

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR ADMINISTRATION OF A STATEWIDE SYSTEM TO EVALUATE THE EFFECTIVENESS OF LICENSED PERSONNEL EMPLOYED BY SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE SERVICES

1 CCR 301-87

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

0.0 STATEMENT OF BASIS AND PURPOSE

These rules are promulgated pursuant to Colorado Revised Statutes sections 22-9-104(2), 22-9-104(3) and 22-9-105.5(10). Section 22-9-101, C.R.S., et seq. creates a system to evaluate the effectiveness of licensed personnel in school districts and boards of cooperative services throughout the state as a means of improving the quality of education in Colorado.

The basic purposes of the statewide system to evaluate the effectiveness of licensed personnel are:

- To ensure that all licensed personnel are evaluated using multiple, fair, transparent, timely, rigorous, and valid methods, fifty thirty percent of which evaluation is determined by Measures of Student Learning;
• To ensure that all licensed personnel receive adequate feedback and professional development support to provide them a meaningful opportunity to improve their effectiveness; and
• To ensure that all licensed personnel are provided the means to share effective practices with other educators throughout the state.

1.0 DEFINITIONS

- 1.1 "Administrator" means any person who administers, directs, or supervises the education instructional program, or a portion thereof, in any school or school district in the state and/or a person who is otherwise defined as an Administrator by their employing school, school district or BOCES. Administrator does not include a Principal or Teacher, and who is not the chief executive officer or an assistant chief executive officer of such school or a person who is otherwise defined as an Administrator by his or her their employing school district or BOCES.
1.2 "BOCES" or "board of cooperative services" has the same meaning as provided in section 22-5-103(2), C.R.S.
1.3 "Colorado Academic Standards" mean the standards adopted by the State Board pursuant to section 22-7-1005, C.R.S that identify the knowledge and skills that a student should acquire as the student progresses from preschool through elementary and secondary education, and include English language proficiency standards. Section 22-7-1013, C.R.S., requires each local education provider to ensure that its preschool through elementary and secondary education standards meet or exceed the Colorado Academic Standards. When referenced in these rules, the Colorado Academic Standards may be substituted with these locally adopted standards.
1.4 "Department" means the Colorado Department of Education.
1.5 "Educator" see definition for "Licensed Personnel". means a principal, administrator, teacher, or special services provider.

Commented [OC1]: Technical changes and updates have been made throughout, including updated numbering and grammatical fixes.

Commented [OC2]: C.R.S. 22-9-104

(1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a state model licensed personnel performance evaluation system that may be adopted by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed personnel and citizens of the school district or districts. Each school district and board of cooperative services 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.

(1.5) To assist school districts and boards of cooperative services in implementing the state model licensed personnel performance evaluation system and in developing and implementing local systems of personnel performance evaluation, by the beginning of the 2023-24 school year, the department shall: (a) Create a modified rubric specifically for measuring the performance of a licensed person 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 personnel who are consistently rated highly effective;

(b) Work with school districts and boards of cooperative services to create and make publicly available rubrics for measuring the performance of licensed 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 to ensure that all evaluators have the skills necessary to observe and evaluate licensed personnel with fidelity to the licensed personnel performance evaluation system implemented by the evaluator's school district or board of cooperative services;

(d) Provide guidelines for considering a licensed person's professional growth achievements, such as attainment of national board certification or fulfillment of differentiated professional roles, as proof that the licensed person 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 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 in the development of a licensed 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 personnel whom those principals or administrators may be responsible for

Commented [OC3]: Updated per AG recommendation.

- 1.6 "Element" means the detailed description of knowledge and skills that contribute to effective teaching and leading, and which corresponds to a particular Principal Quality Standard, Teacher Quality Standard, or Special Services Provider Quality Standard.
- 1.7 "Licensed Personnel" or "Licensed Person" means any 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 the provision of article 60.5 of title 22, Colorado Revised Statutes and is employed in a position requiring such license or authorization. Licensed Personnel include Teachers, Principals (which includes Assistant Principals by its definition), Administrators, and Special Service Providers who meet these qualifications for Licensed Personnel. In these rules, Licensed Personnel are also referred to as "Educators." A school district or BOCES have discretion to include certain employees in their Licensed Personnel evaluation systems even if they are not required to be evaluated by these rules or statute.
- 1.8 "Measures of Student Learning" or "MSLs" mean the methods used by school districts and BOCES for measuring Student Academic Growth in order to evaluate licensed personnel.
- 1.9 "Measures of Student Outcomes" mean the methods used by school districts and BOCES for measuring student outcomes in order to evaluate Special Services Providers. Measures are not limited to academic measures but and may include measures focused on increasing access to learning since these educators may concentrate on non-academic factors that affect overall student well-being.
- 1.10 "Performance Evaluation Rating" means the summative evaluation rating assigned by a school district or BOCES to licensed personnel and reported to the Department on an annual basis. It is the equivalent of a "performance standard," as defined in section 22-9-103(2.5), C.R.S.
- 1.11 "Principal" means a person who is employed as the chief executive officer (e.g. principal) or an assistant chief executive officer of a school (e.g. assistant principal) in the state and who administers, directs, or supervises the education program in the school.
- 1.12 "Principal Professional Performance Plan" means the plan required by section 22-9-105.5(3)(a.5), C.R.S., and is a written agreement developed by a Principal and school district administration or local school board that outlines the steps to be taken to improve the Principal's effectiveness. The Principal Professional Performance Plan must include professional development opportunities.
- 1.13 "Principal Quality Standard" means the Professional Practices or the Measures of Student Learning needed to achieve effectiveness as a Principal.
- 1.14 "Principal Evaluation System Framework" means the complete evaluation system that all school districts and BOCES must use to evaluate Principals employed by them. The complete Principal Evaluation System Framework includes the following components: (i) definition of Principal Effectiveness set forth in section 2.01 of these rules, (ii) the Principal Quality Standards described in section 2.02 of these rules, (iii) Measures of Student Learning described in section 5.01 (D) (3), (iv) required elements of a written evaluation system described in section 5.01 of these rules, and (v) the weighting and aggregation of evidence of performance that are used to assign a Principal to one of four Performance Evaluation Ratings as described in section 2.03 of these rules.
- 1.15 "Professional Practice" means the behaviors, skills, and knowledge that educators should exhibit. Teacher Quality Standards, Principal Quality Standards, and Special Services Provider Quality Standards reflect the Professional Practice expectations for educators in Colorado.
- 1.16 "School District" or "District" means a school district organized pursuant to article 30 of title 22, C.R.S.

Commented [OC4]: C.R.S. 22-9-103

As used in this article 9, unless the context otherwise requires: (1) "Board of cooperative services" shall have the same meaning as provided in section 22-5-103 (2). (1.1) "Council" means the state council for educator effectiveness established pursuant to section 22-9-105.5. (1.4) "Department" means the department of education created pursuant to section 24-1-115, C.R.S. (1.5) "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. (2) "Local board of education" or "local board" means the board of education of the school district. (2.5) "Performance standards" means the levels of effectiveness established by rule of the state board pursuant to section 22-9-105.5 (10). (2.6) "Principal" means a person who is employed as the chief executive officer or an assistant chief executive officer of a school in the state and who administers, directs, or supervises the education program in the school. (2.7) "Principal development plan" means a written agreement developed by a principal and district administration that outlines the steps to be taken to improve the principal's effectiveness. The principal development plan shall include professional development opportunities. (2.9) "Quality standards" means the elements and criteria established to measure effectiveness as established by rule of the state board pursuant to section 22-9-105.5 (10). (3) "School district" means any school district organized and existing pursuant to law but does not include a local college district. (4) "State board" means the state board of education established by section 1 of article IX of the state constitution. (5) "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 charter school in the state to instruct, direct, or supervise an education program. (6) "Teacher development plan" means a written agreement mutually developed by a teacher and his or her principal that outlines the steps to be taken to improve the teacher's effectiveness. The teacher development plan may include but need not be limited to consideration of induction and mentorship programs, use of highly effective teachers as instructional leaders or coaches, and appropriate professional development activities.

Commented [OC5]: Edited for clarity.

1.17 ~~“Special Services Provider” or “SSP” refers to any person licensed under § 22-60.5-2+01 and employed in a position requiring an SSP license or authorization, et. seq., other than a teacher, principal, or administrator who is employed by any school district to provide professional services to students in direct support of the education instructional program.~~

1.18 “Special Services Providers Quality Standards” means the Professional Practices or Measures of Student Outcomes needed to achieve effectiveness as a special services provider.

1.19 “State Board” means the State Board of Education established pursuant to Section 1 of Article IX of the state constitution.

~~1.20 “State Council” means the State Council for Educator Effectiveness established pursuant to article 9 of title 22.~~

Commented [OC6]: The State Council has been repealed. The definition is being removed accordingly.

I
1.241.20 “State Model System” means the personnel evaluation system and supporting resources developed by the Department, which meets all of the requirements for local personnel evaluation systems that are outlined in statute and rule.

4.221.21 “Statewide Summative Assessments” mean the assessments administered pursuant to the Colorado student assessment system of assessments adopted by the State Board pursuant to section 22-7-1006, C.R.S.

4.231.22 “Student Academic Growth” means the change in student achievement against Colorado Academic Standards for an individual student between two or more points in time; however, it can be measured in other ways as described below. For Principal and Teacher evaluation systems, there should be multiple measures to assess Student Academic Growth. One of those measures, which is determined using multiple measures, one of which must may be the results of statewide summative assessments. Student Academic Growth, and which may also include other standards-based measures that are rigorous and comparable across classrooms of similar content areas and levels. As set forth below, a limited portion of Student Academic Growth may be based on performance of all students at a school in which a Teacher or Principal is employed. Student Academic Growth also may include gains in progress towards postsecondary and workforce readiness, which, for Principals, may include performance outcomes for successive student cohorts. Student Academic Growth may include progress toward academic and functional goals included in an individualized education program and/or progress made towards Student Academic Growth Objectives. 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).

4.241.23 “Student Academic Growth Objectives” mean a participatory method of setting measurable goals, or objectives for a specific assignment or class, in a manner aligned with the subject matter taught, and in a manner that allows for the evaluation of the baseline performance of students and the measurable gain in student performance during the course of instruction.

1.251.24 “Teacher” means a person who holds an alternative, initial, or professional teacher license issued pursuant to the provisions of article 60.5 of title 22 and who is employed by a school district, BOCES, or charter school in the state to instruct students.

4.261.25 “Teacher Evaluation System Framework” means the complete evaluation system that all school districts and BOCES must use to evaluate teachers employed by them. A diagram of the complete Teacher Evaluation System Framework includes the following component parts: (i) definition of Teacher Effectiveness set forth in section 3.01 of these rules; (ii) the Teacher Quality Standards described in section 3.02 of these rules; (iii) Measures of Student Learning described in section 5.01 (D)(7); (iv) required elements of a written evaluation system described in section 5.01 of these rules; (v) the weighting and aggregation of evidence of performance to assign a Teacher to one; and (vi) the opportunity to appeal an ineffective rating as contemplated in section 22-9-105.5(3)(e)(VII), C.R.S.

~~1.27~~**1.26** “Teacher Development Plan” means the plan required by section 22-9-105.5 (3)-(a), C.R.S., defined in section 22-9-103(6), C.R.S. It is a written agreement mutually developed by a **T**eacher and ~~his or her~~ **their P**rincipal that outlines the steps to be taken to improve the **T**eacher’s effectiveness. The plan may include consideration of induction and mentorship programs, use of highly effective teachers as instructional leaders or coaches, and appropriate professional development activities.

~~1.28~~**1.27** “Teacher Quality Standard” means the Professional Practices or the Measures of Student Learning needed to achieve effectiveness as a teacher.

~~1.29~~**1.28** “Unified Improvement Plan” means the school plan required pursuant to section 22-11-210, C.R.S.

