

Principal and Teacher Effectiveness

This draft Act codifies a state council for educator effectiveness that was originally established by executive order, sets the composition of the council, and requires it to make recommendations to the state board of education about how to improve and evaluate the effectiveness of teachers, principals, and other, related, licensed personnel.

The Act directs the state board of education to use the recommendations of the council to develop and adopt by rules guidelines to evaluate the effectiveness of teachers and principals. It establishes basic criteria and performance standards that must be addressed by or included in the rules.

The Act requires the legislature to review the rules and gives the legislature the authority to repeal such rules. All school districts and boards of cooperative educational services must adjust their local performance evaluation systems to meet or exceed the new guidelines issued under the rules.

The Act directs the state department of education to work with school districts and boards of cooperative services to implement the new guidelines, and to provide a resource bank that identifies assessments, processes, tools, and policies districts can use to modify their systems to comply.

The general goals of the Act are to ensure that teachers and principals are evaluated using fair and valid methods, improve classroom instruction, enable their professional growth and development, and improve hiring and firing decisions. The Act ties part of such evaluations to the academic growth of students.

The Act creates a Great Teachers and Leaders Fund and permits the state department of education to accept grants to and make grants from the fund. The Act continuously appropriates money in the Great Teachers and Leaders Fund to the department to pay the costs to implement the Act.

Submitted as:

Colorado

[SB 10-191 \(Enrolled version\)](#)

Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act to Ensure Quality Instruction
2 Through Educator Effectiveness.”

3
4 Section 2. [*Legislative Declaration.*]

5 (A) The [general assembly] declares that a system to evaluate the effectiveness of
6 [teachers], [principals], and [other, related], [licensed personnel], is crucial to improving the
7 quality of education in this state and declares such a system shall be applicable to all [teachers],
8 [principals], and [other, related], [licensed personnel] in the school districts and [boards of
9 cooperative services] throughout the state.

10 (B) The purposes of such a system shall be to:

11 (1) Improve instruction;

- 12 (2) Enhance curriculum;
13 (3) Enable and measure professional growth and development;
14 (4) Evaluate performance; and
15 (5) Assist with making decisions about hiring, assigning, compensating,
16 promoting, tenure, and firing such personnel.

17 (C) The [general assembly] further declares that a professionally sound and credible
18 system to evaluate the effectiveness of [teachers, principals], and [other, related], [licensed
19 personnel] shall be designed with the involvement of such personnel, citizens in a school district,
20 and [boards of cooperative services].

21 (D) The [general assembly] further declares that the involvement and support of parents
22 of children in public schools, acting as partners with teachers and public school administrators,
23 are key to the educational progress of their children.

24
25 Section 3. [*Definitions.*] As used in this Act:

26 (1) “Boards of cooperative services” means boards as defined under [insert citation].

27 (2) “Council” means the [state council for educator effectiveness] established pursuant to
28 Section 4.

29 (3) “Department” means the state [department of education].

30 (4) “Licensed personnel” means personnel licensed under [insert citation].

31 (5) “Nonprobationary teacher” means a teacher as defined under [insert citation].

32 (6) “Performance standards” means the levels of effectiveness established by rule of the
33 [state board] pursuant to Section 5.

34 (7) “Principal” means a person who is employed as the chief executive officer or an
35 assistant chief executive officer of a school in the state and who administers, directs, or
36 supervises the education program in the school.

37 (8) “Principal development plan” means a written agreement developed by a principal
38 and district administration that outlines the steps to be taken to improve the principal’s
39 effectiveness. The principal development plan shall include professional development
40 opportunities.

41 (9) “Probationary teacher” means a teacher as defined under [insert citation].

42 (10) “Quality standards” means the elements and criteria established to measure
43 effectiveness as established by rule of the [state board] pursuant to Section 5.

44 (11) “Teacher” means a person who holds an alternative, initial, or professional teacher
45 license issued pursuant to [insert citation] and who is employed by a school district or a charter
46 school in the state to instruct, direct, or supervise an education program.

47 (12) “Teacher development plan” means a written agreement mutually developed by a
48 teacher and their principal that outlines the steps to be taken to improve the teacher’s
49 effectiveness. The teacher development plan may include but need not be limited to
50 consideration of induction and mentorship programs, using highly effective teachers as
51 instructional leaders or coaches, and other appropriate professional development activities.

52
53 Section 4. [*State Council for Educator Effectiveness.*]

54 (A) There is hereby created in the [office of the governor] the [state council for educator
55 effectiveness].

56 (B) The members of the [governor’s council for educator effectiveness] created under
57 [executive order], shall serve on the [council] as appointed by the [governor], and shall include:

58 (1) The [commissioner of education], or their designee;

59 (2) The [executive director of the department of higher education], or their
60 designee;

61 (3) [Four] teachers, selected with the advice of state associations that represent
62 educators;

63 (4) [Two] public school administrators and [one] local school district
64 superintendent, each selected with the advice of a state association that represents school
65 executives;

66 (5) [Two] members of local school boards, selected with the advice of a state
67 association that represents school boards;

68 (6) [One] charter school administrator or teacher, selected with the advice of a
69 state advocacy group for charter schools;

70 (7) [One] parent of a public school student, selected with the advice of a state
71 parent and teachers association;

72 (8) [A current student or recent graduate] of a public school in this state, selected
73 with the advice of a statewide student coalition; and

74 (9) [One] at-large member with expertise in education policy.

