

Second Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0512.05 Jacob Baus x2173

HOUSE BILL 24-1363

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HOUSE SPONSORSHIP

Garcia and Story,

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Cutter,

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House Committees  
Education

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING MEASURES TO ADDRESS CHARTER SCHOOL  
102 ACCOUNTABILITY.

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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 requires, when appointing members to a charter school's governing body, that the appointing authority make reasonable efforts to ensure that at least one-third of the board is comprised of parents or legal guardians of students who are enrolled in the charter school and people who reflect the demographics of the community where the charter school is located.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

The bill prohibits:

- Automatic waivers from being included in charter contracts executed or renewed on or after July 1, 2024; and
- A charter contract from waiving educator personnel performance evaluation system requirements.

Under current law, a charter school is not required to pay rent for school district facilities that are available, and an independent charter school is not required to pay more than \$12 in rent per year for a building of a public school that is subject to conversion. The bill repeals this provision.

The bill repeals a requirement that a school district prepare, and provide upon request, a list of vacant or underused buildings and land to the district charter schools, charter school applicants, and other interested persons, and repeals the ability of a district charter school or charter school applicant to apply to use the district building or land.

The bill requires information about laws and policies waived by the charter school to be provided in plain and easy-to-understand language on:

- A school district's enrollment website portal; and
- A charter school's website. Failure to satisfy this requirement is grounds for revocation or nonrenewal of the charter contract.

The bill requires a charter school to publicly report on its website its unredacted federal form 990 and an unredacted copy of any form including revenue and expenses related to marketing and student recruitment, except for redactions required to protect personal or confidential information.

The bill requires a charter school application or renewal to include:

- Descriptions of educational services that the applicant will provide that meet the unmet needs of the students in the community where the charter school is located and, in a charter renewal application, information concerning the progress and results in satisfying this purpose; and
- Its annual minimum pupil enrollment requirement. Failure to satisfy this requirement is grounds for revocation or nonrenewal of the charter contract.

Under current law, certain local board of education (local board) decisions may be appealed to the state board of education (state board). The state board may remand a decision to the local board for reconsideration. If the local board's decision remains unchanged, that decision may be appealed to the state board again. The state board's decision is then the final decision. The bill repeals the second remand to the state board, so that the local board's final decision ends the appeal process.

The bill creates a process for community members to appeal a

local board's decision to approve a charter application.

Under current law, a local board is prohibited from imposing a moratorium on the approval of district charter schools. The bill creates an exception for a school district whose pupil enrollment is less than the immediately preceding budget year or is projected to decline over the next 3 budget years.

The bill allows a local board to revoke or not renew a district charter school charter because of the school district's declining pupil enrollment or the district charter school's declining enrollment. The charter school may appeal the decision.

Under current law, a district accountability committee is required to review a charter school application. The bill requires a district accountability committee to also review a charter school renewal application.

The bill prohibits a charter school governing board member or leader from engaging in activity or having any financial interest that might result in a conflict of interest between the board member's or leader's charter school duties and personal or financial interest.

Under current law, as a part of a charter school contract, the school district and charter school negotiate funding. A school district may retain the actual amount of the charter school's per pupil share of central administrative overhead costs for services provided to the charter school, up to 5% of the district per pupil revenues for each pupil enrolled in a charter school. The bill requires the school district to retain the costs, including any costs that are otherwise not reimbursed for special education services provided to the charter school, and repeals the 5% cap.

Under current law, the department of education is required to submit an annual report to the governor and the house of representatives and senate education committees concerning charter schools. The bill requires the report to include data concerning attrition rates for charter school student enrollment and teacher and administration employment.

Current law generally requires school districts and boards of cooperative services to evaluate the performance of their licensed personnel. The bill requires an evaluation of all personnel, including at institute charter schools, regardless of whether the person is licensed.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-30.5-103, **amend**  
3 (1.5) introductory portion, (1.5)(b), (1.5)(c), and (4); and **add** (1.5)(d) as  
4 follows:

5           **22-30.5-103. Definitions.** As used in this part 1, unless the

1 context otherwise requires:

2 (1.5) "Automatic waiver" means ~~the~~ A waiver of a state statute or  
3 state board rule:

4 (b) That is available to each charter school, including an institute  
5 charter school, and is valid for the initial, or subsequent renewal, term of  
6 the charter contract; ~~and~~

7 (c) For which a charter school, including an institute charter  
8 school, is not required to submit a statement that specifies the manner in  
9 which the charter school intends to comply with the intent of the  
10 automatically waived state statute or state board rule; AND

11 (d) IS VALID ONLY FOR A CHARTER SCHOOL, INCLUDING AN  
12 INSTITUTE CHARTER SCHOOL, WHOSE CURRENT CHARTER CONTRACT WAS  
13 EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024.

14 (4) "Local board of education" OR "LOCAL BOARD" means the  
15 school district board of education.

16 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-104, **amend**  
17 (6)(a), (6)(b), (6)(c)(VIII), (6)(c)(IX), (7)(c), and (7)(e); **repeal** (7.5); and  
18 **add** (4)(c), (6)(c)(X), (6)(e), (14), and (15) as follows:

19 **22-30.5-104. Charter school - requirements - authority - rules**  
20 **- definitions - repeal.** (4) (c) (I) BEGINNING JULY 1, 2024, WHEN MAKING  
21 APPOINTMENTS TO THE GOVERNING BODY, THE APPOINTING AUTHORITY  
22 SHALL MAKE REASONABLE EFFORTS TO APPOINT MEMBERS TO ENSURE  
23 THAT AT LEAST ONE-THIRD OF THE GOVERNING BODY IS COMPRISED OF  
24 PARENTS OR LEGAL GUARDIANS OF STUDENTS WHO ARE ENROLLED IN THE  
25 CHARTER SCHOOL AND THE WHOLE GOVERNING BODY REFLECTS THE  
26 DEMOGRAPHICS OF THE COMMUNITY WHERE THE CHARTER SCHOOL IS  
27 LOCATED.

1           (II) BEGINNING JULY 1, 2024, IF AT LEAST ONE-THIRD OF THE  
2 GOVERNING BODY IS NOT COMPRISED OF PARENTS OR LEGAL GUARDIANS  
3 OF STUDENTS WHO ARE ENROLLED IN THE CHARTER SCHOOL OR THE  
4 WHOLE GOVERNING BODY DOES NOT REFLECT THE DEMOGRAPHICS OF THE  
5 COMMUNITY WHERE THE CHARTER SCHOOL IS LOCATED, THE APPOINTING  
6 AUTHORITY SHALL SUBMIT A LETTER TO THE LOCAL BOARD THAT  
7 EXPLAINS THE REASON.

8           (6) (a) Pursuant to contract, a charter school may operate free  
9 from specified school district policies and free from state rules, as  
10 provided in ~~paragraph (b) of this subsection (6)~~ SUBSECTION (6)(b) OF  
11 THIS SECTION. Pursuant to contract, a local board of education may waive  
12 locally imposed school district requirements, without seeking approval of  
13 the state board; except that a charter school shall not, by contract or  
14 otherwise, operate free of the requirements contained in the "Public  
15 School Finance Act of 1994", article 54 of this ~~title~~ TITLE 22; the  
16 requirements specified in part 4 of article 11 of this ~~title~~ TITLE 22  
17 concerning school accountability committees; or the requirements  
18 contained in the "Children's Internet Protection Act", article 87 of this  
19 ~~title~~ TITLE 22. FOR CHARTER CONTRACTS THAT ARE EXECUTED OR  
20 RENEWED ON OR AFTER JULY 1, 2024, THE CHARTER SCHOOL SHALL NOT,  
21 BY CONTRACT OR OTHERWISE, OPERATE FREE OF THE EDUCATION  
22 PERSONNEL PERFORMANCE EVALUATION SYSTEM REQUIREMENTS  
23 CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

24           (b) (I) The state board shall promulgate rules that list the  
25 automatic waivers APPLICABLE ONLY for ~~all~~ charter schools WHOSE  
26 CURRENT CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR  
27 BEFORE JUNE 30, 2024. In promulgating the list of automatic waivers, the

1 state board shall consider the overall impact and complexity of the  
2 requirements specified in the statute and the potential consequences that  
3 waiving the statute may have on the practices of a charter school. In  
4 accordance with its rule-making authority, the state board may review the  
5 list of automatic waivers at its discretion. Notwithstanding any provision  
6 of this subsection (6)(b) to the contrary, the state board shall not include  
7 the following statutes on the list of automatic waivers:

8 ~~(H)~~ (A) Section 22-9-106, concerning the performance evaluation  
9 system for ~~licensed~~ EDUCATION personnel;

10 ~~(H.5)~~ (B) Section 22-32-109 (1)(b), concerning procedures for  
11 competitive bidding in the purchase of goods and services, except  
12 professional services;

13 ~~(H)~~ (C) Section 22-32-109 (1)(n), concerning the annual school  
14 calendar and teacher-pupil contact hours;

15 ~~(H.5)~~ (D) Section 22-32-110 (1)(y), concerning the power to  
16 accept and expend gifts, donations, or grants; and

17 ~~(HH)~~ (E) Part 2 of article 63 of this title 22, concerning the  
18 employment of ~~licensed~~ EDUCATION personnel.

19 (II) THIS SUBSECTION (6)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

20 (c) A school district, on behalf of a charter school, may apply to  
21 the state board for a waiver of a state statute or state rule that is not an  
22 automatic waiver. Notwithstanding any provision of this subsection (6)  
23 to the contrary, the state board may not waive any statute or rule relating  
24 to:

25 (VIII) Section 22-33-106.1 concerning suspension and expulsion  
26 of students in preschool through second grade; ~~or~~

27 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)

1 and 22-63-206 (1) relating to discrimination based on hair texture, hair  
2 type, or a protective hairstyle that is commonly or historically associated  
3 with race; OR

4 (X) EDUCATION PERSONNEL PERFORMANCE EVALUATION SYSTEM  
5 REQUIREMENTS CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

6 (e) (I) AN AUTOMATIC WAIVER INVOKED BY A CHARTER SCHOOL  
7 WHOSE CHARTER CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE  
8 JUNE 30, 2024, IS VALID UNTIL THE CHARTER CONTRACT EXPIRES. A  
9 CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS EXECUTED OR  
10 RENEWED ON OR BEFORE JUNE 30, 2024, IS INELIGIBLE TO INVOKE ANY  
11 AUTOMATIC WAIVER UPON A CHARTER SCHOOL RENEWAL APPLICATION  
12 SUBMITTED OR CHARTER CONTRACT RENEWAL OCCURRING ON OR AFTER  
13 JULY 1, 2024.

14 (II) AN AUTOMATIC WAIVER TERM INCLUDED IN A CHARTER  
15 CONTRACT EXECUTED OR RENEWED ON OR AFTER JULY 1, 2024, IS NULL  
16 AND VOID AS AGAINST PUBLIC POLICY AND IS UNENFORCEABLE. THIS  
17 SUBSECTION (6)(e)(II) DOES NOT PROHIBIT A CHARTER SCHOOL FROM  
18 OPERATING FREE FROM SPECIFIED STATE STATUTES, STATE BOARD RULES,  
19 OR SCHOOL DISTRICT POLICIES, AS PROVIDED PURSUANT TO THIS SECTION.

20 (7) (c) ~~In no event shall a charter school be required to pay rent~~  
21 ~~for space which is deemed available, as negotiated by contract, in school~~  
22 ~~district facilities. All other~~ RENT FOR SCHOOL DISTRICT FACILITIES, AND  
23 ALL OTHER costs for the operation and maintenance of the facilities used  
24 by the charter school, ~~shall be~~ ARE subject to negotiation between the  
25 charter school and the school district.

26 (e) Notwithstanding ~~the provisions of paragraphs (b) and (c) of~~  
27 ~~this subsection (7) or the provisions of subsection (7.5) of this section~~

1 SUBSECTIONS (7)(b) AND (7)(c) OF THIS SECTION, a school district that has  
2 space in district facilities that is unoccupied may sell the facilities or use  
3 the facilities for a different purpose and is not required to maintain  
4 ownership of the facilities for potential use by a charter school.

