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LLS NO. 18-0651.01 Julie Pelegrin x2700

HOUSE BILL

HOUSE SPONSORSHIP

Young,

SENATE SPONSORSHIP

(None),

BILL TOPIC: "Student-Centered Pilot Accountability Systems"
DEADLINES: Finalize by: JAN 11, 2018 File by: JAN 16, 2018

A BILL FOR AN ACT

101 CONCERNING APPLYING MULTIPLE MEASURES OF STUDENT SUCCESS IN
102 EVALUATING PERFORMANCE WITHIN THE ELEMENTARY AND
103 SECONDARY PUBLIC EDUCATION SYSTEM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill authorizes a school district, board of cooperative services, or charter school (local education provider) or group of local education providers to create local, student-centered pilot accountability systems (pilot accountability system) for measuring the performance of the public school systems operated by the participating local education providers. A

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

pilot accountability system must be designed to assess student learning, professional culture, and resource allocation within a participating local education provider. The bill describes the minimum requirements for a pilot accountability system proposal, including the manner in which the participating local education providers will determine whether the pilot accountability system is successful. A local education provider that participates in a pilot accountability system must continue to comply with the accountability and accreditation statutes.

A local education provider or group of local education providers may receive a grant to operate the pilot accountability system by submitting the proposal to the department of education (department), agreeing to allow the department to monitor implementation of the pilot accountability system, and agreeing to submit to the department its evaluations of the success of the pilot accountability system. Subject to available appropriations, the participating local education provider or group of local education providers will receive an annual grant so long as they comply with the monitoring and reporting requirements. For each year in which the department distributes a grant, the department must prepare a report of the implementation of the pilot accountability systems; submit it to the governor, the state board of education, and the education committees of the general assembly; and post it on the department website.

The authorization for the pilot accountability system grants repeals in 5 years.

Under existing law, at least 50% of a teacher's or principal's performance evaluation must be based on student growth measures. The bill amends the percentage requirement to at least 20% but not more than 50%. The school district, in collaboration with the licensed educators employed by the school district, will determine the specific percentage.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-7-1006.7 as
3 follows:

4 **22-7-1006.7. Student-centered pilot accountability systems -**
5 **grant program - report - legislative declaration - repeal.** (1) (a) THE

6 GENERAL ASSEMBLY FINDS THAT:

7 (I) THE FUNDAMENTAL PURPOSE OF THE PUBLIC SCHOOL
8 ACCOUNTABILITY SYSTEM MUST BE TO ENSURE THE BEST POSSIBLE

1 EDUCATION FOR EVERY INDIVIDUAL STUDENT AND EVERY ASPECT OF THE
2 ACCOUNTABILITY SYSTEM MUST FOCUS ON IMPROVING EACH STUDENT'S
3 ACADEMIC ACHIEVEMENT;

4 (II) THE EXISTING ACCOUNTABILITY SYSTEM'S OVER-RELIANCE ON
5 A SMALL NUMBER OF STANDARDIZED, STATEWIDE ASSESSMENTS IS TOO
6 LIMITED TO PROVIDE A COMPLETE, ACCURATE PICTURE OF EACH STUDENT'S
7 LEVEL OF ACADEMIC ACHIEVEMENT; AND

8 (III) THE EXISTING ACCOUNTABILITY SYSTEM, RATHER THAN
9 FOCUSING ON STUDENT ACHIEVEMENT, IDENTIFYING THE NEEDS OF
10 INDIVIDUAL STUDENTS, AND CLOSING ACHIEVEMENT GAPS AMONG
11 STUDENTS, ACTUALLY FOCUSES ON EVALUATING THE EFFORTS OF LOCAL
12 EDUCATION PROVIDERS IN A MANNER THAT IS MORE LIKELY TO RESULT IN
13 PUNITIVE MEASURES THAN IN CREATING A POSITIVE CULTURE OF
14 CONTINUOUS IMPROVEMENT.