2.0 PRINCIPALS: DEFINITION OF EFFECTIVENESS, QUALITY STANDARDS AND PERFORMANCE EVALUATION RATINGS

2.1 Definition of Principal Effectiveness: Effective **P**rin cipals in the state of Colorado are responsible for the collective success of their schools, including the learning, growth and achievement of both students and staff. Effective **P**rin cipals are adept at creating systems that maximize the utilization of resources, foster collaboration and facilitate constructive change. By creating a common vision and articulating shared values, effective **P**rin cipals lead and manage their schools in a manner that supports schools’ ability to promote equity and continually improve their positive impact on students and families. As the schools’ primary instructional leaders, effective **P**rin cipals enable collaborative communication and reflection based on data to inform curriculum, instruction, and assessment and create structures to facilitate improvement. Effective **P**rin cipals model ethical behavior and continuously reflect on their practice in order to improve systems that support student learning

2.2 Principal Quality Standards.

The Principal Quality Standards outline the knowledge and skills required of an effective **P**rin cipal and will be used to evaluate **P**rin cipals in the state of Colorado. All school districts and BOCES must base their evaluations of their **P**rin cipals on either the full set of Principal Quality Standards and associated elements included below, or must adopt their own locally developed standards that meet or exceed the Principal Quality Standards and Elements. A school district or BOCES that adopts its own locally developed standards must crosswalk those standards to the Principal Quality Standards and Elements, so that the school district or BOCES is able to report the data required by ~~sections 4.06 and 6.01(A)~~ **section 6.1** of these rules.

2.02 (A) Quality Standard I: Principals demonstrate organizational leadership by strategically developing a vision and mission, leading change, enhancing the capacity of personnel, distributing resources, and aligning systems of communication for continuous school improvement.

2.02 (A) (1) Element aA: Principals collaboratively develop the vision, mission, and strategic plan, based on a cycle of continuous improvement of student outcomes, and facilitate their integration into the school community.

2.02 (A) (2) Element bB: Principals collaborate with staff and stakeholders to implement strategies for change to improve student outcomes.

2.02 (A) (3) Element cC: Principals establish and effectively manage systems that ensure high-quality staff.

2.02 (A) (4) Element dD: Principals establish systems and partnerships for managing all available school resources to facilitate improved student outcomes.

2.02 (A) (5) Element eE: Principals facilitate the design and use of a variety

of communication strategies with all stakeholders.

2.02 (B) **Quality Standard II:** Principals demonstrate inclusive leadership practices that foster a positive school culture and promote safety and equity for all students, staff, and community.

2.02 (B) (1) **Element aA:** Principals create a professional school environment and foster relationships that promote staff and student success and well-being.

2.02 (B) (2) **Element bB:** Principals ensure that the school provides an orderly, and supportive environment that fosters a sense of safety and well-being.

2.02 (B) (3) **Element cC:** Principals commit to an inclusive and positive school environment that meets the needs of all students and promotes the preparation of students to live productively and contribute to the diverse cultural contexts of a global society.

2.02 (B) (4) **Element dD:** Principals create and utilize systems to share leadership and support collaborative efforts throughout the school.

2.02 (B) (5) **Element eE:** Principals design and/or utilize structures and processes which result in family and community engagement and support.

2.02 (C) **Quality Standard III:** Principals demonstrate instructional leadership by: aligning curriculum, instruction and assessment; supporting professional learning; conducting observations; providing actionable feedback; and holding staff accountable for student outcomes.

2.02 (C) (1) **Element aA:** Principals establish, align, and ensure implementation of a district/BOCES plan of instruction, instructional practices, assessments, and use of student data that result in Student Academic Growth and achievement for all students.

2.02 (C) (2) **Element bB:** Principals foster a collaborative culture of job-embedded professional learning.

2.02 (C) (3) **Element cC:** Principals demonstrate knowledge of effective instructional practice and provide feedback to promote continuous improvement of teaching and learning.

2.02 (C) (4) **Element dD:** Principals hold staff accountable for setting and achieving measurable student outcomes.

2.02 (D) **Quality Standard IV:** Principals demonstrate professionalism through ethical conduct, reflection, and external leadership.

2.02 (D) (1) **Element aA:** Principals demonstrate high standards for professional conduct.

2.02 (D) (2) **Element bB:** Principals link professional growth to their professional goals.

2.2 (D) (3) **Element cC:** Principals build and sustain productive partnerships with key community stakeholders, including public and private sectors, to promote school improvement, student learning, and student well-being.

2.3 **Performance Evaluation Ratings for Principals.** The following four Performance Evaluation Ratings for principals must be used statewide: ineffective, partially effective, effective, and highly effective. The [Department must develop a scoring matrix method for assigning ratings to](#)

~~developed by the Department will be used in as a part of the State Model System and must provide guidelines for evaluating Principals who are consistently rated highly effective.~~

School districts and BOCES may use this scoring ~~matrix as an example method~~ or may adopt their own scoring ~~matrix method~~, provided they ensure that each of the Principal Quality Standards have a measurable influence on the final Professional Practice score assigned to principals.

3.0 TEACHERS: DEFINITION OF EFFECTIVENESS, QUALITY STANDARDS, AND PERFORMANCE EVALUATION RATINGS

3.1 Definition of Teacher Effectiveness. Effective teachers in the state of Colorado have the knowledge, skills, and commitments needed to provide excellent and equitable learning opportunities and growth for all students. They strive to support growth and development, close achievement gaps and to prepare diverse student populations for postsecondary and workforce success. Effective teachers facilitate mastery of content and skill development, and employ and adjust evidence-based strategies and approaches for students who are not achieving mastery and students who need acceleration. They also develop in students the skills, interests and abilities necessary to be lifelong learners, as well as for democratic and civic participation. Effective teachers communicate high expectations to students and their families and utilize diverse strategies to engage them in a mutually supportive teaching and learning environment. Because effective teachers understand that the work of ensuring meaningful learning opportunities for all students cannot happen in isolation, they engage in collaboration, continuous reflection, ongoing learning, and leadership within the profession.

3.2 Teacher Quality Standards. The Teacher Quality Standards outline the knowledge and skills required of an effective Teacher and will be used to evaluate teachers in the state of Colorado. All school districts and BOCES must base their evaluations of licensed classroom teachers on the full set of Teacher Quality Standards and associated detailed Elements included below or must adopt their own locally developed standards that meet or exceed the Teacher Quality Standards and Elements. School districts and BOCES that adopt their own locally developed standards must crosswalk those standards to the Teacher Quality Standards and Elements, so that the school district or BOCES is able to report the data required by [sections 4.06 and 6.01\(A\) section 6.1](#) of these rules.

3.02 (A) Quality Standard I: Teachers demonstrate mastery of and pedagogical expertise in the content they teach. The elementary teacher is an expert in literacy and mathematics and is knowledgeable in all other content that he or she teaches (e.g., science, social studies, arts, physical education, or world languages). The secondary teacher has knowledge of literacy and mathematics and is an expert in his or her content endorsement area(s).

3.02 (A) (1) Element aA: Teachers provide instruction that is aligned with the Colorado Academic Standards and their districts' organized plan of instruction.

3.02 (A) (2) Element bB: Teachers develop and implement lessons that connect to a variety of content areas/disciplines and emphasize literacy and mathematics.

3.02 (A) (3) Element cC: Teachers demonstrate knowledge of the content, central concepts, inquiry, appropriate evidence-based instructional practices, and specialized characteristics of the disciplines being taught.

3.02 (B) Quality Standard II: Teachers establish a safe, inclusive, and respectful learning environment for a diverse population of students.

3.02 (B) (1) Element aA: Teachers foster a predictable learning environment characterized by acceptable student behavior and efficient use of time in which each student has a positive, nurturing relationship with caring adults and peers.

3.02 (B) (2) Element bB: Teachers demonstrate an awareness of, a commitment to, and respect for multiple aspects of diversity, while working toward common goals

as a community of learners.

3.02 (B) (3) **Element cC:** Teachers engage students as individuals, including those with diverse needs and interests, across a range of ability levels by adapting their teaching for the benefit of all students.

3.02 (B) (4) **Element dD:** Teachers work collaboratively with the families and/or significant adults for the benefit of students.

3.02 (C) **Quality Standard III:** Teachers plan and deliver effective instruction and create an environment that facilitates learning for their students.

3.02 (C) (1) **Element aA:** Teachers demonstrate knowledge about the ways in which learning takes place, including the levels of intellectual, physical, social, and emotional development of their students.

3.02 (C) (2) **Element bB:** Teachers use formal and informal methods to assess student learning, provide feedback, and use results to inform planning and instruction.

3.02 (C) (3) **Element eC:** Teachers integrate and utilize appropriate available technology to engage students in authentic learning experiences.

3.02 (C) (4) **Element dD:** Teachers establish and communicate high expectations and use processes to support the development of critical-thinking and problem-solving skills.

3.02 (C) (5) **Element eE:** Teachers provide students with opportunities to work in teams and develop leadership.

3.02 (C) (6) **Element fF:** Teachers model and promote effective communication.

3.02 (D) **Quality Standard IV:** Teachers demonstrate professionalism through ethical conduct, reflection, and leadership.

3.02 (D) (1) **Element aA:** Teachers demonstrate high standards for professional conduct.

3.02 (D) (2) **Element bB:** Teachers link professional growth to their professional goals.

3.02 (D) (3) **Element cC:** Teachers are able to respond to a complex, dynamic environment.

3.2 (D) (4) **Element dD:** Teachers demonstrate leadership in the school, the community, and the teaching profession.

3.3 **Performance Evaluation Ratings for Teachers.** The following four Performance Evaluation Ratings for teachers must be used statewide: ineffective, partially effective, effective, and highly effective. The Department must develop a scoring method for assigning ratings as a part of the State Model System and must provide guidelines for evaluating teachers who are consistently rated highly effective.

School districts and BOCES may use evaluation structures the scoring method developed by the Department as an example or may adopt their own structures scoring method, provided they ensure that each Performance Evaluation Rating is based fifty-thirty percent on Measures of Student Learning and that each of the Teacher Quality Standards (Professional Practice) has a measurable influence on the final Performance Evaluation Rating.

Commented [OC7]: C.R.S. 22-9-104(3)(a)

(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: (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 (3)(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 a licensed person 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 commenced employment with the school district or board of cooperative services.

C.R.S. 22-9-106(1)(e)(II)

(1) All school districts and boards of cooperative services that employ licensed personnel shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services 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, parents, and the school district licensed 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 personnel position to be evaluated; (b) The licensed personnel positions to be evaluated, which shall include all licensed personnel, all part-time teachers as defined in section 22-63-103 (6), and all administrators and principals;

School districts and BOCES must assign one of the Teacher Performance Evaluation Ratings to each teacher in a written evaluation report. As required by section 22-9-106 (3), C.R.S., all evaluation reports must contain a written improvement plan, that must be specific as to what improvements, if any, are needed in the performance of the teacher and clearly sets forth recommendations for improvements, including recommendations for additional education and training during the teacher's license renewal process. As required by section 22-9-105.5 (3) (a), C.R.S., each teacher must be provided with an opportunity to improve ~~his or her~~ their effectiveness through a teacher development plan that links ~~his or her~~ their evaluation and performance standards to professional development opportunities.

The following status implications apply for each Teacher Performance Evaluation Rating. These status implications do not apply to at-will employees.

3.03 (A) Ineffective.

3.03 (A) (1) A teacher whose performance is deemed ineffective must receive written notice that ~~his or her~~ their Performance Evaluation Rating shows a rating of ineffective, ~~a~~ and includes a copy of the documentation relied upon in measuring ~~his or her~~ their performance, and identification of deficiencies.

3.03 (A) (2) Implications for earning or losing nonprobationary status: A nonprobationary teacher who is rated ~~as~~ ineffective or partially effective for two consecutive years loses nonprobationary status.

Commented [OC8]: Edited for clarity.

3.03 (B) Partially Effective.