75 (C) The purpose of the [council] shall be the same as that of the [governor’s council for
76 educator effectiveness] established by [executive order], and shall be to consider options and
77 make recommendations to the [state board] and the [general assembly] that seek to ensure all
78 [teachers], [principals], and [other, related], [licensed personnel] are:

79 (1) Evaluated using multiple fair, transparent, timely, rigorous, and valid methods,
80 at least [fifty percent] of which evaluation is determined by the academic growth of their
81 students;

82 (2) Afforded a meaningful opportunity to improve their effectiveness; and

83 (3) Provided the means to share effective practices with other educators
84 throughout the state.

85 (D) The [council] shall have the following duties:

86 (1) On or before [March 1, 2011], to provide the [state board] with
87 recommendations to ensure every teacher is evaluated using multiple fair, transparent, timely,
88 rigorous, and valid methods. The recommendations developed pursuant to this paragraph shall
89 require at least [fifty percent] of an evaluation be determined by the academic growth of a
90 teacher’s students and that each teacher is provided with an opportunity to improve their
91 effectiveness through a teacher development plan that links their evaluation and performance
92 standards to professional development opportunities. The quality standards for teachers shall
93 include measures of student longitudinal academic growth that are consistent with measures set
94 forth in [insert citation] and may include interim assessment results or evidence of student work,
95 provided that all are rigorous and comparable across classrooms and aligned with state model
96 content standards and performance standards developed pursuant to [insert citation]. For the
97 purposes of quality standards, expectations of student academic growth shall take into
98 consideration diverse factors, including but not limited to special education, student mobility,
99 and classrooms with a student population in which [ninety-five] percent meet the definition of
100 high-risk student under [insert citation]. The quality standards for teachers shall be clear and
101 relevant to a teacher’s roles and responsibilities and with the goal of improving student academic
102 growth. The [council] shall include in its recommendations a definition of effectiveness and its
103 relation to quality standards. The definition of effectiveness shall include, but need not be limited
104 to, criteria that will be used to differentiate between performance standards. The defined
105 performance standards shall include, but need not be limited to, “highly effective,” “effective,”
106 and “ineffective.” The [council] shall consider whether additional performance standards should
107 be established.

108 (2) On or before [March 1, 2011], to provide the [state board] with
109 recommendations to ensure every principal is evaluated using multiple fair, transparent, timely,

110 rigorous, and valid methods. The recommendations pursuant to this paragraph shall require that
111 every principal is provided with a principal development plan. In making its recommendations,
112 the [council] shall recognize that not all principals require the same amount of supervision and
113 evaluation. As part of its recommendations to the [state board], the [council] shall develop a
114 process to enable a local school district to differentiate teacher and principal evaluations as part
115 of its performance evaluation system.

116 (3) On or before [March 1, 2011], to develop and recommend to the [state board]
117 statewide definitions of teacher and principal effectiveness, each of which shall be centered on
118 an educator's demonstrated ability to achieve and sustain adequate student growth and shall
119 include a set of professional skills and competencies related to improved student outcomes.

120 (4) On or before [March 1, 2011], to make recommendations to the [state board]
121 about how to involve parents of children in public schools as partners with teachers and public
122 school administrators.

123 (5) On or before [March 1, 2011], to provide the [state board] with
124 recommendations about implementing and testing a new performance evaluation system that is
125 based on quality standards and with recommendations for the subsequent statewide
126 implementation of the new performance evaluation system.

127 (6) On or before [March 1, 2011], to provide the [state board] with
128 recommendations that will ensure development of a set of guidelines for establishing
129 performance standards for each category of [teacher], [principal], and [other, related], [licensed
130 personnel] to be evaluated pursuant to this Act. The guidelines shall outline criteria to be applied
131 in assigning educators to appropriate performance standards, which shall include measures of
132 student longitudinal academic growth.

133 (7) On or before [March 1, 2011], to recommend to the [state board] guidelines to
134 implement a high-quality educator evaluation system to address, at a minimum, the following:

135 (a) Ongoing training to ensure all evaluators and educators fully
136 understand the system. The training may include such activities as conducting joint training
137 sessions for evaluators and educators.

138 (b) Evaluation results are normed to ensure consistency and fairness;

139 (c) Evaluation rubrics and tools are deemed fair, transparent, rigorous, and
140 valid;

141 (d) Evaluations are conducted using sufficient time and frequency, at least
142 [annually], to gather sufficient data upon which to base the ratings contained in an evaluation;

143 (e) Provision of adequate training and collaborative time to ensure that
144 educators fully understand and have the resources to respond to student academic growth data;

145 (f) Student data that is monitored at least [annually] to ensure the
146 correlation between student academic growth and outcomes with educator effectiveness ratings;
147 and

148 (g) A process by which a nonprobationary teacher may appeal their second
149 consecutive performance rating of ineffective and submit such process by the [first day of
150 convening of the first regular session of the sixty-ninth general assembly to the education
151 committees of the house of representatives and the senate, or any successor committees].