15 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS
16 APPROPRIATE TO PROVIDE GRANTS TO ENCOURAGE LOCAL EDUCATION
17 PROVIDERS TO DESIGN AND PILOT LOCAL, STUDENT-CENTERED
18 ACCOUNTABILITY SYSTEMS THAT FOCUS ON MEASURING AND IMPROVING
19 STUDENT ACADEMIC ACHIEVEMENT BY USING MULTIPLE INPUTS FOR
20 MEASURING STUDENT SUCCESS WHILE ALSO EVALUATING THE QUALITY OF,
21 AND IDENTIFYING WAYS TO IMPROVE, THE SYSTEM SUPPORTS FOR STUDENT
22 SUCCESS.

23 (2) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
24 EDUCATION PROVIDERS MAY SUBMIT TO THE DEPARTMENT OF EDUCATION
25 A PROPOSAL FOR PILOTING A LOCAL, STUDENT-CENTERED
26 ACCOUNTABILITY SYSTEM, REFERRED TO IN THIS SECTION AS A "PILOT
27 ACCOUNTABILITY SYSTEM". THE GOAL OF EACH PILOT ACCOUNTABILITY

1 SYSTEM MUST BE TO FAIRLY AND ACCURATELY EVALUATE STUDENT
2 SUCCESS USING MULTIPLE MEASURES TO DEVELOP A MORE
3 COMPREHENSIVE UNDERSTANDING OF EACH STUDENT'S PROGRESS, TO
4 EVALUATE THE CAPACITY OF THE PUBLIC SCHOOL SYSTEMS OPERATED BY
5 THE LOCAL EDUCATION PROVIDER TO SUPPORT STUDENT SUCCESS, AND TO
6 USE THE RESULTS OBTAINED FROM MEASURING PERFORMANCE TO
7 ESTABLISH A CYCLE OF CONTINUOUS IMPROVEMENT. A PILOT
8 ACCOUNTABILITY SYSTEM MUST BE DESIGNED TO ASSESS:

9 (a) STUDENT LEARNING, TAKING INTO ACCOUNT ACADEMIC
10 ACHIEVEMENT AND GROWTH AS WELL AS STUDENT ATTITUDE AND
11 DISPOSITION. IN EVALUATING STUDENT LEARNING, A LOCAL EDUCATION
12 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS MAY CHOOSE TO
13 CONSIDER CREATION AND ATTAINMENT OF STUDENT LEARNING
14 OBJECTIVES AND LOCAL ASSESSMENTS.

15 (b) THE PROFESSIONAL CULTURE WITHIN THE LOCAL EDUCATION
16 PROVIDER, WHICH MAY INCLUDE EVALUATIONS OF CURRICULUM AND
17 INSTRUCTION, PROFESSIONAL LEARNING, SCHOOL LEADERSHIP, AND THE
18 LEARNING CLIMATE; AND

19 (c) RESOURCE ALLOCATION, WHICH MAY INCLUDE EVALUATIONS
20 OF THE EXISTENCE AND USE OF FINANCE, FACILITIES, AND COMMUNITY
21 RESOURCES.

22 (3) A PROPOSAL FOR A PILOT ACCOUNTABILITY SYSTEM, AT A
23 MINIMUM, MUST:

24 (a) EXPLAIN THE MEASURES THAT THE LOCAL EDUCATION
25 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS WILL USE TO
26 MEASURE STUDENT LEARNING, THE PROFESSIONAL CULTURE, AND
27 RESOURCE ALLOCATION;

1 (b) DESCRIBE THE PROCEDURE FOR REVIEWING EACH LOCAL
2 EDUCATION PROVIDER'S PERFORMANCE, WHICH REVIEWS MUST OCCUR AT
3 LEAST ANNUALLY AND MAY INCLUDE ON-SITE REVIEWS BY OTHER
4 PARTICIPATING LOCAL EDUCATION PROVIDERS AND THE DEPARTMENT OF
5 EDUCATION;