3.03 (B) (1) Implications for earning or losing nonprobationary status: ~~(i) A rating of partially effective must be considered the first of two consecutive years of ineffective performance that results in loss of nonprobationary status. A nonprobationary teacher who is rated partially effective or ineffective for two consecutive years loses nonprobationary status. Nonprobationary status in this instance is only lost if the teacher is subsequently rated partially effective or ineffective during the following year directly after the first rating of partially effective or ineffective.~~

3.03 (C) Effective.

3.03 (C) (1) Implications for earning or losing nonprobationary status: A nonprobationary teacher may earn nonprobationary status after a minimum of three consecutive years of earning a rating of effective or highly effective. A nonprobationary teacher must maintain an effective rating to retain nonprobationary status. Two consecutive ratings below effective results in the loss of nonprobationary status.

Commented [OC9]: Edited for clarity based on stakeholder input.

3.03 (D) Highly Effective.

3.03 (D) (1) Implications for earning or losing nonprobationary status: For the purposes of gaining or losing nonprobationary status, a rating of highly effective has the same implications as a rating of effective.

4.0 MEASURING PERFORMANCE OF SPECIAL SERVICES PROVIDERS SPECIAL SERVICES PROVIDERS: DEFINITION OF EFFECTIVENESS, QUALITY STANDARDS, AND PERFORMANCE EVALUATION RATINGS

4.1 Definition of Special Services Providers Effectiveness. Effective SSPs in the state of Colorado are vital members of the education team and have the knowledge and skills necessary to ensure that diverse student populations have equitable access to academic instruction and participation in school-related activities. Effective SSPs develop and/or implement evidence-based services or specially designed instruction to meet the unique needs of their students. They support growth and development to close achievement gaps and prepare students for

postsecondary and workforce success. They have a deep understanding of the interconnectedness of the home, school and community and collaborate with all members of the education team to strengthen those connections. Through reflection, advocacy, and leadership, they enhance the outcomes and development of their students.

4.2 Special Services Providers Quality Standards. The SSP Quality Standards outline the knowledge and skills required for effective special services providers practice and will be used to evaluate SSPs in the state of Colorado. All school districts and BOCES must base their evaluations of SSPs on the full set of SSP Quality Standards and associated detailed descriptions of knowledge and skills (also known as "Elements"). School districts and BOCES must either adopt the state Quality Standards and Elements or adopt a locally developed set of quality standards and elements that meet or exceed the state standards and elements, as determined by the Department. While there is a single set of SSP Quality Standards which apply to all licensure categories of SSPs, school districts and BOCES must ensure that the tools used to evaluate these providers adequately differentiate the Professional Practices for each category of SSP.

4.02 (A) Quality Standard I: Special services providers demonstrate mastery of and expertise in the domain for which they are responsible.

4.02 (A) (1) **Element aA:** Special services providers provide services aligned with state and federal laws, local policies and procedures, Colorado Academic Standards, their district's organized plans of instruction and the individual needs of their students.

4.02 (A) (2) **Element bB:** Special services providers demonstrate knowledge of effective services that reduce barriers to and support learning.

4.02 (A) (3) **Element cC:** Special services providers demonstrate knowledge of their professions and integrate evidence-based practices and research findings into their services.

4.02 (B) Quality Standard II: Special services providers support or establish safe, inclusive, and respectful learning environments for a diverse population of students.

4.02 (B) (1) **Element aA:** Special services providers foster a safe, accessible, and predictable learning environment characterized by acceptable student behavior and efficient use of time in which each student has a positive, nurturing relationship with caring adults and peers.

4.02 (B) (2) **Element bB:** Special services providers understand and respond to diversity within the home, school, and community.

4.02 (B) (3) **Element cC:** Special services providers engage students as individuals with diverse needs and interests, across a range of ability levels by adapting services for the benefit of students.

4.02 (B) (4) **Element dD:** Special services providers work collaboratively with the families, and/or significant adults for the benefit of students.

4.02 (C) **Quality Standard III:** Special services providers plan and deliver effective services in an environment that facilitates learning for their students.

4.02 (C) (1) **Element aA:** Special services providers apply knowledge of the ways in which learning takes place, including the appropriate levels of intellectual, physical, social, and emotional development of their students.

4.02 (C) (2) **Element bB:** Special services providers utilize formal and informal assessments to inform planning and service delivery.

4.02 (C) (3) **Element cC:** Special services providers integrate and utilize appropriate available technology to engage students in authentic learning experiences.

4.02 (C) (4) **Element dD:** Special services providers establish and communicate high expectations and use strategies to support the development of critical-thinking, problem-solving skills, and self-advocacy.

4.02 (C) (5) **Element eE:** Special services providers develop and implement services related to student needs, learning, and progress towards goals.

4.02 (C) (6) **Element fF:** Special services providers model and promote effective communication.

4.02 (D) **Quality Standard IV:** Special services providers demonstrate professionalism through ethical conduct, reflection, and leadership.

4.02 (D) (1) **Element aA:** Special services providers demonstrate high standards for ethical and professional conduct.

4.02 (D) (2) **Element bB:** Special services providers link professional growth to their professional goals.

4.02 (D) (3) **Element cC:** Special services providers are able to respond to a complex, dynamic environment.

4.02 (D) (4) **Element dD:** Special service providers demonstrate leadership and advocacy in the school, the community, and their profession.

4.03 Performance Evaluation Ratings for Special Services Providers. The following four Performance Evaluation Ratings for SSPs must be used statewide: ineffective, partially effective, effective, and highly effective.

The Department must develop a scoring method for assigning ratings as a part of the State Model System and must provide guidelines for evaluating SSPs who are consistently rated highly effective. School districts and BOCES may use the scoring framework-method developed by the Department as an example or may adopt their own scoring framework-method, provided they ensure that each of the SSP Professional Practices has a measurable influence on the final Professional Practice score assigned to SSPs. While school districts and BOCES annually must assign a Performance Evaluation Rating to each licensed SSP, school districts and BOCES have discretion to determine how these ratings will be used for purposes of employment contracts, employee retention, and/or the assignment of probationary or nonprobationary status, if applicable.

Supervisors must clearly communicate to SSPs the consequences of each category of Performance Evaluation Rating, including how each SSP's assigned rating contributes to the loss or gain of nonprobationary status for that SSP, if applicable the employer decides in its discretion to award probationary or nonprobationary status to its SSPs.

4.04 Local Systems for Evaluating Special Services Providers

4.04 (A) School districts and BOCES must include a description of their method for evaluating SSPs in the written local system for the evaluation of licensed personnel, described in section 5.01 of these rules. This method must meet the following criteria:

4.04 (A) (1) School districts or BOCES must select evaluation measures for each of the nine licensure categories of SSPs employed by the school district or BOCES, which measures must reflect varying assignments and job duties;

4.04 (A) (2) The evaluation of SSPs must incorporate multiple measures to evaluate SSPs against the SSP Quality Standards, which measures must be gathered using multiple formats and occasions;

4.04 (A) (3) Data used in evaluating SSPs must be collected from the sites, or a representative sample of the sites, at which the SSP provides services;

4.04 (A) (4) At least fifty percent of the evaluation must be based on at least two measures of student outcomes, which measures must be aligned with the role and duties and the individual SSP being evaluated;

4.04 (A) (5) At least one of the evaluation measures must be an observation by the SSP's supervisor(s) or a trained evaluator with relevant professional expertise. The supervisor(s) is encouraged to consult with the SSP in determining the appropriate approach and timing of the observation, based on the SSP's role and duties;

4.04 (A) (6) In addition to an observation, evaluations of SSP's must be based on at least one of the following performance measures, when appropriate to the SSP's assigned duties: student perception measures (where appropriate and feasible), peer feedback, feedback from parents or guardians, review of student support documentation, and/or any other evidence relevant to the SSP's assigned duties;

4.04 (A) (7) School districts and BOCES must seek to ensure that measures to evaluate SSPs against the SSP Quality Standards are valid, meaning that the measures are aligned with the professional services that the SSP provides and that analysis and inferences from the measures can be supported by evidence and logic, and that the measures are reliable, meaning that the measures are stable over time and in substance and that data from the measures will be sufficient to warrant reasonably consistent inferences;

4.04 (A) (8) In making decisions about how to use data collected about SSP performance, school districts and BOCES must consider whether the data collected are better suited for use in a high-stakes evaluation or for the purpose of providing feedback and professional development opportunities for the individual professional, or for both purposes provided they are appropriately weighted. In making this decision, school districts and BOCES must consider the technical quality and rigor of the methods used to collect the data, and the technical quality of the data itself;

~~4.04 (A) (9) School districts and BOCES must determine how the multiple measures of SSP performance will be aggregated to provide a single rating for Professional Practice on SSP Quality Standards I-IV (Professional Practice), which will then be combined with a single rating for Measures of Student Outcomes to determine a final Performance Evaluation Rating. In developing its weighting policies, each school district or BOCES must ensure that SSP Quality Standards I-IV are aggregated in such a way that each standard has a measurable influence on the rating for Professional Practice. Each school district or BOCES must ensure that the weight assigned to each particular measure is consistent with the measure's technical quality and rigor;~~

~~4.04 (A) (10) School districts and BOCES must ensure that the person or persons responsible for supervising each SSP's work is clearly identified to the SSP at the beginning of each contract year. The supervisor(s) is responsible for the SSP's evaluation;~~

~~4.04 (A) (11) The supervisor(s) for each SSP must clearly communicate to the SSP the tools that may be used to measure performance against the SSP Quality Standards prior to their use and the weighting policies that will be used to aggregate data for each SSP Quality Standard into a final Performance Evaluation Rating. Supervisors must clearly articulate for each SSP the category or categories of personnel into which he or she is assigned. School districts and BOCES that elect to adopt their own locally developed set of SSP quality standards must clearly communicate how those local standards align with the state's SSP Quality Standards. Supervisors must clearly communicate to SSPs the consequences of each category of Performance Evaluation Rating, including how each SSP's assigned rating contributes to the loss or gain of nonprobationary status for that SSP, if applicable;~~

~~4.04 (A) (12) A final Performance Evaluation Rating must be assigned once a year, using a body of evidence collected systematically in the months prior. School districts and BOCES must seek to ensure that the complete body of evidence leads to a valid and reliable measure of each professional's performance against the SSP Quality Standards; and~~

~~4.04 (A) (13) Prior to and multiple times throughout the evaluation process, the supervisor(s) for each SSP must engage in professional dialogue with the SSP focused on his/her Professional Practice and growth for the course of the year.~~

4.04 (BA) School districts and BOCES are strongly encouraged to involve providers with relevant expertise in the evaluation of each SSP in his or her their first three years of practice, for any evaluation of an SSP that will be relied upon for decisions concerning job protection status, and once for every third annual evaluation for all other SSPs. If a school district or BOCES chooses to involve such providers, the following practices are recommended:

4.04 (BA) (1) The participation of such providers may consist of observations, review of documents or data relevant to the evaluation, interviews with educators, parents, and/or students, and/or any other review that relates to the performance of the SSP and is appropriate and informative for the evaluation of the SSP.

4.04 (BA) (2) For each evaluation in which they participate, school districts and BOCES are encouraged to ensure that such providers have participated in one of the trainings in evaluation skills described in section 5.03 (B) of these rules and meet at least one of the following requirements:

Commented [OC10]: C.R.S. 22-9-104

(1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a state model licensed personnel performance evaluation system that may be adopted by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed personnel and citizens of the school district or districts. Each school district and board of cooperative services 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.

1.5) To assist school districts and boards of cooperative services in implementing the state model licensed personnel performance evaluation system and in developing and implementing local systems of personnel performance evaluation, by the beginning of the 2023-24 school year, the department shall: (a) Create a modified rubric specifically for measuring the performance of a licensed person 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 personnel who are consistently rated highly effective;

(b) Work with school districts and boards of cooperative services to create and make publicly available rubrics for measuring the performance of licensed 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 to ensure that all evaluators have the skills necessary to observe and evaluate licensed personnel with fidelity to the licensed personnel performance evaluation system implemented by the evaluator's school district or board of cooperative services;

(d) Provide guidelines for considering a licensed person's professional growth achievements, such as attainment of national board certification or fulfillment of differentiated professional roles, as proof that the licensed person 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 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 in the development of a licensed 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 personnel whom those

4.04 (BA) (2) (a) a credential and/or license and work experience in the same domain as the SSP being evaluated;

4.04 (BA) (2) (b) if currently working in the field, a Performance Evaluation Rating of effective or highly effective; and/or

4.04 (BA) (2) (c) thorough knowledge about professional expectations and responsibilities, aligned to the SSP Quality Standards.

