



## Senate Bill 10-191

### Summary Senate Education 4/23/10

Note: strike through indicates language removed; capital letters indicates new language

## Concerning Ensuring Quality Instruction through Educator Effectiveness (EQUITEE)

*Sponsors: Senators Johnston and Spence; Representatives Scanlan and Murray*

### General Concepts

- Requires a system that evaluates the “level of performance **BASED ON THE *effectiveness***” of licensed professionals, including teachers and principals, instead of their performance.
- 50% of the teacher’s evaluation is determined by the “academic growth” of the teacher’s students, and ~~66%~~ 50% of a principals evaluation is determined by a combination of the academic growth of the students enrolled in the principals school and the demonstrated effectiveness or increase in effectiveness of the teachers in the principals school; and
- Each teacher is provided with an opportunity to improve effectiveness through a growth plan that links his or her evaluation to professional development opportunities.
- **DEFINES:**
  - “**PERFORMANCE STANDARDS**” AS LEVELS OF EFFECTIVENESS ESTABLISHED BY THE RULES.
  - “**QUALITY STANDARDS**” AS ELEMENTS AND CRITERIA ESTABLISHED TO MEASURE EFFECTIVENESS.
  - “**EDCATOR**” AS A TEACHER, PRINCIPAL, OR ANY OTHER LICENSED PERSONNEL.

### Duties of the Council

- Codifies the Educator Effectiveness Council established by the Governor’s Executive Order AND **RENAMES IT THE “STATE COUNCIL ON EDUCATOR EFFECTIVENESS.”**
- Consider options and provide recommendations concerning educator effectiveness by ~~December 31, 2010~~ **MARCH 1, 2011**, including:
  - Every teacher and principal is evaluated using multiple “fair, transparent, timely, rigorous and valid” methods:
    - Multiple measures to determine **teacher** effectiveness shall include
      - Student longitudinal academic growth that are consistent with the Colorado Growth Model; and
      - Measures of student achievement levels on any statewide assessments in the relevant subject and grade level or any locally adopted interim assessments approved by the State Board to assess student academic growth ~~in the relevant subject and grade level.~~ **AND SHALL INCLUDE STATEWIDE SUMMATIVE ASSESSMENTS AND MAY INCLUDE INTERIM ASSESSMENT RESULTS AND EVIDENCE OF STUDENT WORK THAT ARE RIGOROUS AND COMPARABLE ACROSS CLASSROOMS AND ALLINGED WITH EXISTING CONTENT AND PERFORMANCE STANDARDS.**
    - Multiple measures to determine **principal** effectiveness shall include
      - Achievement and academic growth for students as measured by the growth model,
      - Number and percentage of licensed personnel in principals school who are rated as effective or highly effective **BASED ONLY ON OBJECTIVE STUDENT GROWTH**; and

- The number and percentage of licensed personnel who are rated as ineffective but are improving in effectiveness.
- Develop a set of guidelines for establishing levels of effectiveness “for each category of licensed personnel to be evaluated....” outlining criteria to be applied in determining levels of educator effectiveness, including measures of student academic growth; and
- Actively participate with local boards to develop written standards for evaluation that clearly specify levels of effectiveness and measure to be used.
- ~~Make recommendations to the State Board regarding how the state can adopt and implement a plan for “equitable distribution” of highly effective teachers and principals.~~
- FOR THE PURPOSE OF MEASURING EFFECTIVENESS AND EXPECTATIONS OF STUDENT GROWTH, THE COUNCIL SHALL TAKE INTO CONSIDERATION DIVERSE FACTORS, INCLUDING BUT NOT LIMITED TO SPECIAL EDUCATION, STUDENT MOBILITY AND CLASSROOMS WITH A HIGH PERCENTAGE (95% OR ABOVE) OF HIGH RISK STUDENTS.