6 (c) DESCRIBE THE EXPECTATIONS FOR PROVIDING FEEDBACK AND
7 ANALYSIS CONCERNING A LOCAL EDUCATION PROVIDER'S PERFORMANCE,
8 WHICH MUST INCLUDE REGULAR COMMUNICATIONS WITH THE LOCAL
9 SCHOOL BOARD OF EACH PARTICIPATING SCHOOL DISTRICT AND THE
10 GOVERNING BOARD OF EACH PARTICIPATING DISTRICT CHARTER SCHOOL
11 AND INSTITUTE CHARTER SCHOOL;

12 (d) DESCRIBE THE MANNER IN WHICH EACH PARTICIPATING LOCAL
13 EDUCATION PROVIDER IS EXPECTED TO APPLY THE FEEDBACK RECEIVED TO
14 IMPROVE PERFORMANCE AND STUDENT ACHIEVEMENT;

15 (e) DESCRIBE THE MANNER IN WHICH THE FEEDBACK AND THE
16 RESPONSE TO THE FEEDBACK WILL BE COMMUNICATED TO THE PARENTS OF
17 STUDENTS ENROLLED IN THE LOCAL EDUCATION PROVIDER, THE
18 COMMUNITY SURROUNDING THE LOCAL EDUCATION PROVIDER, THE
19 DEPARTMENT OF EDUCATION, AND THE STATE BOARD; AND

20 (f) DESCRIBE THE MANNER IN WHICH THE PARTICIPATING LOCAL
21 EDUCATION PROVIDERS WILL DETERMINE WHETHER THE PILOT
22 ACCOUNTABILITY SYSTEM IS ACCURATELY MEASURING STUDENT SUCCESS
23 AND WHETHER IT RESULTS IN CONTINUOUS IMPROVEMENT WITHIN THE
24 PUBLIC SCHOOL SYSTEMS OF THE PARTICIPATING LOCAL EDUCATION
25 PROVIDERS.

26 (4) IN CREATING A PILOT ACCOUNTABILITY SYSTEM, A LOCAL
27 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS SHALL,

1 AT A MINIMUM, WORK WITH THE EDUCATION PROFESSIONALS EMPLOYED
2 BY EACH PARTICIPATING LOCAL EDUCATION PROVIDER, INCLUDING THE
3 COLLECTIVE BARGAINING UNITS, IF ANY, FOR EMPLOYEES OF THE LOCAL
4 EDUCATION PROVIDERS; THE PARENTS OF STUDENTS ENROLLED IN EACH
5 PARTICIPATING LOCAL EDUCATION PROVIDER; AND REPRESENTATIVES OF
6 BUSINESSES IN THE COMMUNITY SURROUNDING EACH PARTICIPATING
7 LOCAL EDUCATION PROVIDER.

8 (5) A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL
9 EDUCATION PROVIDERS THAT CHOOSES TO IMPLEMENT A PILOT
10 ACCOUNTABILITY SYSTEM MUST CONTINUE TO COMPLY WITH THE
11 REQUIREMENTS OF THIS PART 10 AND ARTICLE 11 OF THIS TITLE 22 AND
12 THE RULES IMPLEMENTING THIS PART 10 AND ARTICLE 11 OF THIS TITLE 22
13 DURING THE TIME THAT IT IMPLEMENTS THE PILOT ACCOUNTABILITY
14 SYSTEM.