4.04 (BA) (3) In advance of the SSP's evaluation, the SSP's supervisor is encouraged to establish the role of any expert's participation in the evaluation.

4.04 (BA) (4) As a part of the expert's participation in the evaluation process, the expert is encouraged to contribute to actionable feedback for the SSP and must provide the SSP's supervisor(s) with support designed to advance the supervisor(s)'s knowledge of professional expectations and context.

4.04 (CB) A school district's or BOCES' policies for evaluating SSPs may reflect a determination that different categories of SSPs or SSPs for whom evaluation results will have greater consequences require varying degrees of evaluation and support.

4.04 (DC) In developing their written local system for the evaluation of licensed personnel, school districts and BOCES are encouraged to do the following:

4.04 (DC) (1) collaborate with SSPs, including representatives of relevant local associations or federations, if they exist, in the selection of the measures to be used for SSP evaluations, to ensure that these measures are relevant and appropriate;

4.04 (DC) (2) include an SSP as a member of the school district's or BOCES' advisory personnel performance evaluation council and the district advisory council described in section 5.02 of these rules;

4.04 (DC) (3) gather student perceptions of their support experiences, not only as a measure of professional practice for purposes of formal evaluation, but also to provide SSPs with ongoing, informal feedback; and

4.4 (DC) (4) consult with principals in determining the role that SSP final Performance Evaluation Ratings will play in a principal's Performance Evaluation Rating.

~~4.5 Appeals. SSPs who receive a second consecutive Performance Evaluation Rating of ineffective or partially effective and who are not employed on an at-will basis may appeal their rating using the process described in section 5.04 of these rules. School districts and BOCES may choose to, but are not required to, provide this appeal process for SSPs who are employed on an at-will basis.~~

~~4.6 Reporting Requirements. School districts and BOCES must submit data, as requested by the Department, to allow the Department to monitor implementation of local personnel evaluation systems. The required data must be consistent with the data collected for all educators, as described in section 6.01(C) of these rules, including the Performance Evaluation Ratings assigned to each SSP and the performance results for SSPs on each of the SSP Quality Standards and Measures of Student Outcomes.~~

Commented [OC11]: Section of rules have been relocated in the rule set.

4.74.5 **Supporting Implementation of Local Systems for Evaluating Special Services Providers.**

4.075 (A) The Department will maintain a resources bank that supports school districts and BOCES in the design, implementation, and ongoing support of their SSP evaluation systems, and that includes a broad array of materials applicable to multiple SSP contexts.

4.075 (B) The Department is strongly encouraged to establish a pool of providers with field expertise who are willing to support the evaluation of SSPs in the manner described in section 4.04 (BA) of these rules. School districts and BOCES may use this pool as a resource if they choose to involve these providers in the evaluation of SSPs.

5.0 LOCAL PERFORMANCE EVALUATION SYSTEMS: DUTIES AND POWERS OF LOCAL SCHOOL BOARDS AND BOARDS OF COOPERATIVE EDUCATION SERVICES

5.1 Required Components of Written Local Evaluation System. Every school district and BOCES must adopt a written either the State Model System or a locally-developed evaluation system that meets or exceeds meeting or exceeding includes the following components of the State Model System that contains, but need not be limited to, the following information:

5.01 (A) The purposes of the evaluation system, including, but not limited to, the following:

5.01 (A) (1) providing a basis for the improvement of instruction;

5.01 (A) (2) enhancing implementation of programs of curriculum;

5.01 (A) (3) providing the measurement of satisfactory performance for individual licensed personnel and serving as documentation for an unsatisfactory performance dismissal proceeding under article 63 of title 22; and

5.01 (A) (4) serving as a measurement of the professional growth and development of licensed personnel.

5.01 (B) The licensed personnel positions to be evaluated, which includes all teachers, including part-time as defined in section 22-63-103(6), C.R.S., SSPs, administrators, and principals;

5.01 (C) The title or position of the evaluator for each position to be evaluated;

5.01 (D) **Evaluating Licensed Personnel.** The standards set by the local school board or BOCES for effective performance for licensed personnel and the criteria to be used to evaluate the performance of each licensed person against such standards, consistent across types of licensed personnel. Though the selected criteria may vary among categories of personnel, to reflect the diversity of students, the evaluation system must apply consistent criteria to each category of personnel, including the various categories of principals, teachers, and SSPs;

5.01 (D) (1) **Principal Effectiveness and Principal Quality Standards.** The definition of principal effectiveness, included in section 2.01 of these rules, and either the Principal Quality Standards and associated Elements, included in section 2.02 of these rules, or locally adopted standards that meet or exceed the Principal Quality Standards and Elements.

5.01 (D) (2) **Method for Evaluating Principal Performance on Professional Practice.** A description of the method for evaluating principals' Professional Practice, which method must include data collection for multiple measures on multiple occasions.

School districts and BOCES are encouraged to experiment, with agreement from

their personnel performance evaluation councils, with innovative methods of observation, which may include and not be limited to the use of observations by mentors and peers.

5.01 (D) (2) (a) **Required Measures of Principal Professional Practice.**

School districts and BOCES must measure principal performance against Quality Standards I–IV using tools that capture information about the following: (i) input from teachers employed at the principal’s school, provided that clear expectation is established prior to collection of the data that at least one of the purposes of collecting the input is to inform an evaluation of the principal’s performance and provided that systems are put in place to ensure that the information collected remains anonymous and confidential; and (ii) the percentage and number of teachers in the school who are rated as: **highly** effective, **highly**-effective, partially effective, and ineffective; and the number and percentage of teachers who are improving their performance, in comparison to the goals articulated in the principal’s Professional Performance Plan.

5.01 (D) (2) (b) **Additional Measures of Principal Professional Practice.**

In addition to the required measures of Professional Practice, school districts and BOCES may also use other sources of evidence regarding a principal’s Professional Practice. School districts and BOCES are strongly encouraged to use measures, where appropriate, that capture evidence about the following: (i) student perceptions; (ii) parent/guardian perceptions; and (iii) perceptions of other administrators about a principal’s professional performance. Other measures may include the following: (i) direct observations; and (ii) examination of a portfolio of relevant documentation regarding the principal’s performance against the Principal Quality Standards, which may include, but need not be limited to, professional development strategies and opportunities, evidence of team development, staff meeting notes, school newsletters; content of website pages, award structures developed by the school, master school schedule, or evidence of community partnerships, parent engagement and participation rates, “360 degree” survey tools designed to solicit feedback from multiple stakeholder perspectives, examination of a Unified Improvement Plan, teacher retention data, external review of budgets, and school communications plan.

5.01 (D) (3) **Method for Evaluating Principal Performance Related to Student Academic Growth.** A description of the method for evaluating principals’ performance related to Student Academic Growth. The Measures of Student Learning used for evaluating principals’ performance must meet the following criteria:

5.01 (D) (3) (a) When available, School districts and BOCES must ensure that data included in the school performance framework, required pursuant to section 22-11- 204, C.R.S., is used to evaluate principal performance. School districts and BOCES may choose to weight specific components of the school performance framework differently than they are weighted in the school performance framework, depending on the principal’s responsibilities and the performance needs of the school, so long as student longitudinal growth carries the greatest weight.

5.01 (D) (3) (b) School districts and BOCES must incorporate at least one other Measure of Student Learning and must ensure that the Measures of Student Learning selected for principal evaluations are consistent with the Measures of Student Learning used for the evaluation of teachers in each principal’s school, as described in section 5.01 (D) (7) of these rules.

Commented [OC12]: C.R.S. 22-9-106(1)(e)(II)

(1) All school districts and boards of cooperative services that employ licensed personnel shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services 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, parents, and the school district licensed 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 personnel position to be evaluated;

(b) The licensed personnel positions to be evaluated, which shall include all licensed 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:(I) Probationary teachers receive at least two documented observations and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year. Probationary teachers shall receive the written evaluation report at least two weeks before the last class day of the school year.

(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.

(IV) (Deleted by amendment, L. 2010, (SB 10-191), ch. 241, p. 1063, § 7, effective May 20, 2010.)

(d) The purposes of the evaluation, which must include but need not be limited to:(I) Providing a basis for the improvement of instruction;

- 5.91 (D) (3) (c) School districts and BOCES are strongly encouraged to involve principals in a discussion of which of the available Measures of Student Learning are appropriate to the principals' schools and school improvement efforts.
- 5.91 (D) (3) (d) Measures of Student Learning must reflect the growth of students in all subject areas and grades, not only those in subjects and grades that are tested using statewide summative assessments, and must reflect the broader responsibility a principal has for ensuring the overall outcomes of students in the building.
- 5.91 (D) (3) (e) School districts and BOCES must seek to ensure that Measures of Student Learning correspond to implementation benchmarks and targets included in the Unified Improvement Plan for the school at which a principal is employed.
- 5.91 (D) (3) (f) School districts and BOCES must seek to ensure that Measures of Student Learning are valid, meaning that they measure growth towards attainment of the academic standards adopted by the local school board pursuant to section 22-7-1013, C.R.S. and that analysis and inferences from the measures can be supported by evidence and logic.
- 5.91 (D) (3) (g) School districts and BOCES must seek to ensure that Measures of Student Learning are reliable, meaning that the measures should be reasonably stable over time and in substance and that data from the measures will be sufficient to warrant reasonably consistent inferences.
- 5.91 (D) (3) (h) Early Childhood - Grade 3. For those principals responsible for students in early childhood education through grade 3, evaluation measures must be consistent with outcomes used as the basis for evaluations for teachers teaching these grade levels, which may include, ~~but and~~ are not limited to, assessments of early literacy and/or mathematics shared among members of the school community that may be used to measure student longitudinal growth.
- 5.91 (D) (3) (i) Grades 4-8. For those principals responsible for students in grades 4-8, a portion of the evaluation for Measures of Student Learning must be based on the results of the Colorado longitudinal growth model, calculated pursuant to section 22-11-203, C.R.S., for subjects tested by statewide summative assessments. The weight of this measure may be increased to reflect the increased proportion of subjects covered by statewide summative assessments over time. A portion of the principal's evaluation also must be based on other appropriate Measures of Student Learning for students in grades 4-8, which may include, but are not limited to, Measures of Student Learning shared among the evaluated personnel in the school.

5.01 (D) (3) (j) Grades 9-12. For those principals responsible for students in grades 9-12, a portion of the evaluation must be based on the results of the Colorado longitudinal growth model, calculated pursuant to section 22-11-203, C.R.S., for subjects tested by state summative assessments. To account for the portion of teachers without direct or indirect results from the Colorado longitudinal growth model, a portion of a principal's growth determination may be based upon appropriate Measures of Student Learning for personnel teaching in subjects and grades not tested by statewide summative assessments, which may include, but are not limited to, Measures of Student Learning shared among evaluated personnel in the school.

5.01 (D) (3) (k) For the evaluation of principals responsible for students in multiple grade spans, school districts and BOCES must select a combination of Measures of Student Learning reflecting the grade levels of all students in the school.

5.01 (D) (3) (l) When compiling Measures of Student Learning to evaluate performance, school districts and BOCES must give the most weight to those measures that demonstrate the highest technical quality and rigor.

5.1 (D) (3) (m) For the evaluation of a principal who has been employed by a school district or BOCES for one school year or less, Measures of Student Learning must not include data that was created prior to the date on which the principal commenced employment with the school district or BOCES.