5 ~~(7.5) (a) No later than November 1, 2016, and no later than~~  
6 ~~November 1 each year thereafter, each school district that authorizes a~~  
7 ~~charter school and that has or is expecting to have one or more vacant or~~  
8 ~~underused buildings or vacant or underused land available during the next~~  
9 ~~school year shall prepare a list of the vacant or underused buildings and~~  
10 ~~land and provide the list, upon request, to charter schools authorized by~~  
11 ~~the school district, charter school applicants, and other interested persons.~~  
12 ~~The school district shall also post on its website a notice that the list of~~  
13 ~~underused and vacant buildings and land is available to interested persons~~  
14 ~~upon request. The school district must provide the list within two school~~  
15 ~~days after receiving a request. No later than forty-five days after the~~  
16 ~~school district posts the availability of the list or after receiving the list,~~  
17 ~~whichever is later, a charter school of the school district or charter~~  
18 ~~applicant may apply to the school district to use the building or the school~~  
19 ~~district land as the location for the charter school. The local board of~~  
20 ~~education shall review each application for use and, in a public meeting~~  
21 ~~held no later than ninety days after the school district posts the availability~~  
22 ~~of the list, approve or disapprove each application for use of the building~~  
23 ~~or school district land. If the local board of education disapproves an~~  
24 ~~application for use, it must explain at the public meeting and provide in~~  
25 ~~writing to the applicant the reasons for disapproval.~~

26 ~~(b) For purposes of this subsection (7.5), a building is considered~~  
27 ~~underused if it has unused capacity to accommodate two hundred fifty~~



1 ~~students or more:~~

2 (14) (a) BEGINNING JULY 1, 2024, A SCHOOL DISTRICT THAT  
3 AUTHORIZES A CHARTER SCHOOL SHALL IMPLEMENT A FUNCTION ON ITS  
4 ENROLLMENT WEBSITE PORTAL THAT PROVIDES INFORMATION ABOUT THE  
5 CHARTER SCHOOL SELECTED BY A PARENT OR LEGAL GUARDIAN AND  
6 REQUIRES THE PARENT OR LEGAL GUARDIAN TO CONFIRM  
7 ACKNOWLEDGMENT OF RECEIPT OF THE INFORMATION PRIOR TO  
8 APPLICATION SUBMISSION AND ENROLLMENT CONFIRMATION IN THE  
9 CHARTER SCHOOL. THE INFORMATION PROVIDED ABOUT THE CHARTER  
10 SCHOOL MUST INCLUDE AN ITEMIZED LIST OF CITATIONS TO AND  
11 DESCRIPTIONS OF:

12 (I) STATE STATUTES AND STATE BOARD RULES WAIVED BY THE  
13 CHARTER SCHOOL; AND

14 (II) SCHOOL DISTRICT POLICIES FROM WHICH THE CHARTER SCHOOL  
15 IS RELEASED.

16 (b) BEGINNING JULY 1, 2024, A CHARTER SCHOOL SHALL POST AND  
17 MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF CITATIONS TO AND  
18 DESCRIPTIONS OF:

19 (I) STATE STATUTES AND STATE BOARD RULES WAIVED BY THE  
20 CHARTER SCHOOL; AND

21 (II) SCHOOL DISTRICT POLICIES FROM WHICH THE CHARTER SCHOOL  
22 IS RELEASED.

23 (c) THE INFORMATION PROVIDED IN SUBSECTIONS (14)(a) AND  
24 (14)(b) OF THIS SECTION MUST BE IN PLAIN AND EASY-TO-UNDERSTAND  
25 LANGUAGE.

26 (15) EACH CHARTER SCHOOL THAT IS REQUIRED TO ORGANIZE AS  
27 A NONPROFIT CORPORATION PURSUANT TO SUBSECTION (4) OF THIS

1 SECTION OR SECTION 22-30.5-507 (4) SHALL POST AN UNREDACTED COPY  
2 OF ITS FEDERAL FORM 990, OR AN EQUIVALENT FORM, AND AN  
3 UNREDACTED COPY OF ANY FORM INCLUDING REVENUE AND EXPENSES  
4 RELATED TO MARKETING AND STUDENT RECRUITMENT ON THE CHARTER  
5 SCHOOL'S PUBLIC WEBSITE IN A FREE DOWNLOADABLE FORMAT; EXCEPT  
6 THAT THE CHARTER SCHOOL SHALL REDACT ANY PERSONALLY  
7 IDENTIFIABLE OR CONFIDENTIAL INFORMATION THAT IS PROTECTED  
8 PURSUANT TO FEDERAL OR STATE LAW.

9 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-105, **amend**  
10 (3) as follows:

11 **22-30.5-105. Charter schools - contract contents - regulations.**

12 (3) (a) ~~✶~~ FOR A CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS  
13 EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, THE contract  
14 between a charter school and the chartering local board of education ~~shall~~  
15 MUST reflect all requests for release of the charter school from state  
16 statutes and state board rules that are not automatic waivers and a list of  
17 the automatic waivers that the charter school is invoking. Within ten days  
18 after the contract is approved by the chartering local board of education,  
19 the chartering local board of education shall deliver to the state board any  
20 request for waiver of state statutes and state board rules that are not  
21 automatic waivers. The chartering local board of education shall request  
22 the release by submitting a complete copy of the signed charter contract.  
23 Within forty-five days after a request for release is received by the state  
24 board, the state board shall either grant or deny the request. If the state  
25 board grants the request, it may orally notify the chartering local board of  
26 education and the charter school of its decision. If the state board denies  
27 the request, it ~~shall~~ MUST notify the chartering local board of education

1 and the charter school in writing that the request is denied and specify the  
2 reasons for denial. If the chartering local board of education and the  
3 charter school do not receive notice of the state board's decision within  
4 forty-five days after submittal of the request for release, the request ~~shall~~  
5 ~~be~~ IS deemed granted. If the state board denies a request for release that  
6 includes multiple state statutes or state board rules, the denial ~~shall~~ MUST  
7 specify the state statutes and state board rules for which the release is  
8 denied, and the denial ~~shall apply~~ APPLIES only to those SPECIFIED state  
9 statutes and state board rules. ~~so specified.~~

10 (b) FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
11 AFTER JULY 1, 2024, THE CONTRACT BETWEEN A CHARTER SCHOOL AND  
12 THE CHARTERING LOCAL BOARD OF EDUCATION MUST REFLECT ALL  
13 REQUESTS FOR RELEASE OF THE CHARTER SCHOOL FROM STATE STATUTES  
14 AND STATE BOARD RULES. WITHIN TEN DAYS AFTER THE CONTRACT IS  
15 APPROVED BY THE CHARTERING LOCAL BOARD OF EDUCATION, THE  
16 CHARTERING LOCAL BOARD OF EDUCATION SHALL DELIVER TO THE STATE  
17 BOARD ANY REQUEST RECEIVED FOR WAIVER OF STATE STATUTES AND  
18 STATE BOARD RULES. THE CHARTERING LOCAL BOARD OF EDUCATION  
19 SHALL REQUEST THE RELEASE BY SUBMITTING A COMPLETE COPY OF THE  
20 SIGNED CHARTER CONTRACT. WITHIN FORTY-FIVE DAYS AFTER A REQUEST  
21 FOR RELEASE IS RECEIVED BY THE STATE BOARD, THE STATE BOARD SHALL  
22 EITHER GRANT OR DENY THE REQUEST. IF THE STATE BOARD GRANTS THE  
23 REQUEST, IT MAY ORALLY NOTIFY THE CHARTERING LOCAL BOARD OF  
24 EDUCATION AND THE CHARTER SCHOOL OF ITS DECISION. IF THE STATE  
25 BOARD DENIES THE REQUEST, IT MUST NOTIFY THE CHARTERING LOCAL  
26 BOARD OF EDUCATION AND THE CHARTER SCHOOL IN WRITING THAT THE  
27 REQUEST IS DENIED AND SPECIFY THE REASONS FOR DENIAL. IF THE

1 CHARTERING LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL DO  
2 NOT RECEIVE NOTICE OF THE STATE BOARD'S DECISION WITHIN FORTY-FIVE  
3 DAYS AFTER SUBMITTAL OF THE REQUEST FOR RELEASE, THE REQUEST IS  
4 DEEMED GRANTED. IF THE STATE BOARD DENIES A REQUEST FOR RELEASE  
5 THAT INCLUDES MULTIPLE STATE STATUTES OR STATE BOARD RULES, THE  
6 DENIAL MUST SPECIFY THE STATE STATUTES AND STATE BOARD RULES FOR  
7 WHICH THE RELEASE IS DENIED, AND THE DENIAL APPLIES ONLY TO THOSE  
8 SPECIFIED STATE STATUTES AND STATE BOARD RULES.

9 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-106, **add**  
10 (1)(f.5) and (1)(l.5) as follows:

11 **22-30.5-106. Charter application - contents.** (1) The charter  
12 school application is a proposed agreement upon which the charter  
13 applicant and the chartering local board of education negotiate a charter  
14 contract. At a minimum, each charter school application includes:

15 (f.5) DESCRIPTIONS OF EDUCATIONAL SERVICES THAT THE  
16 PROPOSED CHARTER SCHOOL WILL PROVIDE, WHICH MUST SPECIFICALLY  
17 ADDRESS SERVING UNMET NEEDS, AS IDENTIFIED BY THE SCHOOL DISTRICT,  
18 OF THE STUDENTS IN THE COMMUNITY WHERE THE CHARTER SCHOOL IS  
19 LOCATED;

20 (l.5) THE PROPOSED CHARTER SCHOOL'S ANNUAL MINIMUM PUPIL  
21 ENROLLMENT REQUIREMENT;

22 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-108, **amend**  
23 (3) introductory portion, (3)(a), (3)(c), and (3.5); **repeal** (3)(d); and **add**  
24 (4.5) as follows:

25 **22-30.5-108. Appeal - standard of review - procedures - rules.**  
26 (3) If the notice of appeal, or the motion to review by the state board,  
27 relates to a local board's decision to deny a charter application or to refuse

1 to renew or to revoke a charter, or to a local board's unilateral imposition  
2 of conditions that are unacceptable to the charter applicant or the charter  
3 school, the appeal and review process shall be IS as follows:

4 (a) Within sixty days after receipt of the notice of appeal or the  
5 making of a motion to review by the state board and after reasonable  
6 public notice, the state board shall review the decision of the local board  
7 of education and make its findings. If the state board finds that the local  
8 board's decision was contrary to the best interests of the pupils, school  
9 district, or community, the state board shall remand such THE decision to  
10 the local board of education with written instructions for reconsideration.  
11 thereof. Said THE instructions shall MUST include specific  
12 recommendations concerning the matters requiring reconsideration.

13 (c) Following the remand, THE LOCAL BOARD OF EDUCATION'S  
14 FINAL DECISION IS NOT SUBJECT TO APPEAL if the local board of  
15 education's final decision is still to:

16 (I) Deny a charter application or to unilaterally impose the  
17 condition on a charter applicant; or if the local board of education's final  
18 decision is still to

19 (II) Refuse to renew or to revoke a charter; or

20 (III) to Unilaterally impose conditions unacceptable to the charter  
21 school. a second notice of appeal may be filed with the state board within  
22 thirty days following such final decision.

23 (d) Within thirty days following receipt of the second notice of  
24 appeal or the making of a motion for a second review by the state board  
25 and after reasonable public notice, the state board, at a public hearing,  
26 shall determine whether the final decision of the local board of education  
27 was contrary to the best interests of the pupils, school district, or

1 community. If such a finding is made, the state board shall remand such  
2 final decision to the local board with instructions to approve the charter  
3 application, or to renew or reinstate the charter or to approve or  
4 disapprove the conditions imposed on the charter applicant or the charter  
5 school. The decision of the state board shall be final and not subject to  
6 appeal.

7 (3.5) In lieu of a first AN appeal to the state board pursuant to  
8 ~~paragraph (a) of subsection (3)~~ SUBSECTION (3)(a) of this section, the  
9 parties may agree to facilitation. Within thirty days after denial of a  
10 charter application, or nonrenewal or revocation of a charter, or unilateral  
11 imposition of conditions on a charter applicant or a charter school by the  
12 local board of education, the parties may file a notice of facilitation with  
13 the state board. The parties may continue in facilitation as long as both  
14 parties agree to its continued use. If one party subsequently rejects  
15 facilitation, and ~~such~~ THE rejection is not reconsidered within seven days,  
16 the local board of education shall reconsider its denial of a charter  
17 application, or nonrenewal or revocation of a charter, OR UNILATERAL  
18 IMPOSITION OF CONDITIONS ON A CHARTER APPLICANT OR A CHARTER  
19 SCHOOL and make a final decision as provided in ~~paragraph (b) of~~  
20 ~~subsection (3)~~ SUBSECTION (3)(b) of this section. ~~The charter applicant~~  
21 ~~may file a notice of appeal with the state board as provided in paragraph~~  
22 ~~(c) of subsection (3) of this section within thirty days after a local board~~  
23 ~~of education's final decision to deny a charter application, to refuse to~~  
24 ~~renew or to revoke a charter, or to unilaterally impose conditions on a~~  
25 ~~charter applicant or a charter school.~~

26 (4.5) (a) IF THE NOTICE OF APPEAL, OR THE MOTION TO REVIEW BY  
27 THE STATE BOARD, RELATES TO A LOCAL BOARD DECISION TO GRANT A

1 CHARTER, THE APPEAL AND REVIEW PROCESS IS AS FOLLOWS:

2 (I) WITHIN SIXTY DAYS AFTER RECEIPT OF THE NOTICE OF APPEAL  
3 OR THE MAKING OF A MOTION TO REVIEW BY THE STATE BOARD, AND  
4 AFTER REASONABLE PUBLIC NOTICE, THE STATE BOARD, AT A PUBLIC  
5 HEARING THAT MAY BE HELD IN THE DISTRICT WHERE THE PROPOSED  
6 CHARTER SCHOOL HAS APPLIED FOR A CHARTER, SHALL REVIEW THE  
7 DECISION OF THE LOCAL BOARD AND DETERMINE WHETHER THE DECISION  
8 TO GRANT THE CHARTER APPLICATION WAS ARBITRARY AND CAPRICIOUS  
9 OR WHETHER THE ESTABLISHMENT OR OPERATION OF THE PROPOSED  
10 CHARTER SCHOOL WOULD:

11 (A) VIOLATE A FEDERAL OR STATE LAW CONCERNING CIVIL  
12 RIGHTS; OR

13 (B) VIOLATE A COURT ORDER; AND

14 (II) IF THE STATE BOARD DETERMINES THE CHARTER APPLICATION  
15 SHOULD BE DENIED PURSUANT TO SUBSECTION (4.5)(a)(I) OF THIS SECTION,  
16 THE STATE BOARD SHALL REMAND THE DECISION TO THE LOCAL BOARD  
17 WITH INSTRUCTIONS TO DENY THE CHARTER APPLICATION. THE STATE  
18 BOARD'S DECISION IS FINAL AND NOT SUBJECT TO APPEAL.