152 (8) On or before [March 1, 2011], to recommend to the [state board] a rubric for
153 identifying multiple additional quality standards, in addition to student academic growth, which
154 are rigorous, transparent, valid, and fair;

155 (9) On or before [March 1, 2011], to make recommendations to the [state board]
156 about policy changes, as appropriate, that support local school districts' using evaluation data for
157 decisions in areas such as compensation, promotion, retention, removal, and professional
158 development;

159 (10) On or before [March 1, 2011], to make recommendations to the [state board]
160 about policy changes, as appropriate, to ensure that the standards and criteria to license and
161 accredit teachers and principals lead to effective educators;

162 (E) The [council] shall develop a plan to implement its recommendations and identify the
163 associated tasks and costs at the state and district levels. The recommendations shall include an
164 analysis of the cost to implement the recommendations, including assessment changes, an
165 assessment pilot study, staff training, research, data review, and any other tasks included in the
166 [council's] recommendations. It is incumbent on the [council] to consult with the [department]
167 and expert practitioners familiar with school finance and to report by [March 1, 2011], about the
168 costs to implement the [council's] recommendations.

169 (F) The recommendations made by the [council] to the [state board] pursuant to this
170 Section shall reflect a consensus vote. For any issue that the [council] was unable to reach a
171 consensus, the [council] shall provide to the [state board] the reasons it was unable to reach a
172 consensus.

173 (G) The [council's] recommendations shall consist, at a minimum, of recommendations
174 that are applicable to school principals and teachers.

175 (H) The [council's] recommendations may include changes to existing statutes or rules, if
176 appropriate, as well as recommendations for local implementation.

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

182 (J) The [council] may establish working groups, task forces, or other structures from
183 within its membership or outside its membership as needed to address specific issues or to assist
184 in its work.

185 (K) All recommendations made by the [council] pursuant to this Section shall reflect a
186 consensus of its members.

187 (L) Unless otherwise provided for, the [office of the governor and the department] shall
188 provide the [council] with the support, information, data, analytical information, and
189 administrative support necessary to do its work.

190 (M) On or before [July 1, 2013], and [July 1 each year thereafter] during the
191 implementation of the performance evaluation system, the [department] shall report to the
192 [council] the results of the implementation and testing of the performance evaluation system.
193 Based on the results of the reports, the [council] may make additional recommendations to be
194 incorporated in the following stage of implementation.

195

196 Section 5. *[State Board of Education Powers and Duties Related to Evaluating the*
197 *Effectiveness of Teachers, Principals, and Other, Related, Licensed Personnel.]*

198 (A) The [state board] shall:

199 (1) Pursuant to Section 4 of this Act, work with the [state council for educator
200 effectiveness] to promulgate rules concerning the planning, development, implementation, and
201 assessment of a system to evaluate the effectiveness of [teachers], [principals], and [other,
202 related], [licensed personnel] in this state.

203 (2) Review school district and [board of cooperative services] processes and
204 procedures for [teachers and principals] and [other, related], [licensed personnel] performance
205 evaluation systems to ensure such systems are professionally sound; result in a fair, adequate,
206 and credible evaluation; satisfy quality standards in a manner that is appropriate to the size,
207 demographics, and location of the school district or board of cooperative services; and are

208 consistent with the purposes of this Act.

209 (B) (1) On or before [September 1, 2011], the [state board] shall promulgate rules
210 with regard to the issues specified in [subparagraphs (1) to (10) of paragraph (D)] of Section 4,
211 using the recommendations from the [council]. If the [council] fails to make recommendations to
212 the [state board] by [March 1, 2011], with regard to the issues specified in [subparagraphs (1) to
213 (10) of paragraph (D) of Section 4], the [state board] shall, on or before [September 1, 2011],
214 promulgate rules concerning any issues in [subparagraphs (1) to (10) of paragraph (D) of Section
215 4].

216 (2) On or before [January 15, 2012], the [state board] shall provide to the [general
217 assembly] the rules promulgated pursuant to this Section. On or before [February 15, 2012], the
218 [general assembly] shall review such rules for approval. If one or more rules are not approved by
219 the [general assembly], the [state board] shall promulgate emergency rules pursuant to [insert
220 citation] on such issue or issues, and resubmit to the [general assembly] on or before [May 1,
221 2012], and the [general assembly] shall review the emergency rules.

222 (3) In promulgating rules, the [state board] shall conform to the following
223 timeline:

224 (a) Beginning with the [2011-2012] school year, the [department] shall
225 work with school districts and [boards of cooperative services] to assist with the development of
226 performance evaluation systems that are based on quality standards.

227 (b) Beginning with the [2012-2013] school year, if the [general assembly]
228 approves the rules promulgated pursuant to this Section, the new performance evaluation system
229 that is based on quality standards shall be implemented and tested as recommended by the
230 [council] pursuant to this Act.

231 (c) (I) Beginning with the [2013-2014] school year, if the [general
232 assembly] approves the rules promulgated pursuant to this Section, and based on the results of
233 the first level of implementation in the [2012-2013] school year, the new performance evaluation
234 system that is based on quality standards shall be implemented statewide in a manner as
235 recommended by the [council].

236 (II) During the [2013-14] school year, teachers shall be evaluated
237 based on quality standards. Demonstrated effectiveness or ineffectiveness shall begin to be
238 considered in the acquisition of probationary or nonprobationary status.

239 (d) (I) Beginning with the [2014-2015] school year, if the [general
240 assembly] approves the rules promulgated pursuant to this Section, based on the results of the
241 first and second levels of implementation in the [2012-2013 and 2013-2014] school years, the
242 new performance evaluation system that is based on quality standards shall be finalized on a
243 statewide basis.