5.01 (D) (4) **Weighting of Performance on Principal Quality Standards.** A description of the manner in which performance on each of the Principal Quality Standards will be weighed in assigning a Performance Evaluation Rating. Measures of Principal Professional Practice must determine fifty-seventy percent of a principal's overall Performance Evaluation Rating, and Measures of Student Learning must determine the other fifty-thirty percent of the overall Performance Evaluation Rating. Each of the Principal Quality Standards I-IV (Professional Practice) must have a measurable influence on the overall Performance Evaluation Rating.

5.1 (D) (4) (a) A measure of collectively attributed Student Academic Growth, whether on a school-wide basis or across grades or subjects, must not exceed ten percent of the principal's evaluation.

5.01 (D) (5) **Teacher Effectiveness and Teacher Quality Standards.** The definition of teacher effectiveness, included in section 3.01 of these rules, and either the Teacher Quality Standards and associated Elements, included in section 3.02 of these rules, or locally adopted standards that meet or exceed the Teacher Quality Standards and Elements.

5.01 (D) (6) **Method for Evaluating Teacher Professional Practice.** A description of the method for evaluating teachers' Professional Practice, which method must include data collection for multiple measures on multiple occasions. School districts and BOCES must collect teacher performance data related to Professional Practice using observations and at least one of the following measures: (a) student perception measures (e.g., surveys), where appropriate and feasible, (b) peer feedback, (c) feedback from parents or guardians; or (d) review of teacher lesson plans or student work samples.

The method for evaluating teachers' Professional Practice may include additional measures.

Commented [OC13]: C.R.S. 22-19-104

(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:(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 (3)(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 a licensed person 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 commenced employment with the school district or board of cooperative services.

Commented [LB14]: Added per C.R.S. 22-9-104(3)(b) and 22-9-106(1)(e)(III)

Commented [OC15]: C.R.S. 22-19-104

(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:(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 (3)(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 a licensed person who has been employed by a school district or board of cooperative

In determining how to use the data collected about teacher performance, whether for written evaluation reports or for informal feedback and identification of appropriate professional development, school districts and BOCES must consider the technical quality and rigor of the methods used to collect the data, and the technical quality of the data itself.

School districts and BOCES are encouraged to experiment, with agreement from their personnel performance evaluation councils, with innovative methods of observation, which may include and not be limited to the use of observations by mentors, teaching coaches, peers, department leaders, and video or digital recording.

5.01 (D) (7) **Method for Evaluating Teacher Performance Related to Student Academic Growth.** A description of the method for evaluating teachers' performance related to Student Academic Growth.

School districts and BOCES must categorize teachers into appropriate categories based on the availability and technical quality of student assessments available for the courses and subjects taught by those teachers. School districts and BOCES must then choose or develop appropriate Measures of Student Learning to be used in the evaluation of each personnel category.

Student Academic Growth must be measured using multiple measures. When compiling these measures to evaluate performance, school districts and BOCES must consider the relative technical quality and rigor of the various measures.

Measures of Student Learning must include the following:

5.01 (D) (7) (a) A measure of individually-attributed Student Academic Growth, meaning that outcomes on that measure are attributed to an individual-licensed person ~~Teacher~~;

5.01 (D) (7) (b) A measure of collectively-attributed Student Academic Growth, whether on a school-wide basis or across grades or subjects, students within a grade level or within the school in which the Teacher is employed, meaning that outcomes on that measure are attributed to at least two licensed personnel and which must not exceed ten percent of the teacher's evaluation; (e.g., measures included in the school performance framework, required pursuant to section 22-11-204, C.R.S.);

5.01 (D) (7) (c) When available, statewide summative assessment results may be used for teachers employed at the school for more than one year. For the evaluation of a teacher who has been employed by a school district or BOCES for one school year or less, Measures of Student Learning must not include data that was created prior to the date on which the teacher commenced employment with the school district or BOCES; and

5.01 (D) (7) (d) School districts and BOCES are strongly encouraged to involve teachers in a discussion of which of the available measures of Student Academic Growth are appropriate to the teacher's role and student growth goals. For subjects with annual statewide summative assessment results available in two consecutive grades, results from the Colorado Growth Model.

5.01 (D) (8) **Selection of Additional Measures for Evaluating Teacher Performance Related to Student Academic Growth .** The method for evaluating Teachers' performance related to Student Academic Growth may include Measures of Student Learning in addition to those is described in section

5.01 (D) (7) of these rules. These additional measures must meet the following

Commented [OC16]: C.R.S. 22-9-106(1)(f)

(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 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 personnel to be evaluated by peers who are licensed in the same field as the licensed person being evaluated and, if feasible, have more than one year of experience.

Commented [OC17]: C.R.S. 22-9-104(3)(b) and 22-9-106(1)(e)(III)

Commented [OC18]: Edits per C.R.S. 22-9-104(3)(c), 22-9-106(1)(e)(IV) and to align with definition in section 1.22 in these rules.

Per input from stakeholders and based on past few years experience with not requiring state summative assessments, change to "may" will honor the option to include or not and build upon the work of educators and districts in creating MSLs/MSOs that no longer include statewide summative data. This data would still be an option. It would no longer be a requirement.

Given the reduction in percentage of the MSL/MSO portion of the final evaluation rating, does not appear to be necessary to require the inclusion of this assessment.

Commented [OC19]: C.R.S. 22-9-104

Updates made per stakeholder feedback.

(1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a state model licensed personnel performance evaluation system that may be adopted by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed personnel and citizens of the school district or districts. Each school district and board of cooperative services 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.

criteria:

5.01 (D) (8) (a) School districts and BOCES must seek to ensure that Measures of Student Learning are valid, meaning that the measures are aligned with the academic standards adopted by the local school board pursuant to section 22-7-1013, C.R.S. and that analysis and inferences from the measures can be supported by evidence and logic;

5.01 (D) (8) (b) School districts and BOCES must seek to ensure that Measures of Student Learning are reliable, meaning that the measures should be stable over time and in substance and that data from the measures will be sufficient to warrant reasonably consistent inferences;

5.01 (D) (8) (c) In the effort to ensure that Measures of Student Learning are comparable among teachers of similar content areas and grades, school districts and BOCES are strongly encouraged to include teachers in a discussion of which measures are most appropriate to the teachers' classrooms; and

5.01 (D) (8) (d) For teachers teaching two or more subjects, individual Measures of Student Learning must include Student Academic Growth scores from all subjects for which the teacher is responsible.

5.01 (D) (9) **Weighting of Performance on Teacher Quality Standards.** A description of the manner in which performance on each of the Teacher Quality Standards will be weighted in assigning teachers to a Performance Evaluation Rating.

Measures of Teacher Professional Practice must determine fifty-seventy percent of a teacher's total overall Performance Evaluation Rating, and Measures of Student Learning must determine the other fifty-thirty percent of the overall Performance Evaluation Rating. Each of the Teacher Quality Standards I-IV (Professional Practice) must have a measurable influence on the final Performance Evaluation Rating.

5.1 (D) (10) Special Services Providers Effectiveness and Quality Standards. The definition of Special Services Providers effectiveness, included in section 4.1 of these rules, and either the Special Services Providers Quality Standards and associated Elements, included in section 4.2 of these rules, or locally adopted standards that meet or exceed the SSP Quality Standards and Elements.

5.1 (D) (11) Method for Evaluating Special Services Providers Professional Practice. School districts and BOCES must include a description of their method for evaluating SSPs in the written local system for the evaluation of licensed personnel. This method must meet the following criteria:

5.1 (D) (11) (a) School districts and BOCES must ensure that the person or persons responsible for supervising each SSP's work is clearly identified to the SSP at the beginning of each contract year. The supervisor(s) is responsible for the SSP's evaluation;

5.1 (D) (11) (b) School districts or BOCES must select evaluation measures for each of the nine licensure categories of SSPs employed by the school district or BOCES, which measures must reflect varying assignments and job duties;

5.1 (D) (11) (c) The evaluation of SSPs must incorporate multiple measures to evaluate SSPs against the SSP Quality Standards, which measures must be gathered using multiple formats and occasions;

Commented [OC20]: C.R.S. 22-9-104(3)(a)

(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:(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 (3)(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 a licensed person 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 commenced employment with the school district or board of cooperative services.

C.R.S. 22-9-106(1)(e)(II)

(e)(I) Repealed.

(II) The standards set by the local board for effective performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets the standards and other criteria for evaluation for each licensed 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. 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 personnel and are communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.

5.1 (D) (11) (d) Data used in evaluating SSPs must be collected from the sites, or a representative sample of the sites, at which the SSP provides services;

5.1 (D) (11) (e) At least one of the evaluation measures must be an observation by the SSP's supervisor(s) or a trained evaluator with relevant professional expertise. The supervisor(s) is encouraged to consult with the SSP in determining the appropriate approach and timing of the observation, based on the SSP's role and duties;

5.1. (D) (11) (f) In addition to an observation, evaluations of SSP's must be based on at least one of the following performance measures, when appropriate to the SSP's assigned duties: student perception measures (where appropriate and feasible), peer feedback, feedback from parents or guardians, review of student support documentation, and/or any other evidence relevant to the SSP's assigned duties;

5.1 (D) (11) (g) School districts and BOCES must seek to ensure that measures to evaluate SSPs against the SSP Quality Standards are valid, meaning that the measures are aligned with the professional services that the SSP provides and that analysis and inferences from the measures can be supported by evidence and logic, and that the measures are reliable, meaning that the measures are stable over time and in substance and that data from the measures will be sufficient to warrant reasonably consistent inferences;

5.1. (D) (11) (h) In making decisions about how to use data collected about SSP performance, school districts and BOCES must consider whether the data collected are better suited for use within the final written evaluation report or for the purpose of providing feedback and professional development opportunities for the individual professional, or for both purposes provided they are appropriately weighted. In making this decision, school districts and BOCES must consider the technical quality and rigor of the methods used to collect the data, and the technical quality of the data itself.

School districts and BOCES are encouraged to experiment, with agreement from their personnel performance evaluation councils, with innovative methods of observation, which may include and not be limited to the use of observations by mentors, coaches, peers, department leaders, subject matter expert(s) in the content area of the SSP being evaluated and video or digital recording.

5.1 (D) (12) **Method for Evaluating Special Services Providers Related to Student Outcomes.** A description of the method for evaluating SSPs performance related to Student Outcomes. This method must meet the following criteria:

5.1 (D) (12) (a) Thirty percent of the evaluation must be based on at least two measures of student outcomes, and the measures must be aligned with the role and duties of the individual SSP being evaluated.

5.1 (D) (12) (b) For the evaluation of an SSP who has been employed by a school district or BOCES for one school year or less, Measures of Student Learning must not include data that was created prior to the date on which the SSP commenced employment with the school district or BOCES

5.1 (D) (13) **Weighting of Performance on Special Services Providers Quality Standards.** A description of the manner in which performance on each of the Special Services Providers Quality Standards will be weighted in assigning

Commented [OC21]: C.R.S. 22-9-106(1)(f)

(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 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 personnel to be evaluated by peers who are licensed in the same field as the licensed person being evaluated and, if feasible, have more than one year of experience.

SSPs a Performance Evaluation Rating.

Measures of Special Services Providers Professional Practice must determine seventy percent of a SSP's total overall Performance Evaluation Rating, and Measures of Student Outcomes must determine the other thirty percent of the overall Performance Evaluation Rating. Each of the Special Services Providers Quality Standards I-IV (Professional Practice) must have a measurable influence on the final Performance Evaluation Rating.

5.01 (E) Evaluation Process. The process to evaluate Principals, Teachers, and Special Services Providers should include observations and feedback that result in a final Performance Evaluation Rating and a written report. The frequency and duration of the ~~evaluations~~ observations, 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 fair and reliable conclusions may be drawn, and which meet the following requirements:

5.01 (E) (1) **Principals.** Principals must receive at least one observation and evaluation that results in a written evaluation report each academic year. The written evaluation report, informed by a body of evidence collected systematically in the months prior, must provide a final Performance Evaluation Rating that rates a Principal as highly effective, effective, partially effective, or ineffective.

5.01 (E) (2) **Teachers.** Probationary teachers must receive at least two documented observations and at least one evaluation that results in a written evaluation report each academic year. Nonprobationary teachers must receive at least one documented observation and a written evaluation report each academic year.