19 (b) ANY PERSON WHO RESIDES IN THE GEOGRAPHIC BOUNDARIES  
20 OF THE SCHOOL DISTRICT WHERE THE LOCAL BOARD DECIDES TO GRANT A  
21 CHARTER MAY APPEAL THE DECISION PURSUANT TO THIS SUBSECTION  
22 (4.5).

23 (c) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES AS  
24 MAY BE NECESSARY TO IMPLEMENT THIS SUBSECTION (4.5).

25 **SECTION 6.** In Colorado Revised Statutes, 22-30.5-109, **amend**  
26 (8); and **add** (9) as follows:

27 **22-30.5-109. Charter schools - reporting - publicizing - limits**

1 **on enrollment - moratorium - closure - definition.** (8) The local board  
2 of education of a school district shall not impose a moratorium on the  
3 approval of charter applications for charter schools within the school  
4 district; EXCEPT THAT A LOCAL BOARD MAY IMPOSE A MORATORIUM ON  
5 THE APPROVAL OF CHARTER APPLICATIONS FOR CHARTER SCHOOLS WITHIN  
6 THE SCHOOL DISTRICT IF THE SCHOOL DISTRICT'S PUPIL ENROLLMENT IS  
7 LESS THAN THE SCHOOL DISTRICT'S PUPIL ENROLLMENT FROM THE  
8 IMMEDIATELY PRECEDING BUDGET YEAR OR IS PROJECTED TO DECLINE  
9 OVER THE SUBSEQUENT THREE BUDGET YEARS.

10 (9) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
11 OTHERWISE REQUIRES, "PUPIL ENROLLMENT" HAS THE SAME MEANING SET  
12 FORTH IN SECTION 22-54-103.

13 **SECTION 7.** In Colorado Revised Statutes, 22-30.5-110, **amend**  
14 (2) introductory portion, (2)(a), and (3); and **add** (2)(a.5) and (2.5) as  
15 follows:

16 **22-30.5-110. Charter schools - term - renewal of charter -**  
17 **grounds for nonrenewal or revocation.** (2) A charter school renewal  
18 application submitted to the chartering local board of education ~~shall~~  
19 MUST contain:

20 (a) A report on the progress of the charter school in achieving the  
21 goals, objectives, pupil performance standards, content standards, targets  
22 for the measures used to determine the levels of attainment of the  
23 performance indicators, and other terms of the charter contract and the  
24 results achieved by the charter school's students on the assessments  
25 administered through the Colorado student assessment program. THE  
26 REPORT MUST ALSO CONTAIN INFORMATION CONCERNING THE  
27 EDUCATIONAL SERVICES THAT THE CHARTER SCHOOL PROVIDES AND THE



1       PROGRESS AND RESULTS OF THE CHARTER SCHOOL IN SERVING, THROUGH  
2       THE EDUCATIONAL SERVICES, UNMET NEEDS, AS IDENTIFIED BY THE  
3       SCHOOL DISTRICT, OF THE STUDENTS IN THE COMMUNITY WHERE THE  
4       CHARTER SCHOOL IS LOCATED.

5               (a.5) FOR A CHARTER SCHOOL RENEWAL APPLICATION SUBJECT TO  
6       APPROVAL ON OR AFTER JULY 1, 2024, ALL REQUESTS FOR RELEASE OF THE  
7       CHARTER SCHOOL FROM STATE STATUTES AND STATE BOARD RULES;

8               (2.5) (a) WITHIN FIFTEEN DAYS AFTER RECEIVING A CHARTER  
9       SCHOOL RENEWAL APPLICATION, THE SCHOOL DISTRICT SHALL DETERMINE  
10       WHETHER THE APPLICATION CONTAINS THE MINIMUM COMPONENTS  
11       SPECIFIED IN SUBSECTION (2) OF THIS SECTION AND IS THEREFORE  
12       COMPLETE. IF THE APPLICATION IS INCOMPLETE, THE SCHOOL DISTRICT  
13       SHALL NOTIFY THE CHARTER APPLICANT WITHIN THE FIFTEEN-DAY PERIOD  
14       AND PROVIDE A LIST OF THE INFORMATION REQUIRED TO COMPLETE THE  
15       APPLICATION. THE APPLICANT HAS FIFTEEN DAYS AFTER THE DATE THAT  
16       THE APPLICANT RECEIVES THE NOTICE TO PROVIDE THE REQUIRED  
17       INFORMATION TO THE LOCAL BOARD OF EDUCATION FOR REVIEW. THE  
18       LOCAL BOARD OF EDUCATION IS NOT REQUIRED TO TAKE ACTION ON THE  
19       APPLICATION IF THE APPLICANT DOES NOT PROVIDE THE REQUIRED  
20       INFORMATION WITHIN THE FIFTEEN-DAY PERIOD. THE SCHOOL DISTRICT  
21       MAY REQUEST ADDITIONAL INFORMATION DURING THE REVIEW PERIOD  
22       AND PROVIDE REASONABLE TIME FOR THE APPLICANT TO RESPOND. THE  
23       SCHOOL DISTRICT MAY ACCEPT ANY ADDITIONAL INFORMATION THE  
24       APPLICANT PROVIDES THAT THE SCHOOL DISTRICT DOES NOT REQUEST.  
25       THE DISTRICT ACCOUNTABILITY COMMITTEE SHALL REVIEW THE  
26       COMPLETE APPLICATION AT LEAST FIFTEEN DAYS, IF POSSIBLE, BEFORE THE  
27       LOCAL BOARD OF EDUCATION TAKES ACTION ON THE APPLICATION.

1 (b) FOR PURPOSES OF REVIEWING A CHARTER SCHOOL RENEWAL  
2 APPLICATION, A DISTRICT ACCOUNTABILITY COMMITTEE SHALL INCLUDE  
3 AT LEAST:

4 (I) ONE PERSON WITH A DEMONSTRATED KNOWLEDGE OF CHARTER  
5 SCHOOLS, REGARDLESS OF WHETHER THAT PERSON RESIDES WITHIN THE  
6 SCHOOL DISTRICT; AND

7 (II) ONE PARENT OR LEGAL GUARDIAN OF A CHILD ENROLLED IN A  
8 CHARTER SCHOOL IN THE SCHOOL DISTRICT.

9 (3) (a) ~~A charter may be revoked or not renewed by the chartering~~  
10 ~~local board of education~~ A LOCAL BOARD MAY REVOKE OR NOT RENEW A  
11 DISTRICT CHARTER SCHOOL'S CHARTER if it determines that the charter  
12 school did any of the following:

13 (a) (I) Committed a material violation of any of the conditions,  
14 standards, or procedures set forth in the charter contract;

15 (b) (II) Failed to meet or make adequate progress toward  
16 achievement of the goals, objectives, content standards, pupil  
17 performance standards, targets for the measures used to determine the  
18 levels of attainment of the performance indicators, applicable federal  
19 requirements, or other terms identified in the charter contract;

20 (c) (III) Failed to meet generally accepted standards of fiscal  
21 management; ~~or~~

22 (d) (IV) Violated any provision of law from which the charter  
23 school was not specifically exempted;

24 (V) FAILED TO POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED  
25 LIST OF CITATIONS AND DESCRIPTIONS OF STATE STATUTES AND STATE  
26 BOARD RULES WAIVED BY THE CHARTER SCHOOL, OR SCHOOL DISTRICT  
27 POLICIES FROM WHICH THE CHARTER SCHOOL IS RELEASED;

1 (VI) FAILED TO SATISFY ITS ANNUAL MINIMUM PUPIL ENROLLMENT  
2 REQUIREMENT; OR

3 (VII) FAILED TO COMPLY WITH A CIVIL JUDGMENT OR COURT  
4 ORDER THAT AFFECTS THE COMMUNITY IT SERVES.

5 (b) A LOCAL BOARD MAY REVOKE OR NOT RENEW A DISTRICT  
6 CHARTER SCHOOL'S CHARTER IF THE SCHOOL DISTRICT IS EXPERIENCING  
7 DECLINING PUPIL ENROLLMENT OR THE DISTRICT CHARTER SCHOOL IS  
8 EXPERIENCING DECLINING PUPIL ENROLLMENT, OR IF A VIOLATION OF  
9 SECTION 22-30.5-110.4 OCCURRED.

10 **SECTION 8.** In Colorado Revised Statutes, **add** 22-30.5-110.4  
11 as follows:

12 **22-30.5-110.4. Conflict of interest.** NOTWITHSTANDING ANY LAW  
13 TO THE CONTRARY, A MEMBER OF A GOVERNING BOARD OF A CHARTER  
14 SCHOOL OR THE LEADER OF A CHARTER SCHOOL SHALL NOT ENGAGE IN  
15 ANY ACTIVITY OR HAVE ANY FINANCIAL INTEREST THAT MAY RESULT IN A  
16 CONFLICT OF INTEREST BETWEEN THE MEMBER'S OR LEADER'S DUTIES  
17 CONCERNING THE CHARTER SCHOOL AND THE MEMBER'S OR LEADER'S  
18 PERSONAL OR FINANCIAL INTEREST.

19 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-112, **amend**  
20 (2)(a)(III)(A), (2)(a.3), and (2)(c)(II); and **add** (2)(a.1) as follows:

21 **22-30.5-112. Charter schools - financing - guidelines -**  
22 **definitions.** (2) (a) (III) (A) ~~For budget year 2000-01 and budget years~~  
23 ~~thereafter~~ FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
24 BEFORE JUNE 30, 2024, except as otherwise provided in ~~paragraph (a.3)~~  
25 ~~of this subsection (2)~~ SUBSECTION (2)(a.3) OF THIS SECTION, each charter  
26 school and the chartering school district shall negotiate funding ~~under~~  
27 PURSUANT TO the contract. The charter school ~~shall~~ MUST receive one

1 hundred percent of the district per pupil revenues for each pupil enrolled  
2 in the charter school who is not an online pupil and one hundred percent  
3 of the district per pupil online funding for each online pupil enrolled in  
4 the charter school; except that the chartering school district may choose  
5 to retain the ~~actual~~ amount of the charter school's per pupil share of the  
6 central administrative overhead costs ~~for services, actually provided to the~~  
7 ~~charter school up to five percent of the district per pupil revenues for each~~  
8 ~~pupil who is not an online pupil enrolled in the charter school. and up to~~  
9 ~~five percent of the district per pupil online funding for each online pupil~~  
10 ~~enrolled in the charter school.~~

11 (a.1) FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
12 AFTER JULY 1, 2024, EACH CHARTER SCHOOL AND THE CHARTERING  
13 SCHOOL DISTRICT SHALL NEGOTIATE FUNDING PURSUANT TO THE  
14 CONTRACT. THE CHARTER SCHOOL MUST RECEIVE ONE HUNDRED PERCENT  
15 OF THE DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN THE  
16 CHARTER SCHOOL WHO IS NOT AN ONLINE PUPIL AND ONE HUNDRED  
17 PERCENT OF THE DISTRICT PER PUPIL ONLINE FUNDING FOR EACH ONLINE  
18 PUPIL ENROLLED IN THE CHARTER SCHOOL; EXCEPT THAT THE CHARTERING  
19 SCHOOL DISTRICT SHALL RETAIN THE ACTUAL AMOUNT OF THE CHARTER  
20 SCHOOL'S PER PUPIL SHARE OF THE CENTRAL ADMINISTRATIVE OVERHEAD  
21 COSTS FOR SERVICES, INCLUDING ANY COSTS THAT ARE OTHERWISE NOT  
22 REIMBURSED FOR SPECIAL EDUCATION SERVICES PROVIDED TO THE  
23 CHARTER SCHOOL.

