Principal and Teacher Effectiveness

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

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

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

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

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

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

Submitted as:
Colorado
SB 10-191 (Enrolled version)
Status: Enacted into law in 2010.

Suggested State Legislation

(Title, enacting clause, etc.)

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

Section 2. [Legislative Declaration.]
(A) The [general assembly] declares that a system to evaluate the effectiveness of [teachers], [principals], and [other, related], [licensed personnel], is crucial to improving the quality of education in this state and declares such a system shall be applicable to all [teachers], [principals], and [other, related], [licensed personnel] in the school districts and [boards of cooperative services] throughout the state.
(B) The purposes of such a system shall be to:
   (1) Improve instruction;
Section 3. [Definitions.] As used in this Act:

(1) “Boards of cooperative services” means boards as defined under [insert citation].
(2) “Council” means the [state council for educator effectiveness] established pursuant to Section 4.
(3) “Department” means the state [department of education].
(4) “Licensed personnel” means personnel licensed under [insert citation].
(5) “Nonprobationary teacher” means a teacher as defined under [insert citation].
(6) “Performance standards” means the levels of effectiveness established by rule of the [state board] pursuant to Section 5.
(7) “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.
(8) “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.
(9) “Probationary teacher” means a teacher as defined under [insert citation].
(10) “Quality standards” means the elements and criteria established to measure effectiveness as established by rule of the [state board] pursuant to Section 5.
(11) “Teacher” means a person who holds an alternative, initial, or professional teacher license issued pursuant to [insert citation] and who is employed by a school district or a charter school in the state to instruct, direct, or supervise an education program.
(12) “Teacher development plan” means a written agreement mutually developed by a teacher and their 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, using highly effective teachers as instructional leaders or coaches, and other appropriate professional development activities.

Section 4. [State Council for Educator Effectiveness.]

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

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

(1) The [commissioner of education], or their designee;
(2) The [executive director of the department of higher education], or their designee;
(3) [Four] teachers, selected with the advice of state associations that represent educators;
(4) [Two] public school administrators and [one] local school district superintendent, each selected with the advice of a state association that represents school executives;
(5) [Two] members of local school boards, selected with the advice of a state association that represents school boards;
(6) [One] charter school administrator or teacher, selected with the advice of a state advocacy group for charter schools;
(7) [One] parent of a public school student, selected with the advice of a state parent and teachers association;
(8) [A current student or recent graduate] of a public school in this state, selected with the advice of a statewide student coalition; and
(9) [One] at-large member with expertise in education policy.

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

1. Evaluated using multiple fair, transparent, timely, rigorous, and valid methods, at least [fifty percent] of which evaluation is determined by the academic growth of their students;
2. Afforded a meaningful opportunity to improve their effectiveness; and
3. Provided the means to share effective practices with other educators throughout the state.

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

1. On or before [March 1, 2011], to provide the [state board] with recommendations to ensure every teacher is evaluated using multiple fair, transparent, timely, rigorous, and valid methods. The recommendations developed pursuant to this paragraph shall require at least [fifty percent] of an evaluation be determined by the academic growth of a teacher’s students and that each teacher is provided with an opportunity to improve their effectiveness through a teacher development plan that links their evaluation and performance standards to professional development opportunities. The quality standards for teachers shall include measures of student longitudinal academic growth that are consistent with measures set forth in [insert citation] and may include interim assessment results or evidence of student work, provided that all are rigorous and comparable across classrooms and aligned with state model content standards and performance standards developed pursuant to [insert citation]. For the purposes of quality standards, expectations of student academic growth shall 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 under [insert citation]. The quality standards for teachers shall be clear and relevant to a teacher’s roles and responsibilities and with the goal of improving student academic growth. The [council] shall include in its recommendations a definition of effectiveness and its relation to quality standards. The definition of effectiveness shall include, but need not be limited to, criteria that will be used to differentiate between performance standards. The defined performance standards shall include, but need not be limited to, “highly effective,” “effective,” and “ineffective.” The [council] shall consider whether additional performance standards should be established.
2. On or before [March 1, 2011], to provide the [state board] with recommendations to ensure every principal is evaluated using multiple fair, transparent, timely,
rigorous, and valid methods. The recommendations pursuant to this paragraph shall require that every principal is provided with a principal development plan. In making its recommendations, the [council] shall recognize that not all principals require the same amount of supervision and evaluation. As part of its recommendations to the [state board], the [council] shall develop a process to enable a local school district to differentiate teacher and principal evaluations as part of its performance evaluation system.

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) On or before [March 1, 2011], to make recommendations to the [state board] about policy changes, as appropriate, that support local school districts’ using evaluation data for decisions in areas such as compensation, promotion, retention, removal, and professional development;
10. On or before [March 1, 2011], to make recommendations to the [state board] about policy changes, as appropriate, to ensure that the standards and criteria to license and accredit teachers and principals lead to effective educators;

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

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

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

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

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

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

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

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

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

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

(A) The [state board] shall:

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

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

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

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

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

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

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

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

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

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

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

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

(D) The [department] shall not be obligated to implement the provisions of this Section until sufficient funds have been received and credited to the [Great Teachers and Leaders Fund],
created in Section 6.