The written evaluation report, informed by a body of evidence collected in the months prior, must include fair and reliable measures of the teacher's performance against the Teacher Quality Standards and be used to determine a final Performance Evaluation Rating that rates a teacher as highly effective, effective, partially effective, or ineffective. Teachers must receive the written evaluation report at least two weeks before the last class day of the school year.

5.1 (E) (3) **Special Services Providers.** A final Performance Evaluation Rating must be assigned once a year, using a body of evidence collected systematically in the months prior. School districts and BOCES must seek to ensure that the complete body of evidence leads to a valid and reliable measure of each professional's performance against the SSP Quality Standards and provides the SSP with a written evaluation report.

5.1 (E) (4) **Educator Evaluation Scoring System.** School districts and BOCES must use the State Model scoring system or develop a locally created system to determine how the multiple measures of educator performance will be aggregated to provide a single rating for Professional Practice on the applicable Quality Standards I-IV (Professional Practice), which will then be combined with a single rating for Measures of Student Learning/Outcomes to determine a final Performance Evaluation Rating. In developing its weighting policies, each school district or BOCES must ensure that Quality Standards I-IV are aggregated in such a way that each standard has a measurable influence on the rating for Professional Practice. Each school district or BOCES must ensure that the weight assigned to each particular measure is consistent with the measure's technical quality and rigor.

5.1 (E) (5) Prior to and multiple times throughout the evaluation process, the supervisor(s) for each principal, teacher, and SSP must engage in professional dialogue with the educator focused on their Professional Practice and growth for the course of the year.

Commented [OC22]: Rules moved from previous section to flow better within context.

Commented [OC23]: 22-9-106

(1) All school districts and boards of cooperative services that employ licensed personnel shall adopt a written system to evaluate the employment performance of school district and board of cooperative services licensed personnel, including all teachers, principals, and administrators, with the exception of licensed personnel employed by a board of cooperative services for a period of six weeks or less. In developing the licensed personnel performance evaluation system and any amendments thereto, the local board and board of cooperative services 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, parents, and the school district licensed 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 personnel position to be evaluated; (b) The licensed personnel positions to be evaluated, which shall include all licensed 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: (I) Probationary teachers receive at least two documented observations and one evaluation that results in a written evaluation report pursuant to subsection (3) of this section each academic year. Probationary teachers shall receive the written evaluation report at least two weeks before the last class day of the school year. (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. (IV) (Deleted by amendment, L. 2010, (SB 10-191), ch. 241, p. 1063, § 7, effective May 20, 2010.)

(d) The purposes of the evaluation, which must include ...

- 5.01 (E) (63) **Ongoing Data Collection and Analysis.** School districts and BOCES must collect and analyze data on multiple occasions, in order to provide actionable feedback and support to educators on a regular basis in an effort to make evaluation an ongoing process rather than an event and to facilitate continuous improvement.
- 5.01 (E) (74) **Differentiated Evaluation and Support Needs.** District evaluation policies may reflect a determination that different categories of educators teachers require varying degrees of evaluation and support.
- 5.01 (F) A description of the process that the school district or BOCES used for validating its evaluation methods. Such process must address:
- 5.01 (F) (1) consistency among the multiple measures used for evaluations;
- 5.01 (F) (2) inter-rater agreement reliability when the measures are applied by different evaluators; and 5.01 (F) (3) consistency of data used to evaluate performance (i.e., observation, surveys, Measures of Student Learning) and the Performance Evaluation Ratings that are assigned.
- 5.01 (G) A description of the school district's or BOCES' system for ensuring that every Pprincipal is provided with a Principal Professional Performance Plan.
- 5.01 (G) (1) This Principal Professional Performance Plan must be developed in collaboration with the individual Pprincipals and must outline annual goals for the Pprincipal with respect to his or her their school's performance and the resources and supports which will be made available to support the Pprincipal in achieving the outlined goals. A Pprincipal's Professional Performance Plan must be consistent with the measures that are used to evaluate that principal and how the Principal Quality Standards are weighted for that principal's evaluation. School Districts and BOCES are encouraged to include goals related to a Pprincipal's and his or her their designee's ability to conduct meaningful evaluations of licensed personnel.
- 5.01 (G) (2) Principals must be held accountable for progress against the goals laid out in the Principal Professional Performance Plan and school districts or BOCES must continually monitor performance goals, provide feedback and adjust support for the principal as needed.
- 5.01 (G) (3) The Principal Professional Performance Plan must include the following:
- 5.01 (G) (3) (a) Goals addressing the number and percentages of effective teachers in the school, and the number and percentage of teachers who are improving, in a manner consistent with the goals for the school outlined in the school's Unified Improvement Plan; and
- 5.01 (G) (3) (b) Goals addressing school climate and working conditions, developed with reference to a working conditions or school leadership survey (for example, the state-funded biennial Teaching and Learning Conditions in Colorado (TLCC) Survey, required pursuant to section 22-2-503, C.R.S.), and other appropriate data, including conditions highlighted in comprehensive appraisal for district improvement (CADI) and school support team (SST) diagnostic reviews facilitated by the Department.
- 5.1 (G) (4) School districts and BOCES are also strongly encouraged to include in Principal Professional Performance Plans goals related to staff participation in the Teaching and Learning Conditions in Colorado (TLCC) Survey, administered by the Department pursuant to section 22-2-503, C.R.S., or other working conditions, culture and climate, or school leadership surveys, and use of survey

results to guide improvement efforts.

5.1 (H) Evaluation Process for Highly Effective Educators. School districts and BOCES must offer an optional modified evaluation process for principals, teachers, and special services providers who have received a rating of highly effective for at least three consecutive years. If offered, the modified evaluation process must provide an opportunity for the educator to continue to grow professionally as well as deepen and refine their professional practices.

5.1 (H) (1) When offered, the modified evaluation process must meet the following criteria:

5.1 (H) (1) (a) Becomes an available option after the educator earns a highly effective final Performance Evaluation Rating for three consecutive years;

5.1 (H) (1) (b) Eligible educators and their evaluators discuss and select use of the modified evaluation process no later than one month from the start of the school year. The school district or BOCES must provide guidance and parameters for selecting the modified evaluation process and for implementation once selected;

5.1 (H) (1) (c) Includes a modified rubric that maintains the established Quality Standards and Elements outlined in sections 2.2, 3.2, and 4.2 of these rules;

5.1 (H) (1) (d) The modified evaluation process must result in a final Performance Evaluation Rating of highly effective, effective, partially effective, and ineffective as outlined in sections 2.3, 3.3, and 4.3 of these rules and provide feedback to the educator.

5.1 (H) (1) (e) Identifies the conditions in which an educator will return to using the standard evaluation process and includes a formal review process a minimum of every three years to determine if the educator will continue to use the modified evaluation process.

5.1 (H) (2) School districts and BOCES are strongly encouraged to include input from educators and members of their advisory councils described in section 5.2 of these rules in the decision to offer the modified evaluation process for highly effective educators, as well as in the creation and implementation of this modified evaluation process when offered.

5.1 (H) (3) The Department will ensure that the State Model System is updated to support districts/BOCES using the system to meet the criteria listed in section 5.1 (H) (1) of these rules.

5.2 Process for Developing ~~Written~~ Local Evaluation System. Colorado statute outlines requirements for various entities to be involved in the development of local personnel evaluation systems. School districts and BOCES must collaborate with these entities in developing systems that meet the minimum requirements for evaluation systems described in section 5.01 of these rules.

5.02 (A) Each school district must have an advisory personnel performance evaluation council, which, at a minimum, consists of the following members appointed by the local school board:

Commented [OC24]: During CDE's winter focus group sessions, stakeholders' request for clarification of this process being required or optional was brought forward by participants. CDE staff has made edits for clarity in these draft rules addressing local decision making around the use of the highly effective evaluation process was necessary.

Commented [OC25]: C.R.S. 22-9-104(1.5)(a) Reflective of stakeholder input to date.

(1.5) To assist school districts and boards of cooperative services in implementing the state model licensed personnel performance evaluation system and in developing and implementing local systems of personnel performance evaluation, by the beginning of the 2023-24 school year, the department shall: (a) Create a modified rubric specifically for measuring the performance of a licensed person 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 personnel who are consistently rated highly effective; (b) Work with school districts and boards of cooperative services to create and make publicly available rubrics for measuring the performance of licensed 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 to ensure that all evaluators have the skills necessary to observe and evaluate licensed personnel with fidelity to the licensed personnel performance evaluation system implemented by the evaluator's school district or board of cooperative services; (d) Provide guidelines for considering a licensed person's professional growth achievements, such as attainment of national board certification or fulfillment of differentiated professional roles, as proof that the licensed person 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 personnel evaluations, including innovative methods for observation.

- 5.02 (A) (1) One teacher;
 - 5.02 (A) (2) One administrator;
 - 5.02 (A) (3) One principal from the school district;
 - 5.02 (A) (4) One school district resident who is a parent of a child attending a school within the school district; and
 - 5.02 (A) (5) One school district resident who is not a parent with a child attending school within the school district.
- 5.02 (B) The council for a school district may be composed of any other school district committee having proper membership, as defined in section 5.02 (A) of these rules.
- 5.02 (C) Each BOCES that employs licensed personnel must have a BOCES advisory personnel performance evaluation council, which, at a minimum, consists of the following members to be appointed by the BOCES:
- 5.02 (C) (1) One teacher;
 - 5.02 (C) (2) One administrator;
 - 5.02 (C) (3) One principal representative of the school district or districts participating in the BOCES;
 - 5.02 (C) (4) One person employed by the BOCES who is defined as licensed personnel pursuant to section 22-9-103(1.5), C.R.S.;
 - 5.02 (C) (5) One resident who is a parent of a child attending a school within the participating school district(s); and
 - 5.02 (C) (6) One resident who is not a parent of a child attending a school within the participating school district(s).
- 5.02 (D) These advisory personnel performance evaluation councils must consult with the local school board or BOCES as to the fairness, effectiveness, credibility, and professional quality of the licensed personnel performance evaluation system and its processes and procedures and must conduct continuous evaluation of the system.
- 5.02 (E) Additionally, each local school board, pursuant to section 22-11-301, C.R.S., must appoint or create a process for the election of a district accountability committee that consists of:
- 5.02 (E) (1) At least three parents of students enrolled in the school district public schools;
 - 5.02 (E) (2) At least one teacher who is employed by the school district;
 - 5.02 (E) (3) At least one school administrator who is employed by the school district;
and
 - 5.02 (E) (4) At least one person who is involved in business in the community within the school district boundaries.

- 5.02 (F) Among the other powers and duties outlined in section 22-11-302, C.R.S., a district accountability committee is responsible for providing input and recommendations on an advisory basis to principals concerning the development and use of assessment tools used for the purpose of measuring and evaluating Student Academic Growth as it relates to teacher evaluations.
- 5.02 (G) Each public school, pursuant to section 22-11-401, C.R.S., must establish a school accountability committee that consists of at least the following members:
- 5.02 (G) (1) the principal of the school or the principal's designee;
 - 5.02 (G) (2) at least one teacher who provides instruction at the school;
 - 5.02 (G) (3) at least three parents of students enrolled in the school;
 - 5.02 (G) (4) at least one adult member of an organization of parents, teachers and students recognized by the school; and
 - 5.02 (G) (5) at least one person from the community.
- 5.2 (H) ———Among the other powers and duties outlined in section 22-11-402, C.R.S., a school accountability committee is responsible for providing input and recommendations on an advisory basis to district accountability committees and school district administration concerning the Principal Professional Performance Plan for the principal of their school and principal evaluations.