244 (II) During the [2014-2015] school year, teachers shall continue to
245 be evaluated based on quality standards. Demonstrated effectiveness or ineffectiveness shall be
246 considered when determining whether teachers acquire or lose probationary or nonprobationary
247 status.

248 (C) On or before [November 1, 2011], the [department] shall create and make available to
249 school districts and [boards of cooperative services] a resource bank that identifies assessments,
250 processes, tools, and policies that a school district or [board of cooperative services] may use to
251 develop an evaluation system that addresses the provisions of this Section. The [department]
252 shall include resources that are appropriate to school districts and [boards of cooperative
253 services] of different sizes, demographics, and locations. The [department] shall update the
254 resource bank at least [annually] to reflect new research and ongoing experience in this state.

255 (D) The [department] shall not be obligated to implement the provisions of this Section
256 until sufficient funds have been received and credited to the [Great Teachers and Leaders Fund],

257 created in Section 6.

258 (E) The [department] is authorized to hire any employees necessary to carry out the
259 provisions of this Section. Any new positions created pursuant to this Section shall be subject to
260 the availability of funding and shall be eliminated at such time as money is no longer available in
261 the [Great Teachers and Leaders Fund] established under Section 6 of this Act. All position
262 descriptions and notice to hire for positions created pursuant to this Section shall clearly state
263 that such position is subject to available funding.

264

265 Section 6. [*Great Teachers and Leaders Fund.*]

266 (A) There is created a [Great Teachers and Leaders Fund]. Money in the fund is
267 continuously appropriated to the [department] for the direct and indirect costs associated with
268 implementing this Act.

269 (B) The [department] is authorized to seek, accept, and expend federal grants for the
270 implementation of this Act, except that the [department] may not accept a gift, grant, or donation
271 except from federal money that is subject to conditions that are inconsistent with this or any law
272 of the state. The [department] shall transmit all federal money received to the [state treasurer],
273 who shall credit the same to the [Great Teachers and Leaders Fund]. Any money in the [fund]
274 not expended for the purpose of this Act may be invested by the [state treasurer] as provided by
275 law. All interest and income derived from the investment and deposit of money in the [fund]
276 shall be credited to the [fund]. Any unexpended and unencumbered money remaining in the
277 [fund] at the end of a fiscal year shall remain in the [fund] and shall not be credited or transferred
278 to the [general fund] or another fund.

279 (C) For fiscal years [2010-2011 and 2011-2012], if [two hundred fifty thousand dollars]
280 is not credited to the [fund] through federal grants on or before [September 30, 2010], the
281 [commissioner] shall notify the [state treasurer] of the difference. Upon receipt of such notice,
282 the [state treasurer] shall transfer to the [fund] the amount of the difference out of the
283 [Contingency Reserve Fund] created under [insert citation], for the implementation of this Act. If
284 there is an insufficient amount in the [Contingency Reserve Fund], the [state treasurer] shall
285 transfer to the [fund] any remaining amount of the difference from the [State Education Fund],
286 created under [insert citation] for the implementation of this Act.

287 (D) Nothing in this Section shall be interpreted to require the [department] to solicit gifts,
288 grants, or donations for the [fund].

289

290 Section 7. [*Local Boards of Education and Licensed Personnel Performance Evaluation*
291 *System and Performance Standards.*]

292 (A) All school districts and [boards of cooperative services] that employ [licensed
293 personnel] as defined under [insert citation] shall adopt a written system to evaluate the
294 employment performance of school district and [board of cooperative services] [licensed
295 personnel], including all teachers, principals, and administrators, with the exception of [licensed
296 personnel] employed by a [board of cooperative services] for a period of [six weeks] or less.

297 (B) In developing the [licensed personnel] performance evaluation system and any
298 amendments thereto, the local board and [board of cooperative services] shall consult with
299 administrators, principals, and teachers employed within the district or participating districts in a
300 [board of cooperative services], parents, and the [school district licensed personnel performance
301 evaluation council] or the [board of cooperative services personnel performance evaluation
302 council] created pursuant to [insert citations].

303 (C) The performance evaluation system shall address all of the performance standards
304 established by rule of the [state board] and adopted by the [general assembly] pursuant to Section
305 5, and shall contain, but need not be limited to, the following:

306 (1) The frequency and duration of the evaluations, which shall be on a regular
307 basis and of such frequency and duration as to ensure the collection of a sufficient amount of
308 data from which reliable conclusions and findings may be drawn.

309 (2) At a minimum, the performance evaluation system shall ensure:

310 (a) Probationary teachers receive at least [two] documented observations
311 and [one] evaluation that results in a written evaluation report each academic year. Probationary
312 teachers shall receive the written evaluation report at least [two weeks before the last class day of
313 the school year].

314 (b) Nonprobationary teachers receive at least [one] observation each year
315 and [one] evaluation that results in a written evaluation report every [three] years; except that,
316 beginning with the [2012-13] academic year, nonprobationary teachers shall receive a written
317 evaluation report each academic year according to the performance standards established by rule
318 of the [state board] and adopted by the [general assembly] pursuant to Section 5.
319 Nonprobationary teachers shall receive the written evaluation report at least [two weeks before
320 the last class day of the school year].