24 (a.3) ~~If~~ FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
25 BEFORE JUNE 30, 2024, IF the authorizing school district enrolls five  
26 hundred or fewer students, the charter school ~~shall~~ MUST receive funding  
27 in the amount of the greater of one hundred percent of the district per

1 pupil online funding for each online pupil enrolled in the charter school  
2 plus one hundred percent of the district per pupil revenues for each pupil  
3 who is not an online pupil enrolled in the charter school, minus the actual  
4 amount of the charter school's per pupil share of the central administrative  
5 overhead costs incurred by the school district, based on audited figures,  
6 or eighty-five percent of the district per pupil revenues for each pupil  
7 enrolled in the charter school who is not an online pupil plus eighty-five  
8 percent of the district per pupil online funding for each online pupil  
9 enrolled in the charter school.

10 (c) (II) ~~For budget year 2000-01 and budget years thereafter~~ FOR  
11 A CHARTER CONTRACT EXECUTED ON OR BEFORE JUNE 30, 2024, the  
12 amount of funding received by a charter school pursuant to this  
13 subsection (2) ~~shall~~ MUST not be less than one hundred percent of the  
14 chartering school district's district per pupil revenues, minus up to five  
15 percent as provided in ~~subparagraph (III) of paragraph (a) of this~~  
16 ~~subsection (2)~~ SUBSECTION (2)(a)(III) OF THIS SECTION, multiplied by the  
17 number of pupils enrolled in the charter school or as otherwise provided  
18 in ~~paragraph (a.3) of this subsection (2)~~ SUBSECTION (2)(a.3) OF THIS  
19 SECTION for any charter school chartered by a school district that enrolls  
20 five hundred or fewer students.

21 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-112.1,  
22 **amend** (3)(a) and (3)(b); and **add** (3)(a.5) as follows:

23 **22-30.5-112.1. Charter schools - exclusive jurisdiction districts**  
24 **- authorized on or after July 1, 2004 - financing - definitions.**

25 (3) (a) ~~For budget year 2004-05 and budget years thereafter~~ FOR A  
26 CHARTER CONTRACT EXECUTED OR RENEWED ON OR BEFORE JUNE 30,  
27 2024, each district charter school and the qualifying school district that

1 approved the charter shall negotiate funding ~~under~~ PURSUANT TO the  
2 charter contract. The district charter school ~~shall~~ MUST receive one  
3 hundred percent of the adjusted district per pupil revenues for each pupil  
4 enrolled in the district charter school who is not an online pupil and one  
5 hundred percent of the district per pupil online funding for each online  
6 pupil enrolled in the district charter school; except that the qualifying  
7 school district may choose to retain the sum of the actual amount of the  
8 district charter school's per pupil share of the central administrative  
9 overhead costs ~~for services actually provided to the district charter school,~~  
10 ~~up to five percent of the adjusted district per pupil revenues for each pupil~~  
11 ~~who is not an online pupil enrolled in the district charter school. and up~~  
12 ~~to five percent of the district per pupil online funding for each online~~  
13 ~~pupil enrolled in the district charter school.~~

14 (a.5) FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
15 AFTER JULY 1, 2024, EACH DISTRICT CHARTER SCHOOL AND THE  
16 QUALIFYING SCHOOL DISTRICT THAT APPROVED THE CHARTER SHALL  
17 NEGOTIATE FUNDING PURSUANT TO THE CHARTER CONTRACT. THE  
18 DISTRICT CHARTER SCHOOL MUST RECEIVE ONE HUNDRED PERCENT OF THE  
19 ADJUSTED DISTRICT PER PUPIL REVENUES FOR EACH PUPIL ENROLLED IN  
20 THE DISTRICT CHARTER SCHOOL WHO IS NOT AN ONLINE PUPIL AND ONE  
21 HUNDRED PERCENT OF THE DISTRICT PER PUPIL ONLINE FUNDING FOR EACH  
22 ONLINE PUPIL ENROLLED IN THE DISTRICT CHARTER SCHOOL; EXCEPT THAT  
23 THE CHARTERING SCHOOL DISTRICT SHALL RETAIN THE ACTUAL AMOUNT  
24 OF THE CHARTER SCHOOL'S PER PUPIL SHARE OF THE CENTRAL  
25 ADMINISTRATIVE OVERHEAD COSTS FOR SERVICES, INCLUDING ANY COSTS  
26 THAT ARE OTHERWISE NOT REIMBURSED FOR SPECIAL EDUCATION  
27 SERVICES PROVIDED TO THE CHARTER SCHOOL.

1           (b) ~~Notwithstanding any provision of this subsection (3) to the~~  
2 ~~contrary,~~ if FOR A CHARTER CONTRACT EXECUTED OR RENEWED ON OR  
3 BEFORE JUNE 30, 2024, IF a qualifying school district enrolls five hundred  
4 or fewer students, the district charter school ~~shall~~ MUST receive funding  
5 in the amount of the greater of one hundred percent of the district per  
6 pupil online funding for each online pupil enrolled in the district charter  
7 school plus one hundred percent of the district per pupil revenues for each  
8 pupil who is not an online pupil enrolled in the district charter school,  
9 minus the actual amount of the district charter school's per pupil share of  
10 the central administrative overhead costs incurred by the qualifying  
11 school district, based on audited figures, or eighty-five percent of the  
12 district per pupil revenues for each pupil enrolled in the district charter  
13 school who is not an online pupil plus eighty-five percent of the district  
14 per pupil online funding for each online pupil enrolled in the district  
15 charter school.

16           **SECTION 11.** In Colorado Revised Statutes, 22-30.5-113, **add**  
17 (4) as follows:

18           **22-30.5-113. State board - department of education - duties -**  
19 **charter schools - evaluation - report.** (4) FOR THE REPORT SUBMITTED  
20 PURSUANT TO THIS SECTION, IN THE 2024-25 BUDGET YEAR, AND EACH  
21 YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE DATA CONCERNING  
22 ATTRITION RATES FOR STUDENTS ENROLLED IN, AND TEACHERS,  
23 ADMINISTRATORS, AND ADMINISTRATIVE PERSONNEL EMPLOYED BY, A  
24 CHARTER SCHOOL. AT A MINIMUM, THE REPORT MUST INCLUDE:

25           (a) THE NUMBER OF STUDENTS ENROLLED IN A CHARTER SCHOOL  
26 IN THE PRECEDING SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE  
27 AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER

1 SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND  
2 GENDER;

3 (b) THE NUMBER OF STUDENTS ENROLLED IN A CHARTER SCHOOL  
4 IN THE CURRENT SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE  
5 AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER  
6 SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND  
7 GENDER;

8 (c) THE NUMBER OF TEACHERS EMPLOYED BY A CHARTER SCHOOL  
9 IN THE PRECEDING SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE  
10 AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER  
11 SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND  
12 GENDER;

13 (d) THE NUMBER OF TEACHERS EMPLOYED BY A CHARTER SCHOOL  
14 IN THE CURRENT SCHOOL YEAR, REPORTED FOR THE STATE AS A WHOLE  
15 AND FOR EACH DISTRICT CHARTER SCHOOL AND INSTITUTE CHARTER  
16 SCHOOL, IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, AND  
17 GENDER;

18 (e) THE NUMBER OF ADMINISTRATORS AND ADMINISTRATIVE  
19 PERSONNEL EMPLOYED BY A CHARTER SCHOOL IN THE PRECEDING SCHOOL  
20 YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT  
21 CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND  
22 DISAGGREGATED BY RACE, ETHNICITY, AND GENDER; AND

23 (f) THE NUMBER OF ADMINISTRATORS AND ADMINISTRATIVE  
24 PERSONNEL EMPLOYED BY A CHARTER SCHOOL IN THE CURRENT SCHOOL  
25 YEAR, REPORTED FOR THE STATE AS A WHOLE AND FOR EACH DISTRICT  
26 CHARTER SCHOOL AND INSTITUTE CHARTER SCHOOL, IN TOTAL AND  
27 DISAGGREGATED BY RACE, ETHNICITY, AND GENDER.



1           **SECTION 12.** In Colorado Revised Statutes, 22-30.5-306,  
2   **amend** (2)(a) as follows:

3           **22-30.5-306. Independent charter schools - charter - term.**

4   (2) With the assistance from the commissioner or the commissioner's  
5   designee, the selected applicant and the local board of education shall  
6   negotiate the terms of the independent charter, which may be different  
7   from or in addition to the terms of the response to the request for  
8   proposals; except that:

9           (a) The independent charter school ~~shall be~~ IS entitled to use the  
10   school building in which the public school that is subject to conversion  
11   was operated. The independent charter school and the local board of  
12   education shall negotiate an amount of rent to be paid ~~which shall be not~~  
13   ~~more than twelve dollars per year~~, and all other costs for the operation  
14   and maintenance of the building and related facilities.

15           **SECTION 13.** In Colorado Revised Statutes, 22-30.5-502,  
16   **amend** (1.5)(b) and (1.5)(c); and **add** (1.5)(d) as follows:

17           **22-30.5-502. Definitions.** As used in this part 5, unless the  
18   context otherwise requires:

19           (1.5) "Automatic waiver" means the waiver of a state statute or  
20   state board rule:

21           (b) That is available to each charter school, including each  
22   institute charter school, and is valid for the initial, or subsequent renewal,  
23   term of the charter contract; ~~and~~

24           (c) For which a charter school, including an institute charter  
25   school, is not required to submit a statement that specifies the manner in  
26   which the charter school intends to comply with the intent of the  
27   automatically waived state statute or state board rule; AND

1 (d) IS VALID ONLY FOR A CHARTER SCHOOL, INCLUDING AN  
2 INSTITUTE CHARTER SCHOOL, WHOSE CURRENT CHARTER CONTRACT WAS  
3 EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024.

4 **SECTION 14.** In Colorado Revised Statutes, 22-30.5-507,  
5 **amend** (7)(a) introductory portion, (7)(b)(VIII), and (7)(b)(IX); and **add**  
6 (7)(b)(X), (7)(d), and (15) as follows:

7 **22-30.5-507. Institute charter school - requirements -**  
8 **authority - rules - definitions.** (7) (a) Pursuant to the charter contract,  
9 an institute charter school may operate free from specified statutes and  
10 state board rules. The state board shall promulgate rules that list the  
11 automatic waivers for ~~all~~ charter schools WHOSE CURRENT CHARTER  
12 CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024,  
13 including institute charter schools. In promulgating the list of automatic  
14 waivers, the state board shall consider the overall impact and complexity  
15 of the requirements specified in the statute and the potential consequences  
16 that waiving the statute may have on the practices of a charter school,  
17 including an institute charter school. In accordance with its rule-making  
18 authority, the state board may review the list of automatic waivers at its  
19 discretion. Notwithstanding any provision of this subsection (7)(a) to the  
20 contrary, the state board shall not include the following statutes on the list  
21 of automatic waivers:

22 (b) An institute charter school may apply to the state board,  
23 through the institute, for a waiver of state statutes and state rules that are  
24 not automatic waivers. The state board may waive state statutory  
25 requirements or rules promulgated by the state board; except that the state  
26 board may not waive any statute or rule relating to:

27 (VIII) Section 22-33-106.1 concerning suspension and expulsion

1 of students in preschool through second grade; ~~or~~

2 (IX) Subsection (3) of this section and sections 22-32-110 (1)(k)  
3 and 22-63-206 (1) relating to discrimination based on hair texture, hair  
4 type, or a protective hairstyle that is commonly or historically associated  
5 with race; OR

6 (X) EDUCATION PERSONNEL PERFORMANCE EVALUATION SYSTEM  
7 REQUIREMENTS CONTAINED IN ARTICLE 9 OF THIS TITLE 22.

8 (d) (I) AN AUTOMATIC WAIVER INVOKED BY AN INSTITUTE  
9 CHARTER SCHOOL WHOSE CHARTER CONTRACT WAS EXECUTED OR  
10 RENEWED ON OR BEFORE JUNE 30, 2024, IS VALID UNTIL THE CHARTER  
11 CONTRACT EXPIRES. AN INSTITUTE CHARTER SCHOOL WHOSE CHARTER  
12 CONTRACT WAS EXECUTED OR RENEWED ON OR BEFORE JUNE 30, 2024, IS  
13 INELIGIBLE TO INVOKE ANY AUTOMATIC WAIVER UPON AN INSTITUTE  
14 CHARTER SCHOOL RENEWAL APPLICATION SUBMITTED OR CHARTER  
15 CONTRACT RENEWAL OCCURRING ON OR AFTER JULY 1, 2024.