5.3 Training for Evaluators and Educators

- 5.03 (A) School districts and BOCES must provide training to all evaluators and educators to provide an understanding of their local evaluation system and to provide the skills and knowledge needed for its implementation.
- 5.03 (B) As required by section 22-9-106(4)(a), C.R.S., all performance evaluations must be conducted by an individual who has completed a Department-approved training in evaluation skills. Teachers may fill the role of an evaluator if they are a designee of an individual with a principal or administrator license and have completed a Department-approved training on evaluation skills. The Department must develop a process for approving education and training programs for evaluators that is consistent with the approval process previously developed pursuant to section 22-9-108, C.R.S.
- 5.03 (C) School districts and BOCES are encouraged to provide training to teachers, so that teachers may conduct peer coaching observations in order to support other teachers by providing actionable feedback on Professional Practice.

5.93 (D) School districts and BOCES must clearly communicate to all teachers the tools that will be used to measure their performance of the Teacher Quality Standards and Measures of Student Learning prior to their use, and how these will be weighted and aggregated to determine final Performance Evaluation Ratings. School districts and BOCES must clearly articulate to each educator the personnel category into which they are assigned, and how the growth of the students they teach will be measured for the purpose of informing their Performance Evaluation Rating. If measures are altered any time through an evaluation cycle, School districts/BOCES must clearly communicate with educators on the need and reason for these changes and how they will impact the Performance Evaluation Ratings. School districts and BOCES that elect to adopt their own locally developed quality standards for evaluating teachers must clearly communicate how those local standards align with the state's Teacher Quality Standards. School districts and BOCES must clearly communicate to teachers the consequences of each category of Performance Evaluation Rating, including how each teacher's assigned rating contributes to the loss or gain of nonprobationary status.

Commented [OC26]: Per feedback by the Colorado Educator Association, current statute and rule do not require teachers or principals to consent to evaluation rubrics or tools. However, CDE does recommend that districts not change evaluation metrics mid-way through an evaluation cycle. CDE proposes amending rule language as highlighted.

5.93 (E) School districts and BOCES must clearly communicate to all principals the tools that will be used to measure their performance on the Principal Quality Standards and Measures of Student Learning prior to their use, how the selected measurement tools will be used to determine performance on each Principal Quality Standard, the party or parties responsible for making decisions, and how these multiple measures will be weighted and aggregated to determine final ratings. School districts and BOCES must clearly articulate to principals how Student Academic Growth for principals will be measured, and delineate the manner in which these measures are aligned with the Measures of Student Learning for teachers. School districts and BOCES that elect to adopt their own locally developed quality standards for evaluating principals must clearly communicate how those local standards align with the state's Principal Quality Standards. School districts and BOCES must clearly communicate to principals the consequences of each category of Performance Evaluation Rating.

5.3 (F) School districts and BOCES must clearly communicate to the SSP the tools that may be used to measure performance against the SSP Quality Standards prior to their use and the weighting policies that will be used to aggregate data for each SSP Quality Standard into a final Performance Evaluation Rating. Supervisors must clearly articulate for each SSP the category or categories of personnel into which they are assigned. School districts and BOCES that elect to adopt their own locally developed set of SSP quality standards must clearly communicate how those local standards align with the state's SSP Quality Standards.

5.3 (G) School districts and BOCES must provide training to educators to help them understand how the growth of the students for which they are responsible will be measured for their performance evaluation, and to assist educators in responding to Student Academic Growth data.

5.3 (H) The Department will provide training, directly and through approved training providers (e.g., school districts or BOCES), for all persons who are responsible for the evaluation of licensed personnel (i.e., principals, teachers, and SSPs) that is focused on the skills and knowledge necessary to provide observation and feedback in support of the overall evaluation process and the educator's ongoing professional growth and development.

5.3 (H) (1) Beginning August 1, 2024, any person who is responsible for the evaluation of a licensed educator (i.e., Principal, Teacher, or SSP) must complete the training provided by or approved by the department prior to obtaining an initial principal/administrator license or prior to renewing an existing license.

5.3 (H) (1) (a) Completion of the training will result in a licensure designation.

5.3 (H) (2) School districts, BOCES, or other entities interested in gaining approval from CDE to provide this training for evaluators of licensed personnel must meet or exceed the following standards:

5.3 (H) (2) (a) Evaluator Training Standard I: Evaluators will be able to identify the connection points within the evaluation cycle.

- 5.3 (H) (2) (a) (i) Element A: Evaluators understand the timing and purpose of the connection points within the evaluation cycle.
- 5.3 (H) (2) (a) (ii) Element B: Evaluators understand the observation and feedback cycle within the evaluation process.
- 5.3 (H) (2) (a) (iii) Element C: Evaluators can connect the evaluation cycle to their local evaluation system and influence on students' educational experience.
- 5.3 (H) (2) (b) Evaluator Training Standard II: Evaluators will be able to apply observation and feedback best practices to their evaluation process.
 - 5.3 (H) (2) (b) (i) Element A: Evaluators understand best practices for observations and feedback.
 - 5.3 (H) (2) (b) (ii) Element B: Evaluators are aware of the Quality Standards and Elements for the educators' role(s) they are evaluating.
 - 5.3 (H) (2) (b) (iii) Element C: Evaluators understand the connection between observations, feedback, and educators' professional growth and development.
- 5.3 (H) (2) (c) Evaluator Training Standard III: Evaluators will be able to identify potential for bias in observations and data collection.
 - 5.3 (H) (2) (c) (i) Element A: Evaluators understand the types of observational bias.
 - 5.3 (H) (2) (c) (ii) Element B: Evaluators understand how bias can influence observation, data collection, and the evaluation process.
- 5.3 (H) (2) (d) Evaluator Training Standard IV: Evaluators will obtain strategies for interpreting observation data and preparing for meaningful feedback and follow-up for educators.
 - 5.3 (H) (2) (d) (i) Element A: Evaluators understand strategies to differentiate observations.
 - 5.3 (H) (2) (d) (ii) Element B: Evaluators understand the steps to create meaningful feedback based on observation data.
 - 5.3 (H) (2) (d) (iii) Element C: Evaluators can identify strategies for supporting low-performing educators.
- 5.3 (H) (2) (e) Evaluator Training Standard V: Evaluators will be familiar with resources to support the evaluation process and educators' ongoing professional growth and development.
 - 5.3 (H) (2) (e) (i) Element A: Evaluators are aware of available options to share evaluation responsibilities and how to leverage those options in the evaluation process.
 - 5.3 (H) (2) (e) (ii) Element B: Evaluators are aware of resources and supports for evaluators and the evaluation process.

5.4 **Process for Nonprobationary Teacher to Appeal Second Consecutive Performance Evaluation Rating of Ineffective or Partially Effective.**

- 5.04 (A) **Requirements for All School Districts.** The following requirements apply to the appeal process developed by school districts for a nonprobationary teacher to appeal a second consecutive Performance Evaluation Rating of ineffective or partially effective. For purposes of the appeal process, a rating of ineffective and a rating partially effective carry the same consequence; a teacher loses nonprobationary status after receiving two consecutive ratings of either ineffective or partially effective. The appeal process must allow for a final determination of the appealing teacher's Performance Evaluation Rating and a final determination of whether that teacher retains nonprobationary status; it does not serve the purpose of determining employment and/or termination.
- 5.04 (A) (1) Each school district must ensure that a nonprobationary teacher who objects to a second consecutive Performance Evaluation Rating of ineffective or partially effective has an opportunity to appeal that rating.
- 5.04 (A) (2) The appeal process must adhere to the following principles:

~~5.04 (A) (2) (a) the appeal process must be appropriate to the size and location~~

Commented [OC27]: C.R.S. 22-89-104

- (1) The state board shall promulgate guidelines relating to the planning, development, implementation, and assessment of a state model licensed personnel performance evaluation system that may be adopted by each school district and board of cooperative services within the state. In promulgating said guidelines, the state board shall allow each school district and board of cooperative services to involve and consult with the licensed personnel and citizens of the school district or districts. Each school district and board of cooperative services 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.
- (1.5) To assist school districts and boards of cooperative services in implementing the state model licensed personnel performance evaluation system and in developing and implementing local systems of personnel performance evaluation, by the beginning of the 2023-24 school year, the department shall:
- (a) Create a modified rubric specifically for measuring the performance of a licensed person 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 personnel who are consistently rated highly effective;
 - (b) Work with school districts and boards of cooperative services to create and make publicly available rubrics for measuring the performance of licensed 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 to ensure that all evaluators have the skills necessary to observe and evaluate licensed personnel with fidelity to the licensed personnel performance evaluation system implemented by the evaluator's school district or board of cooperative services;
 - (d) Provide guidelines for considering a licensed person's professional growth achievements, such as attainment of national board certification or fulfillment of differentiated professional roles, as proof that the licensed person 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 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 in the development of a licensed 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 personnel whom those

of the school district;

- 5.04 (A) (2) (b) the appeal process must be fair and clearly communicated to teachers, evaluators, principals, and, where appropriate, students and parents of students;
- 5.04 (A) (2) (c) the appeal process must be a component of a larger system designed to increase the number of educators able to be successful rather than provide excuses for failure;
- 5.04 (A) (2) (d) the appeal process must be clearly connected to the school district's educator evaluation process; and
- 5.04 (A) (2) (e) the appeal process must be constructed to produce appeal decisions in a timely and decisive manner;
- 5.04 (A) (3) The appeal process must be developed, where applicable, through collective bargaining.
- 5.04 (A) (4) The appeal process must be voluntary for a teacher, and initiated only if ~~he or she~~ they chooses to file an appeal. As required by section 22-9-106 (4.5)(b), C.R.S., at a minimum, the appeal process provided must allow the nonprobationary teacher to appeal the rating of ineffectiveness to the superintendent of the School District and place the burden upon the nonprobationary teacher to demonstrate that a rating of effective was appropriate.
- 5.04 (A) (5) The appeal process begins on the date that a teacher receives ~~his or her~~ their second consecutive Performance Evaluation Rating of ineffective or partially effective and concludes no more than forty-five (45) calendar days after ~~he or she~~ they receives the Performance Evaluation Rating. A teacher must file an appeal within fifteen (15) calendar days after receiving ~~his or her~~ their rating. These time requirements may be waived, by mutual agreement of both the teacher and the school district.
- 5.04 (A) (6) A teacher is permitted only one appeal for the second consecutive Performance Evaluation Rating of ineffective or partially effective. A teacher filing an appeal must include all grounds for the appeal within a single written document. Any grounds not raised at the time the written appeal is filed are deemed waived.
- 5.04 (A) (7) The grounds for an appeal are limited to the following:
- 5.04 (A) (7) (a) The evaluator did not follow evaluation procedures that adhere to the requirements of statute and rule and that failure had a material impact on the final Performance Evaluation Rating that was assigned (e.g., an observation was never completed, or feedback was never shared with the teacher); and/or
- 5.04 (A) (7) (b) The data relied upon was inaccurately attributed to the teacher (e.g., data included in the evaluation was from students for whom the teacher was not responsible).
- 5.04 (A) (8) Any documents and/or proceedings related to the appeal process must be deemed confidential.

5.04 (A) (9) The superintendent, or ~~his or her~~ their designated individual, is the final decision-making authority in determining a teacher's final Performance Evaluation Rating and whether a nonprobationary teacher loses ~~his or her~~ their nonprobationary status. The superintendent must provide a written rationale for ~~his or her~~ their final determination.

5.04 (A) (10) The appeal process is final in regard to the final Performance Evaluation Rating and loss or retention of nonprobationary status.

5.04 (A) (11) If the superintendent determines that a rating of ineffective or partially effective was not accurate but there is not sufficient information to assign a rating of effective, the teacher must receive a "no score" and must not lose his or her nonprobationary status. ~~However, if in the following academic school year that teacher receives a final Performance Evaluation Rating of ineffective or partially effective, this rating has the consequence of a second consecutive ineffective rating and the teacher is subject to loss of nonprobationary status. The assignment of a "no score" shall not interrupt the count of consecutive years towards the earning or loss of nonprobationary status.~~

5.04 (B) **State Model System.** The Department must include in the State Model System a model appeal process for a nonprobationary teacher to appeal a second consecutive Performance Evaluation Rating of ineffective or partially effective.