321 (c) Principals shall receive [one] evaluation that results in a written
322 evaluation report each academic year and according to the performance standards established by
323 rule of the [state board] and adopted by the [general assembly] pursuant to Section 5.

324 (3) The purposes of the evaluation, which shall include but need not be limited to:

325 (a) (I) Measuring the level of performance of all [licensed personnel]
326 within the school district or employed by a [board of cooperative services]. This clause is
327 repealed, effective at such time as the performance evaluation system based on quality standards
328 established pursuant to this Section and the rules promulgated by the [state board] pursuant to
329 Section 5 has completed the initial phase of implementation and has been implemented
330 statewide. The [commissioner] shall provide notice of such implementation to the [Revisor of
331 Statutes] on or before [July 1, 2014], and each [July 1] thereafter until statewide implementation
332 occurs.

333 (II) Measuring the level of effectiveness of all [licensed personnel]
334 within the school district. This clause shall take effect at such time as the performance evaluation
335 system based on quality standards established pursuant to this Section and the rules promulgated
336 by the [state board] pursuant to Section 5 has completed the initial phase of implementation and
337 has been implemented statewide. The [commissioner] shall provide notice of such
338 implementation to the [Revisor of Statutes] on or before [July 1, 2014], and each [July 1]
339 thereafter until statewide implementation occurs.

340 (4) (a) The standards set by the local board for satisfactory performance for
341 [licensed personnel] and the criteria to be used to determine whether the performance of each
342 licensed person meets such standards and other criteria for evaluation for each [licensed
343 personnel] position evaluated. One of the standards for measuring teacher performance shall be
344 directly related to classroom instruction and shall include multiple measures of student
345 performance. The performance evaluation system shall also ensure that the standards and criteria
346 are available in writing to all [licensed personnel] and are communicated and discussed by the
347 person being evaluated and the evaluator prior to and during the course of the evaluation. This
348 subparagraph is repealed at such time as the performance evaluation system based on quality
349 standards established pursuant to this Section and the rules promulgated by the [state board]
350 pursuant to Section 5 has completed the initial phase of implementation and has been
351 implemented statewide. The [commissioner] shall provide notice of such implementation to the
352 [Revisor of Statutes] on or before [July 1, 2014], and each [July 1] thereafter until statewide
353 implementation occurs.

354 (b) The standards set by the local school board for effective performance

355 for [licensed personnel] and the criteria to be used to determine whether the performance of each
356 licensed person meets such standards and other criteria for evaluation for each [licensed
357 personnel] position evaluated. One of the standards for measuring teacher effectiveness shall be
358 directly related to classroom instruction and shall require that at least [fifty percent] of the
359 evaluation is determined by the academic growth of the teacher's students. The district
360 accountability committee shall provide input and recommendations concerning the assessment
361 tools used to measure student academic growth as it relates to teacher evaluations. The standards
362 shall include multiple measures of student performance in conjunction with student growth
363 expectations. For the purposes of measuring effectiveness, expectations of student academic
364 growth shall take into consideration diverse factors, including but not limited to special
365 education, student mobility, and classrooms with a student population in which [ninety-five
366 percent] meet the definition of high-risk student as defined in [insert citation]. The performance
367 evaluation system shall also ensure that the standards and criteria are available in writing to all
368 [licensed personnel] and are communicated and discussed by the person being evaluated and the
369 evaluator prior to and during the course of the evaluation. This subparagraph shall take effect at
370 such time as the performance evaluation system based on quality standards established pursuant
371 to this Section and the rules promulgated by the [state board] pursuant to Section 5 has
372 completed the initial phase of implementation and has been implemented statewide. The
373 [commissioner] shall provide notice of such implementation to the [Revisor of Statutes] on or
374 before [July 1, 2014], and each [July 1] thereafter until statewide implementation occurs.

375 (D) The [council] shall actively participate with the local board or [board of cooperative
376 services] in developing written standards for evaluation that clearly specify satisfactory
377 performance and the criteria to be used to determine whether the performance of each licensed
378 person meets such standards pursuant this Section. This paragraph is repealed, effective at such
379 time as the performance evaluation system based on quality standards established pursuant to
380 this Section and the rules promulgated by the [state board] pursuant to Section 5 has completed
381 the initial phase of implementation and has been implemented statewide. The [commissioner]
382 shall provide notice of such implementation to the [Revisor of Statutes] on or before [July 1,
383 2014], and each [July 1] thereafter until statewide implementation occurs.

384 (E) The [council] shall actively participate with the local board in developing written
385 standards for evaluation that clearly specify performance standards and the quality standards and
386 the criteria to be used to determine whether the performance of each licensed person meets such
387 standards pursuant to this Section. This paragraph shall take effect at such time as the
388 performance evaluation system based on quality standards established pursuant to this Section
389 and the rules promulgated by the [state board] pursuant to Section 5 has completed the initial
390 phase of implementation and has been implemented statewide. The [commissioner] shall provide
391 notice of such implementation to the [Revisor of Statutes] on or before [July 1, 2014], and each
392 [July 1] thereafter until statewide implementation occurs.

393 (F) Each principal or administrator who is responsible for evaluating [licensed personnel]
394 shall keep records and documentation for each evaluation conducted. Each principal and
395 administrator who is responsible for evaluating [licensed personnel] shall be evaluated as to how
396 well they comply with this Section and with the school district's evaluation system.