15 (6) TO OBTAIN A GRANT FOR IMPLEMENTING A PILOT
16 ACCOUNTABILITY SYSTEM, A LOCAL EDUCATION PROVIDER OR GROUP OF
17 LOCAL EDUCATION PROVIDERS MUST:

18 (a) SUBMIT THE PROPOSAL FOR THE PILOT ACCOUNTABILITY
19 SYSTEM TO THE DEPARTMENT OF EDUCATION IN ACCORDANCE WITH RULES
20 PROMULGATED BY THE STATE BOARD PURSUANT TO THE "STATE
21 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24;

22 (b) AGREE TO ALLOW THE DEPARTMENT OF EDUCATION TO
23 MONITOR THE IMPLEMENTATION OF THE PILOT ACCOUNTABILITY SYSTEM,
24 INCLUDING SUBMITTING DATA TO THE DEPARTMENT UPON REQUEST
25 CONCERNING THE MEASURES OF STUDENT PERFORMANCE, PROFESSIONAL
26 CULTURE, AND RESOURCE ALLOCATION AND CONCERNING MEASURES
27 IMPLEMENTED IN RESPONSE TO FEEDBACK RECEIVED; AND

1 (c) AGREE TO SUBMIT, AT LEAST ANNUALLY, EVALUATIONS OF THE
2 SUCCESS OF THE PILOT ACCOUNTABILITY SYSTEM, MEASURED AS
3 DESCRIBED IN SUBSECTION (3)(f) OF THIS SECTION.

4 (7) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE
5 DEPARTMENT OF EDUCATION SHALL DISTRIBUTE TO EACH LOCAL
6 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS THAT
7 COMPLIES WITH SUBSECTION (6) OF THIS SECTION AN ANNUAL GRANT OF
8 [REDACTED] DOLLARS FOR EACH LOCAL EDUCATION PROVIDER THAT IMPLEMENTS
9 A PILOT ACCOUNTABILITY SYSTEM ON AN INDIVIDUAL BASIS OR [REDACTED]
10 DOLLARS FOR EACH GROUP OF LOCAL EDUCATION PROVIDERS THAT
11 IMPLEMENTS A PILOT ACCOUNTABILITY SYSTEM. IN ANY YEAR IN WHICH
12 THE GENERAL ASSEMBLY DOES NOT APPROPRIATE A SUFFICIENT AMOUNT
13 TO FULLY FUND THE GRANTS DESCRIBED IN THIS SUBSECTION (7)(a), THE
14 DEPARTMENT SHALL REDUCE THE AMOUNT OF EACH GRANT BY THE SAME
15 PERCENTAGE THAT THE DEFICIT BEARS TO THE AMOUNT REQUIRED TO
16 FULLY FUND THE GRANTS.

17 (b) BEFORE DISTRIBUTING A GRANT IN A BUDGET YEAR TO A LOCAL
18 EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS, THE
19 DEPARTMENT OF EDUCATION SHALL CONFIRM THAT THE LOCAL EDUCATION
20 PROVIDER OR GROUP OF LOCAL EDUCATION PROVIDERS IS IN COMPLIANCE
21 WITH THE REQUIREMENTS SPECIFIED IN SUBSECTION (6) OF THIS SECTION
22 BY FULLY COOPERATING WITH THE DEPARTMENT IN MONITORING
23 IMPLEMENTATION OF THE PILOT ACCOUNTABILITY SYSTEM, AND IS
24 SUBMITTING ANNUAL EVALUATIONS OF THE SUCCESS OF THE PILOT
25 ACCOUNTABILITY SYSTEM. THE DEPARTMENT SHALL NOT DISTRIBUTE A
26 GRANT TO A LOCAL EDUCATION PROVIDER OR GROUP OF LOCAL EDUCATION
27 PROVIDERS THAT IS NOT IN COMPLIANCE, AS DETERMINED BY THE STATE