Each School District that adopts the State Model System may choose either of the following options: (1) to use the model appeal process that incorporates the use of a review panel; or (2) to develop its own distinctive appeal process that adheres to the requirements in section 5.04 (A) of these rules.

In addition to meeting the requirements outlined in section 5.04 (A) of these rules, the Department's model appeal process must include the following components.

5.04 (B) (1) The review panel must serve in an advisory capacity to the superintendent. The superintendent must be the final decision-making authority in determining the teacher's final Performance Evaluation Rating.

5.04 (B) (2) The review panel must be comprised of members that were not directly involved in the evaluation process for the appealing teacher. The superintendent may appoint himself or herself to the review panel.

5.04 (B) (3) Panel members must be selected and trained in a manner designed to ensure the credibility and expertise of the panel members. The panel must be comprised of equal numbers of teachers and administrators, with no more than six panel members total. A process must be developed to ensure continuity of the review panel members.

5.04 (B) (4) The appealing teacher must be given the opportunity to address and provide evidence to the review panel in person or in writing. The review panel must review any written information provided by the appealing teacher prior to meeting to render a recommendation.

5.04 (B) (5) The review panel may invite the teacher or teacher's principal to present in person or in writing where clarification is necessary; however, the teacher and principal have the right of refusal without prejudice.

Commented [OC28]: Rule amended per feedback from stakeholders and as a result of Board of Education discussion in April 2023 Board of Education Meeting. Rule now clarifies that a "no score" will not be counted as consecutive years towards earning or losing non probationary status.

5.04 (B) (6) To overturn a rating of ineffective or partially effective, in accordance with the board policy or collective bargaining agreement, the panel must unanimously find that the rating of ineffective or partially effective was inaccurate, with the potential for submission of a majority opinion to the superintendent if the panel is not able to reach unanimous consent.

5.04 (C) **Continuous Improvement.** As a part of its review of local personnel evaluation systems and implementation of the State Model System, the Department must report on the role of the model system appeals process as a lever to ensure broader system accountability. Specifically, the Department must report on how the appeals process supports the following:

5.04 (C) (1) early identification to teachers of any performance deficiencies, well in advance of a second consecutive Performance Evaluation Rating of partially effective or ineffective;

5.04 (C) (2) the provision of targeted and timely opportunities, including resources and training, to teachers to address any identified areas of deficiency promptly after they receive an initial Performance Evaluation Rating of partially effective or ineffective and throughout the following school year;

5.04 (C) (3) a process to ensure that effective teachers are not inappropriately rated as ineffective or partially effective; and

5.04 (C) (4) the completion of performance evaluations only by individuals who have completed a Department-approved training in evaluation skills, as required by section 22-9-106(4)(a), C.R.S.

5.5 Appeals Process for Special Services Providers

SSPs who receive a second consecutive Performance Evaluation Rating of ineffective or partially effective and who are not employed with a district or BOCES that provides the ability to earn non-probationary status may appeal their rating using the process described in section 5.4 of these rules. School districts and BOCES may choose to, and are not required to, provide this appeal process for SSPs who are employed with the ability to earn non-probationary status.

6.0 SUPPORTING IMPLEMENTATION OF REQUIREMENTS FOR LOCAL PERFORMANCE EVALUATION SYSTEMS: DUTIES AND POWERS OF COLORADO DEPARTMENT OF EDUCATION

6.1 **Monitoring and Reporting on Implementation of Requirements for Local Evaluation Systems.** The Department will monitor school districts' and BOCES' implementation of the requirements for local personnel evaluation systems as described in these rules and as otherwise required by federal or state statute and regulation. The intent of monitoring these systems is to understand whether they are implemented in a manner that provides educators with evaluations using multiple, fair, transparent, timely, rigorous, and valid methods and ensures that educators receive adequate feedback and professional development support to provide them a meaningful opportunity to improve their effectiveness.

The Department will collect an assurance from each school district and BOCES no later than July 1 of each year, indicating that the school district or BOCES is either implementing the State Model System or is implementing its own locally created distinctive personnel evaluation system that satisfies the requirements in section 5.01 of these rules. These assurances must be signed by (i) the executive director of the BOCES or superintendent of the school district or their designated representative, and (ii) the chair of the BOCES or local school board.

Additional methods that the Department may use to monitor local personnel evaluation systems are (i) integrating information about evaluation systems into accountability and improvement

Commented [OC29]: Per CEA comment, the CDE staff recommends this change to better align with process.

Commented [OC30]: C.R.S. 22-9-106

(4.5)

(a) Repealed.

(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 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 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 be in accordance with the provisions of article 63 of this title if the person is a teacher. This paragraph (b) shall take effect at such time as 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.

efforts, including, if applicable, the school and district performance reports, required pursuant to section 22-11-503, C.R.S., and (ii) incorporating monitoring data into school and district Unified Improvement Plans.

6.01 (A) School districts and BOCES must submit data, as requested by the Department, to allow said monitoring to occur and the Department will report this data on the [website SchoolView](#) data portal. In order to report required data to the Department, school districts and BOCES must categorize all teachers they employ as a teacher of record and/or contributing professional, using the statewide definitions of those terms that are established by the Department.

6.1 (B) School districts and BOCES must submit data, as requested by the Department, to allow the Department to monitor implementation of locally created personnel evaluation systems. The required data must allow the Department to conduct the analysis described in section 6.1(D) of these rules, including analysis of the Performance Evaluation Ratings assigned to each principal, teacher, and SSP and the performance results for principals, teachers, and SSPs on each of the applicable Quality Standards and Measures of Student Learning/Outcomes.

6.01 (CB) The Department may only publicly report data related to Performance Evaluation Ratings in the aggregate at the school-, district- and state-level, and may not publicly report this data for cohorts smaller than five educators.

6.01 (DC) The Department will annually publish online the results of these monitoring efforts. At a minimum, monitoring efforts must focus on the following objectives and include the following analysis:

6.01 (DE) (1) Increasing the effectiveness of all educators, the progress of which may be evaluated using the following data:

6.01 (DE) (1) (a) the number of educators assigned to each Performance Evaluation Rating and how those numbers change over time;

6.01 (DE) (1) (b) information concerning teacher and principal retention, correlated with Performance Evaluation Ratings and reasons teachers and principals leave districts and schools; and

6.01 (DE) (1) (c) perception survey data of Colorado educators, parents and students.

6.01 (DE) (2) Analyze the correlation between student performance outcomes and the assignment of educators to Performance Evaluation Ratings, which may be evaluated using the following data:

6.01 (DE) (2) (a) student performance data for each public school and data concerning the number of educators at each public school assigned to each Performance Evaluation Rating;

6.01 (DE) (2) (b) student performance data, organized according to academic subjects and grades, and data concerning the number of educators assigned to each Performance Evaluation Rating, organized according to academic subjects and grades;

6.01 (DE) (2) (c) information concerning the distribution of educators assigned to each Performance Evaluation Rating within each public school and school district;

6.01 (DE) (2) (d) information concerning the correlation of Measures of Student

Commented [OC31]: C.R.S. 22-9-106

(1.5)(a) A local board or board of cooperative services may adopt the state model licensed 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 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 develops its own local licensed personnel evaluation system, the local board or board of cooperative services 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' implementation of the requirements for local licensed personnel evaluation systems. If, upon initial review by the department, the data submitted or collected pursuant to paragraph (a) of this subsection (1.5) indicates that a school district or board of cooperative services is unable to implement a local licensed personnel evaluation system that meets the objectives of this article, the department shall conduct a more thorough review of the school district's or board of cooperative services' processes and procedures for said 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; and is consistent with the goals, objectives, and intent of this article.

(c)(i) Pursuant to section 22-11-206 (4)(b), if the department has reason to believe that a local licensed personnel evaluation system developed by a local board or board of cooperative services is not in substantial compliance with one or more of the applicable statutory or regulatory requirements of this article, the department shall notify the local board or board of cooperative services that it has ninety days after the date of the notice to bring its local licensed personnel evaluation system into compliance. The department shall work collaboratively with the school district or board of cooperative services during the ninety-day period to bring the local licensed 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 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: (A) Extending the time frame for compliance; (B) Imposing interventions specified in article 11 of this title; or

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

Learning used and student performance on statewide summative assessments; and

6.01 (DC) (2) (e) information concerning performance results for educators on each of the Teacher Quality Standards and each of the Principal Quality Standards, and analysis of the correlation between results for individual educators on the Measures of Student Learning and the Professional Practice Quality Standards;

6.01 (DC) (3) Analyze the equitable distribution of effective and highly effective educators, which may be evaluated using the following data:

6.041 (DE) (3) (a) the number of educators assigned to each Performance Evaluation Rating, disaggregated by common course code, educator demographics, student demographics, and school demographics.

6.01 (DC) (4) Analyze the extent to which principals and teachers understand how they are being evaluated, what they need to do to improve, and how to access resources they need to support their professional development, which may be evaluated using surveys, focus groups, and/or feedback received during trainings.

6.1 (ED) When data collected by the Department indicates that a school district or BOCES is unable to implement a local evaluation system that meets the objectives of the Licensed Personnel Performance Evaluation Act, section 22-9-101, C.R.S., et seq., the Department will conduct a more thorough review of the school districts' or BOCES' processes and procedures for its licensed personnel evaluation system to assure that the system is professional, sound, results in fair, adequate, and credible evaluation, satisfies the Quality Standards in a manner that is appropriate to the size, demographics, and location of the school district or BOCES, and is consistent with the purposes of article 9, title 22.

Pursuant to section 22-11-206(4)(b), C.R.S., if the Department has reason to believe that a school district is not in substantial compliance with one or more of the statutory or regulatory requirements that applies to school districts, the Department must notify the local school board that it has ninety days after the date of notice to come into compliance. If, at the end of the ninety-day period, the Department finds that the school district is not substantially in compliance with the applicable statutory or regulatory requirements, the school district may be subject to the interventions specified in article 11 of title 22, Colorado Revised Statutes.

6.2 Evaluation and Continuous Improvement of the Statewide System to Evaluate the Effectiveness of Licensed Personnel

The Department will use information obtained through monitoring and reporting efforts to identify opportunities for improvement. No later than July 1 of each year the State Board must review these rules (1 CCR 301-87) and using information from implementation of the State Model System and other local systems, determine whether to affirm or revise the rules in order to reflect what has been learned.

7.0 PARENT AND STUDENT PARTNERSHIP WITH TEACHERS AND PUBLIC SCHOOL ADMINISTRATORS

7.1 Parents and Guardians. Districts and schools must create systems and structures that focus on providing parents and guardians with meaningful opportunities to support the academic achievement and growth of their children. These systems and structures must proactively encourage and support:

7.01 (A) high-quality and ongoing communication between parents/guardians and educators and schools using a variety of methods, such as various media, resources and languages;

- 7.01 (B) involvements of parents/guardians in school and district leadership as currently supported by law and further identified through the implementation of local evaluation systems; and
- 7.1 (C) —the engagement of parent/guardian and community partnerships to ensure the successful implementation of the Principal, Teacher, and SSP Quality Standards.
- 7.2 As appropriate, the Department will provide resources and technical assistance, through the online resource bank, to support districts in developing systems and structures that provide meaningful opportunities for parents/guardians to support the academic achievement and growth of their children.
- 7.3 The Department must encourage districts to monitor and measure the effectiveness of community and family involvement strategies and to use data gathered to inform system refinements.
- 7.4 **Students.** Districts are strongly encouraged to gather student perceptions of their learning experience in order to provide teachers with feedback on their performance. Where appropriate, districts are encouraged to use student perception data as part of the multiple measures used to evaluate teacher Professional Practice, described in section 5.01 (D) (6) of these rules.
- 7.5 Districts are strongly encouraged to gather student perceptions to provide principals with feedback on their performance.

Editor's Notes

History

Entire rule eff. 02/15/2012.

Rules SB&P, 5.04 eff. 05/30/2012.

Rules 0.0, 1.00, 4.00 eff. 01/30/2014.

Entire rule eff. 08/14/2018.

Entire rule eff. 05/30/2019.

[Entire rule eff....](#)