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

Section 6. [Great Teachers and Leaders Fund.]
(A) There is created a [Great Teachers and Leaders Fund]. Money in the fund is continuously appropriated to the [department] for the direct and indirect costs associated with implementing this Act.

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

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

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

Section 7. [Local Boards of Education and Licensed Personnel Performance Evaluation System and Performance Standards.]
(A) All school districts and [boards of cooperative services] that employ [licensed personnel] as defined under [insert citation] 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.

(B) In developing the [licensed personnel] performance evaluation system and any amendments thereto, the local board and [board of cooperative services] 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 [insert citations].

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

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

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

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

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

(a) Measuring the level of performance of all licensed personnel within the school district or employed by a board of cooperative services. This clause is repealed, effective 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 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.

(II) Measuring the level of effectiveness of all licensed personnel within the school district. This clause 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 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.

(4) The standards set by the local school board for effective performance for licensed personnel and the criteria to be used to determine whether the performance of each licensed person meets such standards and other criteria for evaluation for each licensed personnel position evaluated. One of the standards for measuring teacher performance shall be directly related to classroom instruction and shall include multiple measures of student performance. The performance evaluation system shall 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. This subparagraph is repealed 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 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.

(b) The standards set by the local school board for effective performance
for [licensed personnel] and the criteria to be used to determine whether the performance of each licensed person meets such standards and other criteria for evaluation for each [licensed personnel] position evaluated. One of the standards for measuring teacher effectiveness shall be directly related to classroom instruction and shall require that at least [fifty percent] of the evaluation is determined by the academic growth of the teacher’s students. 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 shall include multiple measures of student performance in conjunction with student growth expectations. For the purposes of measuring effectiveness, expectations of student academic growth shall 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 [insert citation]. The performance evaluation system shall 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. This subparagraph 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 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.

(D) The [council] shall actively participate with the local board or [board of cooperative services] in developing written standards for evaluation that clearly specify satisfactory performance and the criteria to be used to determine whether the performance of each licensed person meets such standards pursuant this Section. This paragraph is repealed, effective 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 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.

(E) The [council] shall actively participate with the local board in developing written standards for evaluation that clearly specify performance standards and the quality standards and the criteria to be used to determine whether the performance of each licensed person meets such standards pursuant to this Section. This paragraph 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 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.

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

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

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

(2) 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 or their designee of the school district and shall place the burden upon the nonprobationary teacher to demonstrate that a rating of effectiveness was appropriate. If there is no collective bargaining agreement in place, following the ruling of the superintendent or their designee, the appealing teacher may request a review by a mutually agreed-upon third party. The decision of the third party shall review whether the decision was arbitrary or capricious and shall be binding on both parties. The cost of any such review shall be borne equally by both parties. Where a collective bargaining agreement is in place, either party may choose to opt into this process. The superintendent’s designee shall not be the principal who conducted the evaluation. For a nonprobationary teacher, a remediation plan to correct the deficiencies shall be developed by the district or the board of cooperative services and shall include professional development opportunities that are intended to help the nonprobationary teacher to achieve an effective rating in their next performance evaluation. The nonprobationary teacher shall be given a reasonable period of time to remediate the deficiencies and shall receive a statement of the resources and assistance available for the purpose of improving effectiveness. This paragraph is repealed effective [insert date].

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

(J) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve their performance through the implementation of the plan. If the next performance evaluation shows that the person is performing satisfactorily, no further action shall be taken concerning the original performance evaluation. If the evaluation shows the person is still not performing satisfactorily, 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 [insert citation] if the person is a teacher. This paragraph is repealed, effective 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 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.

(K) Any person whose performance evaluation includes a remediation plan shall be given an opportunity to improve their 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, they shall receive written notice that their 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 [insert citation] if the person is a teacher. This paragraph 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 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.

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

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

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

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

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

Section 8. [School District Accountability Committees - Powers and Duties.] Each school
district accountability committee as defined in [insert citation] shall have the power and duty to:

1. Provide 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.

2. The school accountability committee for the principal’s school shall provide input and recommendations to the district accountability committee and the district administration concerning the principal’s evaluation.

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

Section 9. [Employment Contracts.]

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

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

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

(D) Paragraphs (A), (B), and (C) and this paragraph are repealed, effective at such time as the performance evaluation system based on quality standards established pursuant to this Act and the rules promulgated by the [state board] pursuant to Section 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.
(E) Any active nonprobationary teacher who was deemed effective during the prior school year and has not secured a mutual consent placement shall be a member of a priority hiring pool, which priority hiring pool shall ensure the nonprobationary teacher a first opportunity to interview for a reasonable number of available positions for which they are qualified in the school district.

(F) Subparagraph (E) and this subparagraph 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 5 have completed the initial phase of implementation and have 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.

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

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

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

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

(K) Beginning with the [2010-2011] school year, an employing school district may opt to
renew a teacher’s contract on either a probationary or nonprobationary status or to not renew the
contract of a probationary teacher who has completed their third year of employment. This
paragraph shall be repealed after the performance evaluation system based on quality standards
has been implemented pursuant to this Act.

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

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

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

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

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

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