397 (G) A teacher or principal whose performance is deemed to be unsatisfactory pursuant to
398 this Section shall be given notice of deficiencies. A remediation plan to correct the deficiencies
399 shall be developed by the district or the [board of cooperative services] and the teacher or
400 principal and shall include professional development opportunities that are intended to help the
401 teacher or principal to achieve an effective rating in their next performance evaluation. The
402 teacher or principal shall be given a reasonable period of time to remediate the deficiencies and
403 shall receive a statement of the resources and assistance available for the purposes of correcting

404 the performance or the deficiencies. This paragraph is repealed, effective at such time as the
405 performance evaluation system based on quality standards established pursuant to this Section
406 and the rules promulgated by the state board pursuant to Section 5 has completed the initial
407 phase of implementation and has been implemented statewide. The [commissioner] shall provide
408 notice of such implementation to the [Revisor of Statutes] on or before [July 1, 2014], and each
409 [July 1] thereafter until statewide implementation occurs.

410 (H) (1) A teacher or principal whose performance is deemed to be ineffective pursuant
411 to this Section shall receive written notice that their performance evaluation shows a rating of
412 ineffective, a copy of the documentation relied upon in measuring their performance, and
413 identification of deficiencies.

414 (2) Each school district shall ensure that a nonprobationary teacher who objects to
415 a rating of ineffectiveness has an opportunity to appeal that rating, in accordance with a fair and
416 transparent process developed, where applicable, through collective bargaining. At a minimum,
417 the appeal process provided shall allow a nonprobationary teacher to appeal the rating of
418 ineffectiveness to the superintendent or their designee of the school district and shall place the
419 burden upon the nonprobationary teacher to demonstrate that a rating of effectiveness was
420 appropriate. If there is no collective bargaining agreement in place, following the ruling of the
421 superintendent or their designee, the appealing teacher may request a review by a mutually
422 agreed-upon third party. The decision of the third party shall review whether the decision was
423 arbitrary or capricious and shall be binding on both parties. The cost of any such review shall be
424 borne equally by both parties. Where a collective bargaining agreement is in place, either party
425 may choose to opt into this process. The superintendent's designee shall not be the principal who
426 conducted the evaluation. For a nonprobationary teacher, a remediation plan to correct the
427 deficiencies shall be developed by the district or the board of cooperative services and shall
428 include professional development opportunities that are intended to help the nonprobationary
429 teacher to achieve an effective rating in their next performance evaluation. The nonprobationary
430 teacher shall be given a reasonable period of time to remediate the deficiencies and shall receive
431 a statement of the resources and assistance available for the purpose of improving effectiveness.
432 This paragraph is repealed effective [insert date].

433 (3) This subsection (H) shall take effect at such time as the performance
434 evaluation system based on quality standards established pursuant to this Section and the rules
435 promulgated by the [state board] pursuant to Section 5 has completed the initial phase of
436 implementation and has been implemented statewide. The [commissioner] shall provide notice of
437 such implementation to the [Revisor of Statutes] on or before [July 1, 2014], and each [July 1]
438 thereafter until statewide implementation occurs.

439 (I) Except as provided in [insert citation], no person shall be responsible for the
440 evaluation of [licensed personnel] unless the person has a principal or administrator license
441 issued pursuant to [insert citation] or is a designee of a person with a principal or administrator
442 license and has received education and training in evaluation skills approved by the [department
443 of education] that will enable him or her to make fair, professional, and credible evaluations of
444 the personnel whom they are responsible for evaluating. No person shall be issued a principal or
445 administrator license or have a principal or administrator license renewed unless the [state board]
446 determines that such person has received education and training approved by the [department of
447 education].

448 (J) Any person whose performance evaluation includes a remediation plan shall be given
449 an opportunity to improve their performance through the implementation of the plan. If the next
450 performance evaluation shows that the person is performing satisfactorily, no further action shall
451 be taken concerning the original performance evaluation. If the evaluation shows the person is
452 still not performing satisfactorily, the evaluator shall either make additional recommendations for

453 improvement or may recommend the dismissal of the person, which dismissal shall be in
454 accordance with the provisions of [insert citation] if the person is a teacher. This paragraph is
455 repealed, effective at such time as the performance evaluation system based on quality standards
456 established pursuant to this Section and the rules promulgated by the [state board] pursuant to
457 Section 5 has completed the initial phase of implementation and has been implemented
458 statewide. The [commissioner] shall provide notice of such implementation to the [Revisor of
459 Statutes] on or before [July 1, 2014], and each [July 1] thereafter until statewide implementation
460 occurs.

