

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB26-1291 be amended as follows:

- 1 Amend printed bill, page 3, after line 25 insert:
- 2 "SECTION 2. In Colorado Revised Statutes, 22-9-104, **amend**
- 3 (1.5) introductory portion and (1.5)(a) as follows:
- 4 **22-9-104. State model licensed personnel performance**
- 5 **evaluation system - department - state board - powers and duties -**
- 6 **rules.**
- 7 (1.5) To assist school districts and boards of cooperative services
- 8 in implementing the state model licensed personnel performance
- 9 evaluation system and in developing and implementing local systems of
- 10 personnel performance evaluation, ~~by the beginning of the 2023-24~~
- 11 ~~school year~~, the department shall:
- 12 (a) Create a modified rubric specifically for measuring the
- 13 performance of a licensed person who has received a rating of highly
- 14 effective for at least three consecutive ~~school~~ EVALUATION years and
- 15 provide guidelines for focusing on professional growth and career
- 16 development in evaluating licensed personnel who are consistently rated
- 17 highly effective;".
- 18 Renumber succeeding sections accordingly.
- 19 Page 3, line 27, strike "and (1)(c)(II);" and substitute "(1)(c)(II), and
- 20 (3)(b);"
- 21 Page 4, line 1, before "(10)" insert "(1)(c.5) and".
- 22 Page 5, line 6, strike "YEARS." and substitute "YEARS WITHIN A DISTRICT.".
- 23 Page 5, after line 15 insert:
- 24 "(C) IF REQUESTED BY A NONPROBATIONARY TEACHER WHO
- 25 RECEIVES AT LEAST AN EFFECTIVE RATING, A LOCAL BOARD OR BOARD OF
- 26 COOPERATIVE SERVICES SHALL REQUIRE THAT THE NONPROBATIONARY
- 27 TEACHER RECEIVE A DOCUMENTED OBSERVATION IN EACH ACADEMIC
- 28 YEAR STARTING IN THE ACADEMIC YEAR FOLLOWING THE REQUEST, OR
- 29 WHEN OTHERWISE PRACTICABLE AS DETERMINED BY THE LOCAL BOARD OR
- 30 BOARD OF COOPERATIVE SERVICES, AND ONE EVALUATION THAT RESULTS
- 31 IN A WRITTEN EVALUATION REPORT PURSUANT TO SUBSECTION (3) OF THIS
- 32 SECTION IN EACH ACADEMIC YEAR STARTING IN THE ACADEMIC YEAR
- 33 FOLLOWING THE REQUEST, OR WHEN OTHERWISE PRACTICABLE AS
- 34 DETERMINED BY THE LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES.
- 35 (D) A LOCAL BOARD OR BOARD OF COOPERATIVE SERVICES MAY
- 36 REQUIRE THAT A NONPROBATIONARY TEACHER RECEIVE A DOCUMENTED

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

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

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

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

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

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

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

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

7 Page 6, strike lines 1 through 3.

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