16 (II) AN AUTOMATIC WAIVER TERM INCLUDED IN A CHARTER  
17 CONTRACT EXECUTED OR RENEWED ON OR AFTER JULY 1, 2024, IS NULL  
18 AND VOID AS AGAINST PUBLIC POLICY AND IS UNENFORCEABLE. THIS  
19 SUBSECTION (7)(d)(II) DOES NOT PROHIBIT AN INSTITUTE CHARTER  
20 SCHOOL FROM OPERATING FREE FROM SPECIFIED STATUTES AND STATE  
21 BOARD RULES, AS PROVIDED PURSUANT TO THIS SECTION.

22 (15) BEGINNING JULY 1, 2024, AN INSTITUTE CHARTER SCHOOL  
23 SHALL POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED LIST OF  
24 CITATIONS TO AND DESCRIPTIONS OF STATE STATUTES AND STATE BOARD  
25 RULES WAIVED BY THE CHARTER SCHOOL.

26 **SECTION 15.** In Colorado Revised Statutes, 22-30.5-509, **add**  
27 (1)(f.5) as follows:

1           **22-30.5-509. Institute charter school application - contents.**

2           (1) The institute charter school application is a proposed agreement upon  
3           which the institute charter applicant and the institute negotiate a charter  
4           contract. At a minimum, each institute charter school application  
5           includes:

6           (f.5) DESCRIPTIONS OF EDUCATIONAL SERVICES THAT THE  
7           PROPOSED CHARTER SCHOOL WILL PROVIDE, WHICH MUST SPECIFICALLY  
8           ADDRESS SERVING UNMET NEEDS, AS IDENTIFIED BY THE SCHOOL DISTRICT,  
9           OF THE STUDENTS IN THE COMMUNITY WHERE THE CHARTER SCHOOL IS  
10          LOCATED;

11          **SECTION 16.** In Colorado Revised Statutes, 22-30.5-511,  
12          **amend** (3)(d) and (3)(e); and **add** (3)(f) as follows:

13          **22-30.5-511. Institute charter schools - term - renewal of**  
14          **contract - grounds for nonrenewal or revocation - appeal.** (3) The  
15          institute board may revoke or deny renewal of a charter contract if the  
16          institute board determines that the institute charter school did any of the  
17          following:

18          (d) Failed to meet generally accepted standards of fiscal  
19          management; ~~or~~

20          (e) Violated any provision of law from which the institute charter  
21          school was not specifically exempted; OR

22          (f) FAILED TO POST AND MAINTAIN ON ITS WEBSITE AN ITEMIZED  
23          LIST OF CITATIONS AND DESCRIPTIONS OF STATE STATUTES AND STATE  
24          BOARD RULES WAIVED BY THE INSTITUTE CHARTER SCHOOL.

25          **SECTION 17.** In Colorado Revised Statutes, **amend** 22-9-101 as  
26          follows:

27          **22-9-101. Short title.** This ~~article~~ ARTICLE 9 shall be known and

1 may be cited as the "~~Licensed~~ EDUCATION Personnel Performance  
2 Evaluation Act".

3 **SECTION 18.** In Colorado Revised Statutes, 22-9-102, **amend**  
4 (1) introductory portion, (1)(a), (1)(b) introductory portion, (1)(b)(III),  
5 (1)(b)(IV), and (2) as follows:

6 **22-9-102. Legislative declaration.** (1) The general assembly  
7 ~~hereby~~ FINDS AND declares that:

8 (a) A system to evaluate the effectiveness of ~~licensed~~ EDUCATION  
9 personnel is crucial to improving the quality of education in this state and  
10 declares that ~~such a~~ THE system ~~shall be~~ IS applicable to all ~~licensed~~  
11 EDUCATION personnel in the school districts, ~~and~~ boards of cooperative  
12 services, DISTRICT CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS  
13 throughout the state; and

14 (b) The purposes of the evaluation ~~shall be~~ ARE to:

15 (III) Serve as a measurement of the professional growth and  
16 development of ~~licensed~~ EDUCATION personnel;

17 (IV) Evaluate the level of performance based on the effectiveness  
18 of ~~licensed~~ EDUCATION personnel; and

19 (2) The general assembly further declares that a professionally  
20 sound and credible system to evaluate the effectiveness of ~~licensed~~  
21 EDUCATION personnel ~~shall~~ MUST be designed with the involvement of  
22 ~~licensed~~ EDUCATION personnel and citizens of the school district or board  
23 of cooperative services.

24 **SECTION 19.** In Colorado Revised Statutes, 22-9-103, **amend**  
25 (1.5) and (5); and **add** (1.6), (1.7), (1.8), and (1.9) as follows:

26 **22-9-103. Definitions.** As used in this article 9, unless the context  
27 otherwise requires:

1 (1.5) ~~"Licensed personnel" or "licensed person" means a person~~  
2 ~~who is employed to instruct students, to provide professional services to~~  
3 ~~students in direct support of the education instructional program, or to~~  
4 ~~administer, direct, or supervise the instructional program in a school in~~  
5 ~~the state and who holds a valid license or authorization pursuant to article~~  
6 ~~60.5 of this title 22.~~ "DISTRICT CHARTER SCHOOL" MEANS A CHARTER  
7 SCHOOL AUTHORIZED BY A SCHOOL DISTRICT BOARD OF EDUCATION  
8 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22.

9 (1.6) "EDUCATION PERSONNEL" OR "EDUCATION PROFESSIONAL"  
10 MEANS A PERSON WHO IS EMPLOYED TO INSTRUCT STUDENTS; TO PROVIDE  
11 PROFESSIONAL SERVICES TO STUDENTS IN DIRECT SUPPORT OF THE  
12 EDUCATION INSTRUCTIONAL PROGRAM; OR TO ADMINISTER, DIRECT, OR  
13 SUPERVISE THE INSTRUCTIONAL PROGRAM IN A PUBLIC SCHOOL IN THE  
14 STATE, INCLUDING A DISTRICT CHARTER SCHOOL OR INSTITUTE CHARTER  
15 SCHOOL, REGARDLESS OF WHETHER THE PERSON HOLDS A VALID LICENSE  
16 OR AUTHORIZATION PURSUANT TO ARTICLE 60.5 OF THIS TITLE 22.

17 (1.7) "INSTITUTE" MEANS THE STATE CHARTER SCHOOL INSTITUTE  
18 CREATED PURSUANT TO SECTION 22-30.5-503.

19 (1.8) "INSTITUTE BOARD" MEANS THE GOVERNING BOARD OF THE  
20 STATE CHARTER SCHOOL INSTITUTE APPOINTED PURSUANT TO SECTION  
21 22-30.5-505.

22 (1.9) "INSTITUTE CHARTER SCHOOL" MEANS A CHARTER SCHOOL  
23 AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO  
24 PART 5 OF ARTICLE 30.5 OF THIS TITLE 22.

25 (5) "Teacher" means a person ~~who holds an alternative, initial, or~~  
26 ~~professional teacher license issued pursuant to the provisions of article~~  
27 ~~60.5 of this title and who is employed by a school district, or a DISTRICT~~

1 charter school, OR INSTITUTE CHARTER SCHOOL in the state to instruct,  
2 direct, or supervise an education program, REGARDLESS OF WHETHER THE  
3 PERSON HOLDS AN ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER  
4 LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS  
5 TITLE 22.

6 **SECTION 20.** In Colorado Revised Statutes, 22-9-104, **amend**  
7 (1), (1.5), (2)(a), (2)(b), (2)(c), and (3) introductory portion; and **add**  
8 (3)(d) and (4) as follows:

9 **22-9-104. State model education personnel performance**  
10 **evaluation system - department - state board - powers and duties -**  
11 **rules - repeal.** (1) The state board shall promulgate guidelines relating  
12 to the planning, development, implementation, and assessment of a state  
13 model ~~licensed~~ EDUCATION personnel performance evaluation system that  
14 may be adopted by each school district and board of cooperative services  
15 within the state AND THE INSTITUTE. In promulgating ~~said~~ THE guidelines,  
16 the state board shall allow each school district and board of cooperative  
17 services to involve and consult with the ~~licensed~~ EDUCATION personnel  
18 and citizens of the school district or districts, AND SHALL ALLOW THE  
19 INSTITUTE TO INVOLVE AND CONSULT WITH INSTITUTE CHARTER SCHOOL  
20 EDUCATION PERSONNEL AND CITIZENS OF THE COMMUNITIES SERVED BY  
21 INSTITUTE CHARTER SCHOOLS. Each school district and board of  
22 cooperative services, AND THE INSTITUTE, has the flexibility needed to  
23 develop a system of personnel performance evaluation that is specifically  
24 designed to meet the individual needs of that school district or board of  
25 cooperative services AND THE INSTITUTE.

26 (1.5) To assist school districts and boards of cooperative services  
27 in implementing the state model ~~licensed~~ EDUCATION personnel

1 performance evaluation system and in developing and implementing local  
2 systems of personnel performance evaluation, AND TO ASSIST THE  
3 INSTITUTE IN IMPLEMENTING THE STATE MODEL EDUCATIONAL PERSONNEL  
4 PERFORMANCE EVALUATION SYSTEM AND IN DEVELOPING AND  
5 IMPLEMENTING AN INSTITUTE SYSTEM OF PERSONNEL PERFORMANCE  
6 EVALUATION, by the beginning of the ~~2023-24~~ 2024-25 school year, the  
7 department shall:

8 (a) Create a modified rubric specifically for measuring the  
9 performance of ~~a licensed person~~ AN EDUCATION PROFESSIONAL who has  
10 received a rating of highly effective for at least three consecutive school  
11 years and provide guidelines for focusing on professional growth and  
12 career development in evaluating ~~licensed~~ EDUCATION personnel who are  
13 consistently rated highly effective;

14 (b) Work with school districts, ~~and~~ boards of cooperative services,  
15 AND THE INSTITUTE to create and make publicly available rubrics for  
16 measuring the performance of ~~licensed~~ EDUCATION personnel in a limited  
17 number of specialized teacher or principal roles;

18 (c) Provide evaluator training at no cost to school districts, ~~and~~  
19 boards of cooperative services, AND THE INSTITUTE to ensure that all  
20 evaluators have the skills necessary to observe and evaluate ~~licensed~~  
21 EDUCATION personnel with fidelity to the ~~licensed~~ EDUCATION personnel  
22 performance evaluation system implemented by the evaluator's school  
23 district, ~~or~~ board of cooperative services, OR THE INSTITUTE;

24 (d) Provide guidelines for considering ~~a licensed~~ AN EDUCATION  
25 person's professional growth achievements, such as attainment of national  
26 board certification or fulfillment of differentiated professional roles, as  
27 proof that the ~~licensed person~~ EDUCATION PROFESSIONAL meets one or



1 more of the quality standards, in lieu of some or all of the elements that  
2 demonstrate attainment of the quality standards; and

3 (e) Provide information concerning best practices in methods of  
4 conducting ~~licensed~~ EDUCATION personnel evaluations, including  
5 innovative methods for observation.

6 (2) The state board shall:

7 (a) Provide training and leadership and give technical assistance  
8 to school districts, ~~and~~ boards of cooperative services, AND THE INSTITUTE  
9 in the development of a ~~licensed~~ EDUCATION personnel performance  
10 evaluation system;

11 (b) Work and cooperate with the state's universities and colleges  
12 that have teacher, principal, or administrator education programs to  
13 ensure that principals and administrators who have evaluation  
14 responsibilities will receive adequate education and training that meets  
15 the requirements specified in section 22-9-108 and will enable them to  
16 make thorough, credible, fair, and professional quality evaluations of all  
17 ~~licensed~~ EDUCATION personnel whom those principals or administrators  
18 may be responsible for evaluating;

19 (c) Promulgate rules concerning the planning, development,  
20 implementation, and assessment of the state model ~~licensed~~ EDUCATION  
21 personnel performance evaluation system to evaluate the effectiveness of  
22 ~~licensed~~ EDUCATION personnel;

23 (3) For evaluations completed for the 2023-24 school year, ~~and~~  
24 ~~each school year thereafter~~ the state board shall promulgate rules as  
25 necessary to ensure that, under the state model licensed personnel  
26 performance evaluation system and a local system of personnel  
27 performance evaluation:

1 (d) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2026.