1 BOARD.

2 (8) FOR EACH YEAR THAT A LOCAL EDUCATION PROVIDER OR
3 GROUP OF LOCAL EDUCATION PROVIDERS RECEIVES A GRANT PURSUANT TO
4 THIS SECTION, THE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF
5 THE PARTICIPATING LOCAL EDUCATION PROVIDERS, SHALL PREPARE A
6 SUMMARY REPORT OF THE IMPLEMENTATION OF THE PILOT
7 ACCOUNTABILITY SYSTEMS, INCLUDING AT A MINIMUM AN EVALUATION OF
8 THE SUCCESS OF EACH PILOT ACCOUNTABILITY SYSTEM IN FAIRLY AND
9 ACCURATELY EVALUATING STUDENT SUCCESS, EVALUATING THE
10 CAPACITY OF THE PUBLIC SCHOOL SYSTEMS OPERATED BY THE
11 PARTICIPATING LOCAL EDUCATION PROVIDERS TO SUPPORT STUDENT
12 SUCCESS, AND ESTABLISHING A CYCLE OF CONTINUOUS IMPROVEMENT
13 WITHIN THE PUBLIC SCHOOL SYSTEMS OF EACH OF THE PARTICIPATING
14 LOCAL EDUCATION PROVIDERS. THE DEPARTMENT SHALL PROVIDE A COPY
15 OF THE REPORT TO THE STATE BOARD, THE GOVERNOR'S OFFICE, AND THE
16 EDUCATION COMMITTEES OF THE SENATE AND HOUSE OF
17 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE DEPARTMENT
18 SHALL ALSO POST A COPY OF THE REPORT ON ITS WEBSITE FOR PUBLIC
19 ACCESS.

20 (9) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2023.

21 **SECTION 2.** In Colorado Revised Statutes, 22-9-105.5, **amend**
22 (2)(c)(I) and (3)(a) as follows:

23 **22-9-105.5. State council for educator effectiveness - legislative**
24 **declaration - membership - duties - recommendations - rules.**

25 (2) (c) The purpose of the council shall be the same as that of the
26 governor's council for educator effectiveness established by executive
27 order, and shall be to consider options and make recommendations to the

1 state board and the general assembly that seek to ensure that all licensed
2 personnel are:

3 (I) Evaluated using multiple fair, transparent, timely, rigorous, and
4 valid methods, at least TWENTY PERCENT BUT NOT MORE THAN fifty
5 percent of which evaluation, AS DECIDED BY EACH SCHOOL DISTRICT IN
6 COLLABORATION WITH THE LICENSED EDUCATORS EMPLOYED BY THE
7 SCHOOL DISTRICT, is determined by the academic growth of their students;

8 (3) The council shall have the following duties:

9 (a) On or before March 1, 2011, to provide the state board with
10 recommendations that will ensure that every teacher is evaluated using
11 multiple fair, transparent, timely, rigorous, and valid methods. The
12 recommendations developed pursuant to this paragraph (a) shall require
13 that at least TWENTY PERCENT BUT NOT MORE THAN fifty percent of the
14 evaluation, AS DECIDED BY EACH SCHOOL DISTRICT IN COLLABORATION
15 WITH THE LICENSED EDUCATORS EMPLOYED BY THE SCHOOL DISTRICT, is
16 determined by the academic growth of the teacher's students and that each
17 teacher is provided with an opportunity to improve his or her
18 effectiveness through a teacher development plan that links his or her
19 evaluation and performance standards to professional development
20 opportunities. The quality standards for teachers shall include measures
21 of student longitudinal academic growth that are consistent with the
22 measures set forth in section 22-11-204 (2) and may include interim
23 assessment results or evidence of student work, provided that all are
24 rigorous and comparable across classrooms and aligned with state model
25 content standards and performance standards developed pursuant to
26 article 7 of this title. For the purposes of quality standards, expectations
27 of student academic growth shall take into consideration diverse factors,

1 including but not limited to special education, student mobility, and
2 classrooms with a student population in which ninety-five percent meet
3 the definition of high-risk student as defined in section 22-7-604.5 (1.5).
4 The quality standards for teachers shall be clear and relevant to the
5 teacher's roles and responsibilities and shall have the goal of improving
6 student academic growth. The council shall include in its
7 recommendations a definition of effectiveness and its relation to quality
8 standards. The definition of effectiveness shall include, but need not be
9 limited to, criteria that will be used to differentiate between performance
10 standards. The defined performance standards shall include, but need not
11 be limited to, "highly effective", "effective", and "ineffective". The
12 council shall consider whether additional performance standards should
13 be established.