461 (K) Any person whose performance evaluation includes a remediation plan shall be given
462 an opportunity to improve their effectiveness through the implementation of the plan. If the next
463 performance evaluation shows that the person is performing effectively, no further action shall
464 be taken concerning the original performance evaluation. If the evaluation shows the person is
465 still not performing effectively, they shall receive written notice that their performance
466 evaluation shows a rating of ineffective, a copy of the documentation relied upon in measuring
467 the person's performance, and identification of deficiencies. Each school district shall ensure that
468 a nonprobationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal
469 that rating, in accordance with a fair and transparent process developed, where applicable,
470 through collective bargaining. At a minimum, the appeal process provided shall allow a
471 nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent of the
472 school district and shall place the burden upon the nonprobationary teacher to demonstrate that a
473 rating of effectiveness was appropriate. The appeal process shall take no longer than [ninety
474 days], and the nonprobationary teacher shall not be subject to a possible loss of nonprobationary
475 status until after a final determination regarding the rating of ineffectiveness is made. For a
476 person who receives a performance rating of ineffective, the evaluator shall either make
477 additional recommendations for improvement or may recommend the dismissal of the person,
478 which dismissal shall be in accordance with [insert citation] if the person is a teacher. This
479 paragraph shall take effect at such time as the performance evaluation system based on quality
480 standards established pursuant to this Section and the rules promulgated by the [state board]
481 pursuant to Section 5 has completed the initial phase of implementation and has been
482 implemented statewide. The [commissioner] shall provide notice of such implementation to the
483 [Revisor of Statutes] on or before [July 1, 2014], and each [July 1] thereafter until statewide
484 implementation occurs.

485 (L) Every principal shall be evaluated using multiple fair, transparent, timely, rigorous,
486 and valid methods. The recommendations developed pursuant to this subsection shall require that
487 at least [fifty percent] of the evaluation is determined by the academic growth of the students
488 enrolled in the principal's school. For principals, the quality standards shall include, but need not
489 be limited to:

490 (1) Achievement and academic growth for those students enrolled in the
491 principal's school, as measured by the [growth model] set forth in [insert citation];

492 (2) The number and percentage of [licensed personnel] in the principal's school
493 who are rated as effective or highly effective; and

494 (3) The number and percentage of [licensed personnel] in the principal's school
495 who are rated as ineffective but are improving in effectiveness.

496 (M) On or before [August 1, 2014], each local board of education shall develop, in
497 collaboration with a local teachers association or, if none exists, with teachers from the district,
498 an incentive system, the purpose of which shall be to encourage effective teachers in high-
499 performing schools to move to jobs in schools that have low performance ratings.

500 Section 8. [*School District Accountability Committees - Powers and Duties.*] Each school

502 district accountability committee as defined in [insert citation] shall have the power and duty to:

503 (1) Provide input and recommendations on an advisory basis to principals concerning the
504 development and use of assessment tools used for the purpose of measuring and evaluating
505 student academic growth as it relates to teacher evaluations.

506 (2) The school accountability committee for the principal's school shall provide input and
507 recommendations to the district accountability committee and the district administration
508 concerning the principal's evaluation.

509 (3) Provide input and recommendations on an advisory basis to district accountability
510 committees and district administration concerning principal development plans for their principal
511 pursuant to Section 7 and principal evaluations conducted pursuant to Section 7.

512

513 Section 9. [*Employment Contracts.*]

514 (A) The [general assembly] finds that, for the fair evaluation of a principal based on the
515 demonstrated effectiveness of their teachers, the principal needs the ability to select teachers who
516 have demonstrated effectiveness and have demonstrated qualifications and teaching experience
517 that support the instructional practices of their school. Therefore, each employment contract
518 executed pursuant to this Section shall contain a provision stating that a teacher may be assigned
519 to a particular school only with the consent of the hiring principal and with input from at least
520 [two] teachers employed at the school and chosen by the faculty of teachers at the school to
521 represent them in the hiring process, and after a review of the teacher's demonstrated
522 effectiveness and qualifications, which review demonstrates that the teacher's qualifications and
523 teaching experience support the instructional practices of their school.

524 (B) Any active nonprobationary teacher who, during the prior school year, was deemed
525 satisfactory, or was deemed effective in a district that has implemented a multi-tiered evaluation
526 system and has identified ratings equivalent to effective, and has not secured a position through
527 school-based hiring shall be a member of a priority hiring pool, which priority hiring pool shall
528 ensure the nonprobationary teacher a first opportunity to interview for available positions for
529 which they are qualified in a school district.

530 (C) When a determination is made that a nonprobationary teacher's services are no longer
531 required because of a result of drop in enrollment; turnaround; phase-out; reduction in program;
532 or reduction in building, including closure, consolidation, or reconstitution, the nonprobationary
533 teacher shall be notified of their removal from the school. In making such decisions, a school
534 district shall work with its local teachers association to develop policies for the local school
535 board to adopt. If no teacher association exists in the school district, the school district shall
536 create an [eight person committee] consisting of [four school district members and four
537 teachers], which committee shall develop such policies. Upon notice to the nonprobationary
538 teacher, the department of human resources for the school district shall immediately provide the
539 nonprobationary teacher with a list of all vacant positions for which they are qualified, as well as
540 a list of vacancies in any area identified by the school district to be an area of critical need. An
541 application for a vacancy shall be made to the principal of a listed school, with a copy of the
542 application provided by the nonprobationary teacher to the school district. When a principal
543 recommends appointment of a nonprobationary teacher applicant to a vacant position, the
544 nonprobationary teacher shall be transferred to that position.

545 (D) Paragraphs (A), (B), and (C) and this paragraph are repealed, effective at such time as
546 the performance evaluation system based on quality standards established pursuant to this Act
547 and the rules promulgated by the [state board] pursuant to Section 5 has completed the Initial
548 phase of implementation and has been implemented statewide. The [commissioner] shall provide
549 notice of such implementation to the [Revisor of Statutes] on or before [July 1, 2014], and each
550 [July 1] thereafter until statewide implementation occurs.

