL;

(XI) ONE REPRESENTATIVE FROM AN EDUCATION POLICY OR ADVOCACY GROUP;
AND

(XII) ONE REPRESENTATIVE FROM AN EXISTING COUNCIL WHOSE MEMBERS ARE

DEANS OF EDUCATION.

(b) THE COMMISSIONERS SHALL SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

(c) THE FIRST MEETING OF THE COMMISSION SHALL OCCUR ON OR BEFORE AUGUST 1, 2007. SUBSEQUENT MEETING SCHEDULES SHALL BE DETERMINED BY THE COMMISSION. AT THE FIRST MEETING OF THE COMMISSION, THE COMMISSIONERS SHALL ELECT A CHAIRPERSON AND A VICE-CHAIRPERSON FROM THE MEMBERSHIP.

(3) THE COMMISSION SHALL FUNCTION FOR A TWO-YEAR PERIOD. ON OR BEFORE JANUARY 15, 2008, AND AGAIN ON OR BEFORE JANUARY 15, 2009, THE COMMISSION SHALL REPORT THE OUTCOMES OF ITS DUTIES TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE COMMISSION SHALL MAKE A FINAL REPORT ON OR BEFORE JULY 1, 2009, ON ITS FINDINGS AND DUTIES TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(4) THE COMMISSION'S DUTIES FOR THE FIRST YEAR SHALL INCLUDE, AT A MINIMUM:

(a) PERFORMING A DETAILED EXAMINATION OF THE TEACHER GAP AT THE STATE, SCHOOL DISTRICT, AND SCHOOL LEVELS; AND

(b) CREATING A WELL-DESIGNED POLICY FOR ESTABLISHING AN IDENTIFIER PROTOCOL. IN DESIGNING THE IDENTIFIER PROTOCOL, THE COMMISSION SHALL CONSIDER THE FOLLOWING:

(I) CLEAR PARAMETERS FOR WHERE THE IDENTIFIER WILL BE HOUSED, HOW IT WILL OPERATE, WHAT DATA WILL BE COLLECTED, AND HOW DATA WILL BE ACCESSED AND DISSEMINATED;

(II) HOW TO INTEGRATE THE IDENTIFIER INTO EXISTING AND EMERGING DATA SYSTEMS, IN PARTICULAR THE LONGITUDINAL GROWTH MODEL BEING DEVELOPED AS A RESULT OF HB 07-1048, AS SEAMLESSLY AS POSSIBLE WHILE CONSIDERING CAPACITY, PERSONNEL, FISCAL, AND RESOURCE CONDITIONS;

(III) THE CAPACITY OF THE DEPARTMENT TO IMPLEMENT AN IDENTIFIER PROTOCOL, INCLUDING THE STAFFING, EXTERNAL TECHNICAL EXPERTISE, TECHNOLOGY, AND INFRASTRUCTURE NECESSARY FOR SUCCESSFUL IMPLEMENTATION;

(IV) THE IDENTIFICATION OF PROTECTIONS FOR INDIVIDUAL TEACHERS AND PRINCIPALS IN RELATION TO HOW THE IDENTIFIER DATA WILL BE USED;

(V) HOW TO CREATE A PILOT IDENTIFIER PROTOCOL DURING THE COMMISSION'S SECOND YEAR SO THE COMMISSION CAN MONITOR AND STUDY ITS OPERATION BEFORE FULL IMPLEMENTATION IF THE COMMISSION RECOMMENDS PROCEEDING WITH FULL IMPLEMENTATION OF AN IDENTIFIER PROTOCOL AT THE END OF ITS SECOND YEAR; AND

(VI) FACTORS OR PROBLEMS THAT MAY ARISE AS A RESULT OF IMPLEMENTING TEACHER AND PRINCIPAL IDENTIFIER PROTOCOLS, INCLUDING BUT NOT LIMITED TO STATE INTERFERENCE IN THE LOCAL BARGAINING PROCESS, PUBLIC CONCERN REGARDING THE TRANSFER OF QUALITY TEACHERS AWAY FROM HIGH-PERFORMING SCHOOLS, AND FACTORS THAT IMPACT THE PRODUCTIVITY AND MORALE OF QUALITY TEACHERS IN LOW-PERFORMING SCHOOLS.

(c) IDENTIFYING POSITIVE USES FOR THE DATA GLEANED FROM A TEACHER IDENTIFIER SYSTEM TO IMPROVE TEACHING AND LEARNING, INCLUDING BUT NOT LIMITED TO IMPROVEMENT OF TEACHER PREPARATION PROGRAMS, TEACHER INDUCTION, PROFESSIONAL DEVELOPMENT, WORKING CONDITIONS, AND MENTOR PROGRAMS.