2 (4) FOR EVALUATIONS COMPLETED FOR THE 2024-25 SCHOOL  
3 YEAR, AND EACH SCHOOL YEAR THEREAFTER, THE STATE BOARD SHALL  
4 PROMULGATE RULES AS NECESSARY TO ENSURE THAT, PURSUANT TO THE  
5 STATE MODEL EDUCATION PERSONNEL PERFORMANCE EVALUATION  
6 SYSTEM AND A LOCAL OR THE INSTITUTE SYSTEM OF PERSONNEL  
7 PERFORMANCE EVALUATION:

8 (a) THIRTY PERCENT OF A TEACHER'S OR PRINCIPAL'S EVALUATION  
9 IS DETERMINED BY THE ACADEMIC GROWTH OF THE TEACHER'S STUDENTS  
10 OR THE STUDENTS ENROLLED IN THE PRINCIPAL'S SCHOOL, AS APPLICABLE,  
11 AND THE REMAINDER IS BASED ON THE TEACHER'S OR PRINCIPAL'S  
12 ATTAINMENT OF THE QUALITY STANDARDS;

13 (b) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4)(c) OF  
14 THIS SECTION, OF THE THIRTY PERCENT OF A TEACHER'S OR PRINCIPAL'S  
15 EVALUATION THAT IS BASED ON STUDENT ACADEMIC GROWTH, UP TO TEN  
16 PERCENT MAY BE BASED ON MEASURES OF COLLECTIVE STUDENT  
17 ACADEMIC GROWTH THAT ARE BASED ON THE PERFORMANCE OF ALL  
18 STUDENTS ENROLLED AT A PARTICULAR GRADE LEVEL WITHIN THE SCHOOL  
19 IN WHICH THE TEACHER OR PRINCIPAL IS EMPLOYED OR THE PERFORMANCE  
20 OF ALL STUDENTS ENROLLED IN THE SCHOOL IN WHICH THE TEACHER OR  
21 PRINCIPAL IS EMPLOYED, BUT A TEACHER'S OR PRINCIPAL'S EVALUATION  
22 MUST NOT INCLUDE MEASURES OF COLLECTIVE STUDENT ACADEMIC  
23 GROWTH THAT ARE BASED ON THE PERFORMANCE OF STUDENTS WHO ARE  
24 NOT ENROLLED IN THE SCHOOL IN WHICH THE TEACHER OR PRINCIPAL IS  
25 EMPLOYED; AND

26 (c) THE EVALUATION OF AN EDUCATION PROFESSIONAL WHO HAS  
27 BEEN EMPLOYED BY A SCHOOL DISTRICT, BOARD OF COOPERATIVE

1 SERVICES, OR INSTITUTE CHARTER SCHOOL FOR ONE SCHOOL YEAR OR LESS  
2 MUST NOT INCLUDE DATA THAT WAS CREATED PRIOR TO THE DATE ON  
3 WHICH THE EDUCATION PROFESSIONAL STARTED EMPLOYMENT WITH THE  
4 SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE  
5 CHARTER SCHOOL.

6 **SECTION 21.** In Colorado Revised Statutes, 22-9-105.5, **amend**  
7 (2)(c) introductory portion, (3) introductory portion, (3)(c), (5), (6), and  
8 (11); and **add** (3)(k), (10.5), and (11.5) as follows:

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

11 (2) (c) The purpose of the council ~~shall be~~ IS the same as that of the  
12 governor's council for educator effectiveness established by executive  
13 order, and ~~shall be~~ IS to consider options and make recommendations to  
14 the state board and the general assembly that seek to ensure that all  
15 ~~licensed~~ EDUCATION personnel are:

16 (3) The council ~~shall have~~ HAS the following duties:

17 (c) On or before March 1, 2011, to provide the state board with  
18 recommendations that will ensure development of a set of guidelines for  
19 establishing performance standards for each category of ~~licensed~~  
20 EDUCATION personnel to be evaluated pursuant to this ~~article~~ ARTICLE 9.  
21 The guidelines ~~shall~~ MUST outline criteria to be applied in assigning  
22 educators to appropriate performance standards, which ~~shall~~ MUST  
23 include measures of student longitudinal academic growth.

24 (k) ON OR BEFORE JULY 1, 2024, THE COUNCIL SHALL MAKE  
25 RECOMMENDATIONS TO THE STATE BOARD TO INCORPORATE THE  
26 INSTITUTE AND INSTITUTE CHARTER SCHOOLS, AS NECESSARY, WITHIN THE  
27 RECOMMENDATIONS DESCRIBED IN SUBSECTIONS (3)(a) TO (3)(i) OF THIS

1 SECTION.

2 (5) The council's recommendations may include changes to  
3 existing statutes or rules, if appropriate, as well as recommendations for  
4 local OR INSTITUTE implementation.

5 (6) In making its recommendations, the council shall include the  
6 effect of ~~district-~~ DISTRICT-LEVEL, INSTITUTE-LEVEL, and school-level  
7 conditions, as measured by the nine performance standards set forth in the  
8 comprehensive appraisal for the district OR INSTITUTE improvement rubric  
9 and biannual teaching, empowering, leading, and learning initiative  
10 survey of school working conditions, as well as any additional methods  
11 of assessing ~~such~~ THE conditions identified by the council as valid,  
12 transparent, and reliable.

13 (10.5) ON OR BEFORE SEPTEMBER 1, 2024, THE STATE BOARD  
14 SHALL PROMULGATE RULES WITH REGARD TO THE COUNCIL  
15 RECOMMENDATIONS MADE PURSUANT TO SUBSECTION (3)(k) OF THIS  
16 SECTION. IF THE COUNCIL FAILS TO MAKE RECOMMENDATIONS TO THE  
17 STATE BOARD BY JULY 1, 2024, THE STATE BOARD SHALL, ON OR BEFORE  
18 SEPTEMBER 1, 2024, PROMULGATE RULES CONCERNING INCORPORATION  
19 OF THE INSTITUTE AND INSTITUTE CHARTER SCHOOLS, AS NECESSARY,  
20 WITHIN THE RULES PROMULGATED FROM RECOMMENDATIONS IN  
21 SUBSECTIONS (3)(a) TO (3)(i) OF THIS SECTION.

22 (11) ~~On or before November 1, 2011,~~ The department shall create  
23 and make available to school districts, ~~and~~ boards of cooperative services,  
24 AND THE INSTITUTE a resource bank that identifies assessments, processes,  
25 tools, and policies that a school district, ~~or~~ A board of cooperative  
26 services, OR THE INSTITUTE may use to develop an evaluation system that  
27 addresses the provisions of this section. The department shall include

1 resources that are appropriate to school districts and boards of  
2 cooperative services, AND FOR THE INSTITUTE TO APPLY TO INSTITUTE  
3 CHARTER SCHOOLS, of different sizes, demographics, and locations. The  
4 department shall update the resource bank at least annually to reflect new  
5 research and ongoing experience in Colorado.

6 (11.5) NOTWITHSTANDING SUBSECTION (12) OF THIS SECTION, ON  
7 OR BEFORE SEPTEMBER 1, 2024, THE STATE BOARD SHALL PROMULGATE,  
8 AMEND, OR REPEAL RULES AS NECESSARY TO ENSURE APPLICATION TO  
9 EDUCATION PERSONNEL.

10 **SECTION 22.** In Colorado Revised Statutes, 22-9-106, **amend**  
11 (1) introductory portion, (1)(a), (1)(b), (1)(c)(II), (1)(c)(III), (1)(d)  
12 introductory portion, (1)(d)(III), (1)(d)(IV), (1)(d)(V)(B), (1)(e)(II),  
13 (1)(e)(III), (1)(e)(IV), (1)(f), (1.5)(a), (1.5)(b), (1.5)(c)(I), (1.5)(c)(II)  
14 introductory portion, (1.5)(c)(II)(C), (1.5)(c)(III) introductory portion,  
15 (1.5)(c)(III)(B), (1.5)(d), (2), (2.5)(b)(I), (2.5)(c) introductory portion,  
16 (2.5)(c)(II), (3)(a)(II), (3)(b), (3.2)(b), (3.3), (4)(a), (4)(c), (4.5)(b), (5),  
17 (6), (7)(b), and (7)(c); and **add** (1)(e)(V) as follows:

18 **22-9-106. Local boards of education and institute - duties -**  
19 **performance evaluation system - compliance - legislative declaration**  
20 **- rules - repeal.** (1) All school districts and boards of cooperative  
21 services that employ ~~licensed~~ EDUCATION personnel, AND THE INSTITUTE  
22 FOR ALL INSTITUTE CHARTER SCHOOLS THAT EMPLOY EDUCATION  
23 PERSONNEL, shall adopt a written system to evaluate the employment  
24 performance of school district, ~~and~~ board of cooperative services,  
25 ~~licensed~~ AND INSTITUTE CHARTER SCHOOL EDUCATION personnel,  
26 including all teachers, principals, and administrators, with the exception  
27 of ~~licensed~~ EDUCATION personnel employed by a board of cooperative

1 services for a period of six weeks or less. In developing the licensed  
2 EDUCATION personnel performance evaluation system and any  
3 amendments ~~thereto~~ TO IT, the local board, ~~and~~ board of cooperative  
4 services, AND THE INSTITUTE shall comply with subsection (1.5) of this  
5 section and shall consult with administrators, principals, and teachers  
6 employed within the district, ~~or~~ participating districts in a board of  
7 cooperative services, OR INSTITUTE CHARTER SCHOOLS; parents; and the  
8 ~~school district licensed~~ EDUCATION personnel performance evaluation  
9 ~~council or the board of cooperative services personnel performance~~  
10 ~~evaluation council~~ created pursuant to section 22-9-107. The performance  
11 evaluation system must address all of the performance standards  
12 established by rule of the state board and adopted by the general assembly  
13 pursuant to section 22-9-105.5, and must contain, but need not be limited  
14 to, the following information:

15 (a) The title or position of the evaluator for each licensed  
16 EDUCATION personnel position to be evaluated;

17 (b) The licensed EDUCATION personnel positions to be evaluated,  
18 ~~which shall include~~ INCLUDING all licensed EDUCATION personnel, all  
19 part-time teachers as defined in section 22-63-103 (6), and all  
20 administrators and principals;

21 (c) The frequency and duration of the evaluations, which must be  
22 on a regular basis and of such frequency and duration as to ensure the  
23 collection of a sufficient amount of data from which reliable conclusions  
24 and findings may be drawn. At a minimum, the performance evaluation  
25 system must ensure that:

26 (II) Nonprobationary teachers receive at least one observation  
27 each academic year and one evaluation that results in a written evaluation

1 report pursuant to subsection (3) of this section each academic year  
2 according to the performance standards established by rule ~~of the state~~  
3 ~~board and adopted by the general assembly~~ pursuant to section  
4 22-9-105.5. Nonprobationary teachers must receive the written evaluation  
5 report at least two weeks before the last class day of the school year.

6 (III) Principals shall receive one evaluation that results in a  
7 written evaluation report pursuant to subsection (3) of this section each  
8 academic year according to the performance standards established by rule  
9 ~~of the state board and adopted by the general assembly~~ pursuant to section  
10 22-9-105.5.

11 (d) The purposes of the evaluation, ~~which must include, but need~~  
12 ~~ARE not be~~ limited to:

13 (III) Providing the measurement of satisfactory performance for  
14 individual ~~licensed~~ EDUCATION personnel and serving as documentation  
15 for an unsatisfactory performance dismissal proceeding ~~under~~ PURSUANT  
16 TO article 63 of this ~~title~~ TITLE 22;

17 (IV) Serving as a measurement of the professional growth and  
18 development of ~~licensed~~ EDUCATION personnel; and

19 (V) (B) Measuring the level of effectiveness of all ~~licensed~~  
20 EDUCATION personnel within the school district OR WITHIN INSTITUTE  
21 CHARTER SCHOOLS.

22 (e) (II) The standards set by the local board OR THE INSTITUTE for  
23 effective performance for ~~licensed~~ EDUCATION personnel and the criteria  
24 to be used to determine whether the performance of each ~~licensed person~~  
25 EDUCATION PROFESSIONAL meets the standards and other criteria for  
26 evaluation for each ~~licensed~~ EDUCATION personnel position evaluated.  
27 One of the standards for measuring teacher effectiveness must be directly

1 related to classroom instruction and must require that thirty percent of the  
2 evaluation is determined by the academic growth of the teacher's students.  
3 The remainder of the evaluation must be based on attainment of the  
4 quality standards. ~~The~~ FOR SCHOOL DISTRICTS, THE district accountability  
5 committee shall provide input and recommendations concerning the  
6 assessment tools used to measure student academic growth as it relates to  
7 teacher evaluations. The standards must include multiple measures of  
8 student performance in conjunction with student growth expectations. For  
9 the purposes of measuring effectiveness, expectations of student  
10 academic growth must take into consideration diverse factors, including  
11 but not limited to special education, student mobility, and classrooms with  
12 a student population in which ninety-five percent meet the definition of  
13 high-risk student as defined in section 22-7-604.5 (1.5). The performance  
14 evaluation system must also ensure that the standards and criteria are  
15 available in writing to all ~~licensed~~ EDUCATION personnel and are  
16 communicated and discussed by the person being evaluated and the  
17 evaluator prior to and during the course of the evaluation.