551 (E) Any active nonprobationary teacher who was deemed effective during the prior
552 school year and has not secured a mutual consent placement shall be a member of a priority
553 hiring pool, which priority hiring pool shall ensure the nonprobationary teacher a first
554 opportunity to interview for a reasonable number of available positions for which they are
555 qualified in the school district.

556 (F) Subparagraph (E) and this subparagraph shall take effect at such time as the
557 performance evaluation system based on quality standards established pursuant to this Section
558 and the rules promulgated by the state board pursuant to Section 5 have completed the initial
559 phase of implementation and have been implemented statewide. The [commissioner] shall
560 provide notice of such implementation to the [Revisor of Statutes] on or before [July 1, 2014],
561 and each [July 1] thereafter until statewide implementation occurs.

562 (G) If a nonprobationary teacher is unable to secure a mutual consent assignment at a
563 school of the school district after twelve months or two hiring cycles, whichever period is longer,
564 the school district shall place the teacher on unpaid leave until such time as the teacher is able to
565 secure an assignment. If the teacher secures an assignment at a school of the school district while
566 placed on unpaid leave, the school district shall reinstate the teacher's salary and benefits at the
567 level they would have been if the teacher had not been placed on unpaid leave.

568 (H) Nothing in this Section shall limit the ability of a school district to place a teacher in
569 a twelve-month or other limited-term assignments, including, but not limited to, a teaching
570 assignment, substitute assignment, or instructional support role during the period in which the
571 teacher is attempting to secure an assignment through school-based hiring. Such an assignment
572 shall not constitute an assignment through school-based hiring and shall not be deemed to
573 interrupt the period in which the teacher is required to secure an assignment through school-
574 based hiring before the district shall place the teacher on unpaid leave.

575 (I) The provisions of this Section may be waived in whole or in part for a renewable
576 [four-year] period by the [state board of education] pursuant to [insert citation], provided that the
577 local school board applying for the waiver, in conjunction with the superintendent and teachers
578 association in a district that has an operating master employment contract, if applicable,
579 demonstrates that the waiver is in the best interest of students enrolled in the school district,
580 supports the equitable distribution of effective teachers, and will not result in placement other
581 than by mutual consent of the teacher in a school district or public school that is required to
582 implement a priority improvement plan or turnaround plan pursuant to [insert citation].
583 Notwithstanding the provisions of this Section, a waiver shall not be granted for a request that
584 extends the time for securing an assignment through school-based hiring for more than [two]
585 years.

586 (J) A teacher may be suspended temporarily during the contractual period until the date
587 of dismissal as ordered by the [board] pursuant to [insert citation] or may have their employment
588 contract cancelled during the contractual period when there is a justifiable decrease in the
589 number of teaching positions. The manner in which employment contracts will be cancelled
590 when there is a justifiable decrease in the number of teaching positions shall be included in any
591 contract between the board of education of the school district and school district employees or in
592 an established policy of the board, which contract or policy shall include the criteria described in
593 Section 7 as significant factors in determining which employment contracts to cancel as a result
594 of the decrease in teaching positions. Effective [February 15, 2012], the contract or policy shall
595 include consideration of probationary and nonprobationary status and the number of years a
596 teacher has been teaching in the school district; except that these criteria may be considered only
597 after the consideration of the criteria described in Section 7 and only if the contract or policy is in
598 the best interest of the students enrolled in the school district.

599 (K) Beginning with the [2010-2011] school year, an employing school district may opt to

600 renew a teacher's contract on either a probationary or nonprobationary status or to not renew the
601 contract of a probationary teacher who has completed their third year of employment. This
602 paragraph shall be repealed after the performance evaluation system based on quality standards
603 has been implemented pursuant to this Act.

604 (L) A probationary teacher who is deemed to be performing satisfactorily in any of
605 school years [2010-2011, 2011-2012, and 2012-2013] shall, for purposes of Act, be deemed to
606 have performed effectively during the same school year or years. Beginning with the [2013-
607 2014] school year, all teachers shall be evaluated in accordance with the new performance
608 evaluation system that is based on measures of effectiveness. However, a school district may
609 extend the probationary status of a teacher who has three consecutive satisfactory ratings as of
610 [July 1, 2013], by no more than [one] year.

611 (M) Beginning with the [2014-2015] school year, a nonprobationary teacher, except for a
612 nonprobationary teacher who has had two consecutive performance evaluations with an
613 ineffective rating, who is employed by a school district and is subsequently hired by a different
614 school district may provide to the hiring school district evidence of their student academic
615 growth data and performance evaluations for the prior two years for the purposes of retaining
616 nonprobationary status. If, upon providing such data, the nonprobationary teacher can show two
617 consecutive performance evaluations with effectiveness ratings in good standing, they shall be
618 granted nonprobationary status in the hiring school district.

619 (N) Nothing in this Section shall be construed as requiring a receiving school to
620 involuntarily accept the transfer of a teacher. All transfers to positions at other schools of the
621 school district shall require the consent of the receiving school.

622

623 Section 10. [*Severability.*] [Insert severability clause.]

624

625 Section 11. [*Repealer.*] [Insert repealer clause.]

626

627 Section 12. [*Effective Date.*] [Insert effective date.]