(d) DEVELOPING A SET OF RECOMMENDATIONS FOR THE GENERAL ASSEMBLY TO CONSIDER CONCERNING WHETHER TO PROCEED WITH IMPLEMENTING A PILOT IDENTIFIER PROTOCOL, AND, IF SO, HOW IT SHOULD BE STRUCTURED. PRIOR TO PROCEEDING WITH THE IMPLEMENTATION OF A PILOT IDENTIFIER PROTOCOL, THE COMMISSION SHALL OBTAIN APPROVAL FROM THE GENERAL ASSEMBLY THROUGH ADDITIONAL LEGISLATION AUTHORIZING THE IMPLEMENTATION OF THE PROTOCOL.

(5) THE COMMISSION'S DUTIES FOR THE SECOND YEAR SHALL INCLUDE, AT A MINIMUM:

(a) CONTINUING TO GATHER AND STUDY INFORMATION ON THE TEACHER GAP, INCLUDING SUCCESSES AND SETBACKS IN ADDRESSING AND REDUCING THE TEACHER GAP;

(b) MAKING POLICY RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR REDUCING THE TEACHER GAP IN THE SHORT-TERM AND ELIMINATING THE TEACHER GAP IN THE LONG-TERM;

(c) IF LEGISLATION IS ENACTED APPROVING A PILOT IDENTIFIER PROTOCOL PURSUANT TO PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION AND THE PILOT IDENTIFIER PROTOCOL IS SUBSEQUENTLY ESTABLISHED BY THE DEPARTMENT, MONITORING AND STUDYING THE PILOT IDENTIFIER PROTOCOL AND MAKING RECOMMENDATIONS FOR REMOVING SYSTEM DEFICIENCIES, IMPROVING THE SYSTEM, AND PREPARING FOR A STATEWIDE IMPLEMENTATION OF AN IDENTIFIER SYSTEM; AND

(d) BY THE END OF THE SECOND YEAR, HAVING A STATEWIDE IDENTIFIER SYSTEM READY FOR IMPLEMENTATION IF A STATEWIDE IDENTIFIER SYSTEM IS RECOMMENDED BY THE COMMISSION AT THE END OF THE SECOND YEAR.

(6) (a) AT THE END OF THE FIRST YEAR, IF THE COMMISSION RECOMMENDS THE ESTABLISHMENT OF AN IDENTIFIER PROTOCOL TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND IMPLEMENTING LEGISLATION IS APPROVED BY THE GENERAL ASSEMBLY PURSUANT TO PARAGRAPH (d) OF SUBSECTION (4) OF THIS SECTION, THE DEPARTMENT SHALL IMPLEMENT A PILOT IDENTIFIER PROTOCOL, SUBJECT TO AVAILABLE FUNDING FROM GIFTS, GRANTS, AND DONATIONS.

(b) AT THE END OF THE SECOND YEAR, IF THE COMMISSION FURTHER

RECOMMENDS TO THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE COMMISSION SHALL OBTAIN APPROVAL FROM THE GENERAL ASSEMBLY THROUGH ADDITIONAL LEGISLATION AUTHORIZING THE EXPANSION OF THE PILOT IDENTIFIER PROTOCOL TO A STATEWIDE LEVEL. UPON ENACTMENT OF SUCH LEGISLATION, THE DEPARTMENT SHALL IMPLEMENT THE PILOT IDENTIFIER PROTOCOL ON A STATEWIDE LEVEL, SUBJECT TO AVAILABLE FUNDING FROM GIFTS, GRANTS, AND DONATIONS.

22-68-105. Quality teachers fund - creation. THE COMMISSION IS HEREBY AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE, INCLUDING GIFTS, GRANTS, OR DONATIONS THAT INCLUDE STATED CONDITIONS OF USE; EXCEPT THAT A GIFT, GRANT, OR DONATION SHALL NOT BE ACCEPTED IF THE CONDITIONS ATTACHED TO THE GIFT, GRANT, OR DONATION REQUIRE ITS EXPENDITURE IN A MANNER CONTRARY TO LAW. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE QUALITY TEACHERS FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS CREDITED TO THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS ARTICLE. ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. AT THE END OF ANY FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEYS IN THE FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND; EXCEPT THAT ANY MONEYS REMAINING IN THE FUND AS OF JULY 1, 2009, SHALL BE CREDITED TO THE GENERAL FUND.

22-68-106. Repeal. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2009.

SECTION 2. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

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

Approved: April 11, 2007