18 (III) Except as otherwise provided in subsection (1)(e)(IV) OR  
19 (1)(e)(V) of this section, for performance evaluations completed for the  
20 2023-24 school year and school years thereafter, of the thirty percent of  
21 a teacher's evaluation that is based on student academic growth, up to ten  
22 percent may be based on measures of collective student academic growth  
23 that are based on the performance of all students enrolled at a particular  
24 grade level within the school in which the teacher is employed or the  
25 performance of all students enrolled in the school in which the teacher is  
26 employed, but a teacher's evaluation must not include measures of  
27 collective student academic growth that are based on the performance of



1 students who are not enrolled in the school in which the teacher is  
2 employed.

3 (IV) (A) For performance evaluations completed for the 2023-24  
4 school year, ~~and school years thereafter~~, the evaluation of a ~~licensed~~  
5 ~~person~~ EDUCATION PROFESSIONAL who has been employed by a school  
6 district, ~~or~~ board of cooperative services, for one school year or less must  
7 not include data that was created prior to the date on which the ~~licensed~~  
8 ~~person~~ EDUCATION PROFESSIONAL commenced employment with the  
9 school district or board of cooperative services.

10 (B) THIS SUBSECTION (1)(e)(IV) IS REPEALED, EFFECTIVE JULY 1,  
11 2026.

12 (V) FOR PERFORMANCE EVALUATIONS COMPLETED FOR THE  
13 2024-25 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER, THE  
14 EVALUATION OF AN EDUCATION PROFESSIONAL WHO HAS BEEN EMPLOYED  
15 BY A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR INSTITUTE  
16 CHARTER SCHOOL FOR ONE SCHOOL YEAR OR LESS MUST NOT INCLUDE  
17 DATA THAT WAS CREATED PRIOR TO THE DATE ON WHICH THE EDUCATION  
18 PROFESSIONAL STARTED EMPLOYMENT WITH THE SCHOOL DISTRICT,  
19 BOARD OF COOPERATIVE SERVICES, OR INSTITUTE CHARTER SCHOOL.

20 (f) The methods of evaluation, ~~which~~ must include, but are not  
21 limited to, direct observations by the evaluator and a process of  
22 systematic data-gathering. School districts, ~~and~~ boards of cooperative  
23 services, AND THE INSTITUTE are encouraged to experiment, with the  
24 agreement of their ~~school district~~ personnel performance evaluation  
25 councils, with innovative methods of observation, which may include  
26 observations by mentors or teaching coaches, peers, department leaders,  
27 and video or digital recording; and a peer assistance and review model

1 that allows ~~licensed~~ EDUCATION personnel to be evaluated by peers who  
2 are ~~licensed~~ in the same field as the ~~licensed person~~ EDUCATION  
3 PROFESSIONAL being evaluated and, if feasible, have more than one year  
4 of experience.

5 (1.5) (a) A local board, ~~or~~ board of cooperative services, OR THE  
6 INSTITUTE may adopt the state model ~~licensed~~ EDUCATION personnel  
7 performance evaluation system established by the rules promulgated by  
8 the state board pursuant to section 22-9-105.5 or may develop its own  
9 local ~~licensed~~ OR INSTITUTE EDUCATION personnel evaluation system that  
10 complies with the requirements established pursuant to this section and  
11 the rules promulgated by the state board. If a school district, ~~or~~ board of  
12 cooperative services, OR THE INSTITUTE develops its own local ~~licensed~~  
13 OR INSTITUTE EDUCATION personnel evaluation system, the local board,  
14 ~~or~~ board of cooperative services, OR INSTITUTE, or any interested party  
15 may submit to the department, or the department may solicit and collect,  
16 data related to said personnel evaluation system for review by the  
17 department.

18 (b) The department shall monitor school districts', ~~and~~ boards of  
19 cooperative services', AND THE INSTITUTE'S implementation of the  
20 requirements for local ~~licensed~~ OR INSTITUTE EDUCATION personnel  
21 evaluation systems. If, upon initial review by the department, the data  
22 submitted or collected pursuant to ~~paragraph (a) of this subsection (1.5)~~  
23 SUBSECTION (1.5)(a) OF THIS SECTION indicates that a school district, ~~or~~  
24 board of cooperative services, OR THE INSTITUTE is unable to implement  
25 a local ~~licensed~~ OR INSTITUTE EDUCATION personnel evaluation system  
26 that meets the objectives of this ~~article~~ ARTICLE 9, the department shall  
27 conduct a more thorough review of the school district's, ~~or~~ board of

1 cooperative services', OR THE INSTITUTE'S processes and procedures for  
2 ~~said~~ THE evaluation system to ensure that it is professionally sound;  
3 results in fair, adequate, and credible evaluations; satisfies the quality  
4 standards established by rule of the state board in a manner that is  
5 appropriate to the size, demographics, and location of the local board, ~~or~~  
6 board of cooperative services, OR INSTITUTE CHARTER SCHOOLS; and is  
7 consistent with the goals, objectives, and intent of this ~~article~~ ARTICLE 9.

8 (c) (I) Pursuant to section 22-11-206 (4)(b), if the department has  
9 reason to believe that a local ~~licensed~~ OR INSTITUTE EDUCATION personnel  
10 evaluation system developed by a local board, ~~or~~ board of cooperative  
11 services, OR THE INSTITUTE is not in substantial compliance with one or  
12 more of the applicable statutory or regulatory requirements of this ~~article~~  
13 ARTICLE 9, the department shall notify the local board, ~~or~~ board of  
14 cooperative services, OR THE INSTITUTE that it has ninety days after the  
15 date of the notice to bring its local ~~licensed~~ OR INSTITUTE EDUCATION  
16 personnel evaluation system into compliance. The department shall work  
17 collaboratively with the school district, ~~or~~ board of cooperative services,  
18 OR THE INSTITUTE during the ninety-day period to bring the local ~~licensed~~  
19 OR INSTITUTE EDUCATION personnel evaluation system into compliance  
20 with the applicable statutory or regulatory requirements.

21 (II) If, at the end of the ninety-day period, the department finds  
22 that the local ~~licensed~~ OR INSTITUTE EDUCATION personnel evaluation  
23 system is not substantially in compliance with the applicable statutory or  
24 regulatory requirements, the department shall determine the appropriate  
25 remedies to correct the identified areas of noncompliance, including, but  
26 not limited to:

27 (C) As a last resort, requiring the school district, ~~or~~ board of

1 cooperative services, OR THE INSTITUTE to implement some or all of the  
2 state model system. A school district, ~~or~~ board of cooperative services, OR  
3 THE INSTITUTE shall only be required to implement those aspects of the  
4 state model system that are deemed necessary to bring the local ~~licensed~~  
5 OR INSTITUTE EDUCATION personnel evaluation system into compliance.

6 (III) If the department determines that the noncompliance is  
7 substantial enough to call into question the validity of the educator  
8 evaluation ratings, the department may take appropriate action that may  
9 include invalidating the school district's, ~~or~~ board of cooperative services',  
10 OR THE INSTITUTE'S educator ratings for the evaluation cycles in question.  
11 If the department determines that the noncompliance requires invalidating  
12 the school district's, ~~or~~ board of cooperative services', OR THE INSTITUTE'S  
13 educator ratings:

14 (B) A teacher who received a rating of partially effective or  
15 ineffective shall receive a "no score" rating for the year in question.  
16 However, if in the following academic year, the department determines  
17 that the school district's, ~~or~~ board of cooperative services', OR INSTITUTE'S  
18 local ~~licensed~~ OR INSTITUTE EDUCATION personnel evaluation system is  
19 compliant with the requirements of this ~~article~~ ARTICLE 9 and the teacher  
20 receives a performance evaluation rating of ineffective or partially  
21 effective, this rating ~~shall have~~ HAS the consequence of a second  
22 consecutive ineffective rating.

23 (d) The general assembly finds that, for purposes of section 17 of  
24 article IX of the state constitution, the review of local ~~licensed~~ OR  
25 INSTITUTE EDUCATION personnel evaluation systems as provided for in  
26 this subsection (1.5) is an important component of an accountable  
27 program to meet state academic standards and, therefore, may be funded

1 from ~~moneys~~ MONEY in the state education fund created in section 17 (4)  
2 of article IX of the state constitution.

3 (2) In implementing such evaluation system and procedures, the  
4 school district, ~~or~~ board of cooperative services, OR THE INSTITUTE shall  
5 conduct all evaluations so as to observe the legal and constitutional rights  
6 of ~~licensed~~ EDUCATION personnel, and ~~no~~ evaluation information shall  
7 NOT be gathered by electronic devices without the consent of the ~~licensed~~  
8 EDUCATION personnel. ~~No~~ Informality in any evaluation or in the manner  
9 of making or recording any evaluation shall NOT invalidate such  
10 evaluation.

11 (2.5) (b) (I) The council shall actively participate with the local  
12 board OR THE INSTITUTE in developing written standards for evaluation  
13 that clearly specify performance standards and the quality standards and  
14 the criteria to be used to determine whether the performance of each  
15 ~~licensed person~~ EDUCATION PROFESSIONAL meets such standards pursuant  
16 to subsection (1)(e) of this section.

17 (c) Notwithstanding ~~any provision of paragraph (c) of subsection~~  
18 ~~(1)~~ SUBSECTION (1)(e) of this section or subsection (7) of this section to  
19 the contrary:

20 (II) A local board OR THE INSTITUTE may use the results of state  
21 assessments administered pursuant to section 22-7-1006.3 as a measure  
22 of student academic growth for evaluations prepared for the school year  
23 in which the assessments are administered only if the local board OR THE  
24 INSTITUTE receives the results by the date by which probationary teachers  
25 and nonprobationary teachers must receive the written evaluation report  
26 as provided in ~~paragraph (c) of subsection (1)~~ SUBSECTION (1)(c) of this  
27 section. If a local board OR THE INSTITUTE does not receive the results of

1 state assessments in time to use them in the written evaluation report  
2 prepared for the school year in which the assessments are administered,  
3 the local board shall use the results of the state assessments as measures  
4 of student academic growth for educator evaluations and professional  
5 development in the school year following the school year in which the  
6 assessments are administered. In any year in which a local board OR THE  
7 INSTITUTE does not receive the state assessment results by the deadline for  
8 the written evaluation reports, the local board OR THE INSTITUTE must use  
9 alternate measures of student academic growth, including the results of  
10 local assessments if available.

11 (3) (a) An evaluation report shall be issued upon the completion  
12 of an evaluation made pursuant to this section and must:

13 (II) Contain a written improvement plan that is specific as to what  
14 improvements, if any, are needed in the performance of the ~~licensed~~  
15 EDUCATION personnel and clearly sets forth recommendations for  
16 improvements, including recommendations for additional education and  
17 training; ~~during the licensed person's license renewal process;~~

18 (b) A school district, ~~or~~ board of cooperative services, OR THE  
19 INSTITUTE shall complete the written evaluations for all ~~licensed~~  
20 EDUCATION personnel employed by the school district, ~~or~~ board of  
21 cooperative services, OR AN INSTITUTE CHARTER SCHOOL and shall report  
22 the final performance ratings for all ~~licensed~~ EDUCATION personnel who  
23 were evaluated to the department no later than October 15 of the school  
24 year following the school year for which the evaluations are completed.

25 (3.2) (b) In addition to the items specified in subsection (3) of this  
26 section, each principal's evaluation ~~shall~~ MUST include input from the  
27 teachers employed in the principal's school and may include input from

1 the students enrolled in the school and their parents. Each school district  
2 AND THE INSTITUTE shall specify the manner in which input from teachers  
3 and from students and parents, if any, is collected but shall ensure that the  
4 information collected remains anonymous and confidential.

5 (3.3) Each principal or administrator who is responsible for  
6 evaluating ~~licensed~~ EDUCATION personnel shall keep records and  
7 documentation for each evaluation conducted. Each principal and  
8 administrator who is responsible for evaluating ~~licensed~~ EDUCATION  
9 personnel shall be evaluated as to how well ~~he or she~~ THE PRINCIPAL AND  
10 ADMINISTRATOR complies with this section and with the school district's  
11 OR THE INSTITUTE'S evaluation system.

12 (4) (a) Except as provided in subsection (4)(b) of this section, a  
13 person ~~shall not be~~ IS NOT responsible for the evaluation of ~~licensed~~  
14 EDUCATION personnel unless the person has a principal or administrator  
15 license issued pursuant to article 60.5 of this title 22, or is a designee of  
16 a person with a principal or administrator license, and has received  
17 education and training in evaluation skills provided or approved by the  
18 department that will enable the person to make fair, professional, and  
19 credible evaluations of the personnel whom the person is responsible for  
20 evaluating. Pursuant to section 22-9-104 (1.5), the department shall make  
21 available at no cost to each school district, ~~and~~ board of cooperative  
22 services, AND THE INSTITUTE training for persons who are responsible for  
23 evaluating ~~licensed~~ EDUCATION personnel. A person shall not be issued  
24 a principal or administrator license or have a principal or administrator  
25 license renewed unless the state board determines that the person has  
26 received education and training provided or approved by the department.