14 **SECTION 3.** In Colorado Revised Statutes, 22-9-106, **amend**
15 (1)(e)(II) and (7) introductory portion as follows:

16 **22-9-106. Local boards of education - duties - performance**
17 **evaluation system - compliance - rules.** (1) All school districts and
18 boards of cooperative services that employ licensed personnel, as defined
19 in section 22-9-103 (1.5), shall adopt a written system to evaluate the
20 employment performance of school district and board of cooperative
21 services licensed personnel, including all teachers, principals, and
22 administrators, with the exception of licensed personnel employed by a
23 board of cooperative services for a period of six weeks or less. In
24 developing the licensed personnel performance evaluation system and any
25 amendments thereto, the local board and board of cooperative services
26 shall comply with the provisions of subsection (1.5) of this section and
27 shall consult with administrators, principals, and teachers employed

1 within the district or participating districts in a board of cooperative
2 services, parents, and the school district licensed personnel performance
3 evaluation council or the board of cooperative services personnel
4 performance evaluation council created pursuant to section 22-9-107. The
5 performance evaluation system shall address all of the performance
6 standards established by rule of the state board and adopted by the general
7 assembly pursuant to section 22-9-105.5, and shall contain, but need not
8 be limited to, the following information:

9 (e) (II) The standards set by the local board for effective
10 performance for licensed personnel and the criteria to be used to
11 determine whether the performance of each licensed person meets such
12 standards and other criteria for evaluation for each licensed personnel
13 position evaluated. One of the standards for measuring teacher
14 effectiveness shall be directly related to classroom instruction and shall
15 require that at least TWENTY PERCENT BUT NOT MORE THAN fifty percent
16 of the evaluation, AS DECIDED BY THE SCHOOL DISTRICT IN
17 COLLABORATION WITH THE LICENSED EDUCATORS EMPLOYED BY THE
18 SCHOOL DISTRICT, is determined by the academic growth of the teacher's
19 students. The district accountability committee shall provide input and
20 recommendations concerning the assessment tools used to measure
21 student academic growth as it relates to teacher evaluations. The
22 standards shall include multiple measures of student performance in
23 conjunction with student growth expectations. For the purposes of
24 measuring effectiveness, expectations of student academic growth shall
25 take into consideration diverse factors, including but not limited to special
26 education, student mobility, and classrooms with a student population in
27 which ninety-five percent meet the definition of high-risk student as

1 defined in section 22-7-604.5 (1.5). The performance evaluation system
2 shall also ensure that the standards and criteria are available in writing to
3 all licensed personnel and are communicated and discussed by the person
4 being evaluated and the evaluator prior to and during the course of the
5 evaluation. This subparagraph (II) shall take effect at such time as the
6 performance evaluation system based on quality standards established
7 pursuant to this section and the rules promulgated by the state board
8 pursuant to section 22-9-105.5 has completed the initial phase of
9 implementation and has been implemented statewide. The commissioner
10 shall provide notice of such implementation to the revisor of statutes on
11 or before July 1, 2014, and each July 1 thereafter until statewide
12 implementation occurs.

13 (7) Every principal shall be evaluated using multiple fair,
14 transparent, timely, rigorous, and valid methods. The recommendations
15 developed pursuant to this subsection (7) shall require that at least
16 TWENTY PERCENT BUT NOT MORE THAN fifty percent of the evaluation, AS
17 DECIDED BY THE SCHOOL DISTRICT IN COLLABORATION WITH THE
18 LICENSED EDUCATORS EMPLOYED BY THE SCHOOL DISTRICT, is determined
19 by the academic growth of the students enrolled in the principal's school.
20 For principals, the quality standards shall include, but need not be limited
21 to:

22 <{Rep. Young - do you prefer a safety clause or an
23 act-subject-to-petition clause?}>