### Duties of the State Board

- The State Board must promulgate rules regarding the above issues by ~~March 1, 2011~~ SEPTEMBER 1, 2011 whether they have received recommendations from the Council by ~~December 31, 2010~~ MARCH 1, 2011 or not.
- ON OR BEFORE MARCH 1, 2011, DEVELOP A SET OF PERFORMANCE STANDARDS TO ESTABLISH LEVELS OF EFFECTIVENESS AND QUALITY STANDARDS TO MEASURE EFFECTIVENESS, TO BE USED BY DISTRICTS AND BOARDS OF COOPERATIVE SERVICES.
- BY FEBRUARY 15, 2012 THE LEGISLATURE WILL APPROVE THE SBE RULES AND RESERVES THE RIGHT TO ALTER OR REPEAL THOSE RULES.
- 2011-2012—ROLLOUT A BETA TEST OF EVALUATION SYSTEM AS DETERMINED BY THE COUNCIL.
- 2013-2014 – STATEWIDE IMPLEMENTATION OF EVALUATION SYSTEMS AS DETERMINED BY THE COUNCIL.
- 2014-2015 – STATEWIDE IMPLEMENTATION OF EVALUATION SYSTEM THAT CAN BE USED TO INFORM HOW TEACHERS LOSE TENURE.
- The State Board is responsible for reviewing district systems to make sure they meet or exceed the guidelines for measures of effectiveness established in those rules.
- THE STATE BOARD WILL CREATE A BANK OF RESOURCES THAT SHALL IDENTIFY ASSESSMENTS, PROCESSES, TOLLS AND POLICIES THAT A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES MAY USE TO DEVELOP THEIR EVALUATION SYSTEM.
- THE STATE BOARD WILL REVIEW PROCESSES AND PROCEDURES FOR EVALUATION TO ASSURE THAT THEY ARE PROFESSIONALLY SOUND AND WILL SATISFY QUALITY STANDARDS IN A MANNER THAT IS APPROPRIATE TO THE SIZE, DEMOGRAPHICS, AND LOCATION OF THE DISTRICT OR BOARD OF COOPERATIVE SERVICES.

### Probationary/Ineffective Status

- Beginning with the 2014-15 school year, “teachers shall earn non-probationary status based on three consecutive years of demonstrated effectiveness and shall lose non-probationary status based on two consecutive years of demonstrated ineffectiveness.” At a minimum the evaluation system “shall ensure that:”
  - Non-probationary teachers will receive an evaluation each academic year. (Currently, non-probationary teachers are evaluated every three years.)
  - Principals shall receive one evaluation each academic year. (Currently principals are evaluated yearly in their first three years and once every three years after that.) deficiencies
- A teacher or principal whose performance is deemed to be ineffective shall be:
  - ~~given notice of deficiencies~~ RECEIVE WRITTEN NOTICE THAT HIS OR HER PERFORMANCE EVALUATION SHOWS A RATING OF INEFFECTIVE, A COPY OF THE DOCUMENTATION RELIED UPON IN MEASURING THE EDUCATOR’S PERFORMANCE, AND IDENTIFICATION OF DEFICIENCIES. EACH SCHOOL DISTRICT 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 SHALL ALLOW A NONPROBATIONARY TEACHER TO APPEAL THE RATING OF INEFFECTIVENESS TO THE SUPERINTENDENT OF THE DISTRICT AND SHALL PLACE THE BURDEN UPON THE TEACHER TO DEMONSTRATE THAT A RATING OF EFFECTIVENESS WAS APPROPRIATE.
- THE APPEAL PROCESS SHALL TAKE NO LONGER THAN 90 DAYS.
- THE NONPROBATIONARY TEACHER SHALL NOT BE SUBJECT TO LOSS OF STATUS UNTIL AFTER A FINAL DETERMINATION.
- A remediation plan shall be developed by the district and the teacher or principal.
- "...be given a reasonable period of time to remediate the deficiencies and shall receive a statement of the resources and assistance available for the purpose of improving effectiveness."
- If the next performance evaluation shows that the person is performing effectively, no further action shall be taken concerning the original performance evaluation. If evaluation shows the person is still not performing effectively, evaluator may make additional recommendations for improvement or may recommend dismissal.
- A non-probationary teacher will return to probationary status following two consecutive years of demonstrated ineffectiveness.
- CLARIFICATION FOR BOCES TEACHERS – THEY SHOULD BE EVALUATED PURSUANT TO THIS MEASURE BUT MAY NOT BE RETURNED TO PROBATIONARY STATUS BECAUSE THEY ARE ALREADY PROBATIONARY.

#### Evaluation

- Intended to provide the measurement of effectiveness for individual licensed personnel and serve as documentation for an ineffective performance dismissal proceeding; and
- Measuring effectiveness of all licensed personnel within the school district or employed by a board of cooperative services.
- The performance evaluation system will ensure that the standards and criteria for evaluation are available in writing to all licensed personnel and are communicated and discussed before and during the evaluation.

#### Direct Placement

- Each employment contract must contain a provision stating that a "teacher may be assigned to a particular school only with the consent of the receiving school" because a principal needs the ability to select teachers who support the instructional model of a principals school.
- If a teacher is unable to secure an assignment at a school after two hiring cycles, the school district shall place the teacher on unpaid leave. If the teacher secures an assignment while on unpaid leave, the district shall reinstate the teacher's salary and benefits at the level they were before the teacher was placed on leave.

#### FISCAL NOTE

- FUNDED BY GIFTS, GRANTS AND DONATIONS.