27 (c) Each school district, ~~and~~ board of cooperative services, AND

1 THE INSTITUTE is encouraged to provide training to multiple persons to  
2 serve as evaluators to enable a ~~licensed person~~ EDUCATION PROFESSIONAL  
3 being evaluated to request an alternative evaluator.

4 (4.5) (b) Any person whose performance evaluation includes a  
5 remediation plan shall be given an opportunity to improve ~~his or her~~ THE  
6 PERSON'S effectiveness through the implementation of the plan. If the next  
7 performance evaluation shows that the person is performing effectively,  
8 no further action ~~shall~~ NEEDS TO be taken concerning the original  
9 performance evaluation. If the evaluation shows the person is still not  
10 performing effectively, ~~he or she~~ THE PERSON shall receive written notice  
11 that ~~his or her~~ THE PERSON'S performance evaluation shows a rating of  
12 ineffective, a copy of the documentation relied upon in measuring the  
13 person's performance, and identification of deficiencies. Each school  
14 district AND THE INSTITUTE shall ensure that a nonprobationary teacher  
15 who objects to a rating of ineffectiveness has an opportunity to appeal  
16 that rating, in accordance with a fair and transparent process developed,  
17 where applicable, through collective bargaining. At a minimum, the  
18 appeal process provided ~~shall~~ MUST allow a nonprobationary teacher to  
19 appeal the rating of ineffectiveness to the superintendent of the school  
20 district OR THE INSTITUTE BOARD and shall place the burden upon the  
21 nonprobationary teacher to demonstrate that a rating of effectiveness was  
22 appropriate. The appeal process ~~shall~~ MUST take no longer than ninety  
23 days, and the nonprobationary teacher ~~shall~~ MUST not be subject to a  
24 possible loss of nonprobationary status until after a final determination  
25 regarding the rating of ineffectiveness is made. For a person who receives  
26 a performance rating of ineffective, the evaluator shall either make  
27 additional recommendations for improvement or may recommend the



1 dismissal of the person, which dismissal ~~shall~~ MUST be in accordance with  
2 the provisions of article 63 of this ~~title~~ TITLE 22 if the person is a teacher  
3 EMPLOYED BY A SCHOOL DISTRICT OR A BOARD OF COOPERATIVE  
4 SERVICES. This ~~paragraph (b) shall~~ SUBSECTION (4.5)(b) ~~take~~ TAKES effect  
5 at ~~such~~ THE time as THE INITIAL PHASE OF IMPLEMENTATION OF 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~~ ARE 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 (5) The school district, ~~or~~ board of cooperative services, ~~licensed~~  
14 OR INSTITUTE EDUCATION personnel performance evaluation system,  
15 processes, and procedures must be in accord with the rules adopted by the  
16 state board. The system ~~shall~~ MUST be developed after consultation with  
17 the ~~school district or board of cooperative services licensed~~ EDUCATION  
18 personnel performance evaluation council created pursuant to section  
19 22-9-107 with regard to the planning, development, adoption, and  
20 implementation of ~~such~~ THE system, and ~~said~~ THE council shall conduct  
21 a continuous evaluation of ~~said~~ THE system.

22 (6) Pursuant to subsection (1.5) of this section, the department  
23 shall ~~approve~~ REVIEW any school district's, ~~or~~ board of cooperative  
24 services', OR THE INSTITUTE'S local ~~licensed~~ OR INSTITUTE EDUCATION  
25 personnel performance evaluation system and related processes and  
26 procedures to determine whether such system, processes, and procedures  
27 are consistent with this ~~article~~ ARTICLE 9.

1 (7) Every principal must be evaluated using multiple fair,  
2 transparent, timely, rigorous, and valid methods. The recommendations  
3 developed pursuant to this subsection (7) must require that thirty percent  
4 of the evaluation is determined by the academic growth of the students  
5 enrolled in the principal's school, and the remainder of the evaluation is  
6 based on the principal's attainment of the quality standards. For  
7 principals, the quality standards must include, but need not be limited to:

8 (b) The number and percentage of ~~licensed~~ EDUCATION personnel  
9 in the principal's school who are rated as effective or highly effective; and

10 (c) The number and percentage of ~~licensed~~ EDUCATION personnel  
11 in the principal's school who are rated as ineffective but are improving in  
12 effectiveness.

13 **SECTION 23.** In Colorado Revised Statutes, 22-9-107, **amend**  
14 (1), (2), and (3) as follows:

15 **22-9-107. School district and institute personnel performance**  
16 **evaluation councils - duties.** (1) THE INSTITUTE AND every school  
17 district and board of cooperative services in the state subject to the  
18 provisions of this ~~article~~ ARTICLE 9 shall have an advisory ~~school district~~  
19 ~~personnel performance evaluation council, or advisory board of~~  
20 ~~cooperative services personnel performance evaluation council,~~ which,  
21 ~~shall,~~ at a minimum, MUST consist of the following members to be  
22 appointed by the local board of education, ~~or~~ board of cooperative  
23 services, OR INSTITUTE:

24 (a) In the case of a school district, one teacher, one administrator,  
25 and one principal from the school district; one resident from the school  
26 district who is a parent of a child attending a school within ~~said~~ THE  
27 district; and one resident of the school district who is not a parent with a

1 child in the district; ~~or~~

2 (b) In the case of a board of cooperative services, one teacher, one  
3 administrator, and one principal representative of the school district or  
4 districts participating in the board of cooperative services; one person  
5 employed by the board of cooperative services who is ~~defined as licensed~~  
6 A MEMBER OF THE EDUCATION personnel; ~~pursuant to section 22-9-103~~  
7 ~~(1.5)~~; one resident who is a parent of a child attending a school within  
8 ~~said~~ THE district or districts; and one resident representative of the school  
9 district or districts participating in the board of cooperative services who  
10 is not a parent with a child in ~~said~~ THE district or districts; OR

11 (c) IN THE CASE OF THE INSTITUTE, ONE TEACHER, ONE  
12 ADMINISTRATOR, AND ONE PRINCIPAL REPRESENTATIVE OF INSTITUTE  
13 CHARTER SCHOOLS; ONE PERSON WHO IS A PARENT OR LEGAL GUARDIAN  
14 OF A CHILD ATTENDING AN INSTITUTE CHARTER SCHOOL; AND ONE  
15 RESIDENT OF A COMMUNITY WHERE AN INSTITUTE CHARTER SCHOOL IS  
16 LOCATED WHO IS NOT A PARENT WITH A CHILD ATTENDING AN INSTITUTE  
17 CHARTER SCHOOL.

18 (2) ~~Said~~ THE council shall consult with the local board or board  
19 of cooperative services as to the fairness, effectiveness, credibility, and  
20 professional quality of the ~~licensed~~ EDUCATION personnel performance  
21 evaluation system and its processes and procedures and shall conduct a  
22 continuous evaluation of ~~said~~ THE system.

23 (3) The council for a school district OR THE INSTITUTE may be  
24 composed of any other school district OR INSTITUTE committee having  
25 proper membership, as defined in subsection (1) of this section.

26 **SECTION 24.** In Colorado Revised Statutes, 22-9-108, **amend**  
27 (1), (2), (3) introductory portion, and (3)(d) as follows:

1           **22-9-108. Evaluator training - universities and colleges -**  
2 **duties.** (1) (a) The general assembly finds that credible, fair, and  
3 professional evaluations of ~~licensed~~ EDUCATION personnel depend upon  
4 high-quality, effective training for principals and administrators that is  
5 consistent across the state. Therefore, the state board, in evaluating and  
6 approving educator preparation programs pursuant to section 22-2-109,  
7 and in approving evaluator training programs provided by a school  
8 district, ~~or~~ a board of cooperative services, ~~OR THE INSTITUTE~~, shall ensure  
9 that ~~said~~ programs meet the requirements specified in this section.

10           (b) Every university and college within the state that has a  
11 principal or administrator preparation program shall ensure that the  
12 program includes training in the evaluation of ~~licensed~~ EDUCATION  
13 personnel that meets the requirements specified in this section. In  
14 addition, the university or college shall cooperate with the state board in  
15 connection with the state board's duties ~~under~~ PURSUANT TO sections  
16 22-9-104 and 22-2-109.

17           (c) ~~THE INSTITUTE~~, AND every school district and board of  
18 cooperative services that provides training in the evaluation of ~~licensed~~  
19 EDUCATION personnel shall ensure that ~~such~~ ~~THE~~ training meets the  
20 requirements specified in this section.

21           (2) Each university or college that offers a principal or  
22 administrator preparation program, or school district, ~~or~~ board of  
23 cooperative services, ~~OR THE INSTITUTE~~ that provides evaluator training  
24 shall structure the evaluator training program on a standards-based skill  
25 outcome model that takes into account research concerning evaluation of  
26 ~~licensed~~ EDUCATION personnel. At a minimum, each evaluator training  
27 program ~~shall~~ MUST include standards-based performance assessments of

1 each participant, demonstrated competency, and certification by the  
2 university, college, school district, ~~or~~ board of cooperative services, OR  
3 THE INSTITUTE of the skills mastered by each participant. The university,  
4 college, school district, ~~or~~ board of cooperative services, OR THE  
5 INSTITUTE shall work collaboratively with principals and administrators  
6 who are responsible for evaluating ~~licensed~~ EDUCATION personnel to  
7 develop research-based standards for assessing and certifying evaluator  
8 skills. The university, college, school district, ~~or~~ board of cooperative  
9 services, OR THE INSTITUTE shall regularly review both the model for the  
10 evaluator training program and the program performance standards to  
11 ensure that they continue to reflect research concerning evaluation of  
12 ~~licensed~~ EDUCATION personnel.

13 (3) At a minimum, each evaluator training program ~~shall~~ MUST  
14 include training in the following areas:

15 (d) School district OR INSTITUTE standards and state mandates.

16 **SECTION 25.** In Colorado Revised Statutes, 22-9-109, **amend**  
17 (1) introductory portion and (2) as follows:

18 **22-9-109. Exemption from public inspection.**

19 (1) Notwithstanding ~~the provisions of~~ section 24-72-204 (3), ~~C.R.S.~~, the  
20 evaluation report and all public records as defined in section 24-72-202  
21 ~~(6), C.R.S.~~, used in preparing the evaluation report ~~shall be~~ ARE  
22 confidential and ~~shall be~~ ARE available only to the ~~licensed person~~  
23 EDUCATION PROFESSIONAL being evaluated, to the ~~duly elected and~~  
24 ~~appointed public~~ officials who supervise ~~his or her~~ THE EDUCATION  
25 PROFESSIONAL'S work, and, IF APPLICABLE, to a hearing officer conducting  
26 a hearing pursuant to ~~the provisions of~~ section 22-63-302 or the court of  
27 appeals reviewing a decision of the board of education pursuant to ~~the~~

1 ~~provisions of section 22-63-302; except that:~~

2 (2) Nothing in this section ~~shall prevent~~ PREVENTS a school  
3 district, ~~or~~ a board of cooperative services, OR THE INSTITUTE from  
4 collecting information concerning an individual educator's performance  
5 evaluation ratings and student assessment results linked to the individual  
6 educator. A school district, ~~or~~ board of cooperative services, OR THE  
7 INSTITUTE may use the information collected to fulfill its duties as  
8 required by law, including reporting this information in the aggregate at  
9 the state, district, or school level. In such instances, the identity of  
10 individual educators or students, including, but not limited to, student  
11 assessments results linked to the individual educator, must otherwise  
12 remain confidential and must not be published or publicly disclosed in  
13 any way that would identify an individual educator.

14 **SECTION 26.** In Colorado Revised Statutes, 23-78-105, **amend**  
15 (2)(a)(I) as follows:

16 **23-78-105. Teacher mentor grant program - created -**  
17 **standards - report.** (2) A partnership consisting of at least one local  
18 education provider and at least one educator preparation program may  
19 submit an application for a grant to the department of higher education in  
20 accordance with guidelines adopted by the department. The department  
21 shall establish the application requirements, which must include a plan by  
22 which the applicant intends to sustain the teacher mentor program after  
23 the grant period ends. In selecting grant recipients, the department shall  
24 ensure, to the extent practicable, that the grant recipients include  
25 applicants of varying size from rural, urban, and suburban areas across  
26 the state. The department may award grants only to those applicants that  
27 commit to implementing a teacher mentor program that:

1 (a) Recruits only teachers who have at least three years of  
2 experience teaching and, to the extent practicable:

3 (I) Are rated effective or higher through a ~~licensed~~ AN EDUCATION  
4 personnel performance evaluation system pursuant to article 9 of title 22;  
5 and

6 **SECTION 27. Safety clause.** The general assembly finds,  
7 determines, and declares that this act is necessary for the immediate  
8 preservation of the public peace, health, or safety or for appropriations for  
9 the support and maintenance of the departments of the state and state  
10 institutions.