

NOTE: While Colorado school districts are not required by law to adopt a regulation on this subject, some content in this sample reflects legal requirements school districts must follow. This sample contains the content/language that CASB believes best meets the intent of the law. However, the district should consult with its own legal counsel to determine appropriate language that meets local circumstances and needs. [Regulation GCO-R replaces former regulations GCOA-R and GCOC-R.]

Evaluation of Licensed Personnel

The procedures necessary to administer and implement the policy accompanying this regulation and the district's licensed personnel evaluation system are as follows:

Basic requirements

1. All licensed personnel, including full-time and part-time teachers, shall be evaluated by an administrator/supervisor who has a principal or administrator license issued by the Colorado Department of Education and/or such administrator's/supervisor's designee, who has received education and training in evaluation skills approved by the Colorado Department of Education that will enable the evaluator to make fair, professional and credible evaluations of the licensed personnel whom the evaluator is responsible for evaluating.
2. The standards for effective performance of licensed personnel and the criteria to be used in determining whether performance meets these standards shall be available in writing to all licensed personnel. Such standards and criteria shall be communicated and discussed by the person being evaluated and the evaluator prior to and during the course of the evaluation.
3. The system shall identify the various methods of evaluation, which shall include but not be limited to direct observations and a process of systematic data-gathering.

Information collection

The evaluator shall directly observe the licensed staff member and gather other data in accordance with the district's evaluation system and state law. No evaluation information shall be gathered by electronic devices without the consent of the licensed staff member. Peer, parent or student input may be obtained from standardized surveys as part of a teacher's evaluation. Each principal's evaluation shall include input from teachers employed at the school and may include input from the students enrolled at the school and their parents.

Frequency and duration

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

Principals shall receive one evaluation that results in a written report each academic year. Each evaluation will result in a written report.

Specialized service professionals shall receive one evaluation that results in a written report each academic year. For purposes of this regulation, the term “specialized service professionals” (SSPs) shall be as defined by applicable rules of the State Board of Education.

Variations will be permitted in this evaluation schedule, whether requested by the evaluator or licensed staff member, when the staff member is notified by the evaluator that an additional evaluation report is necessary for reasons consistent with one or more purposes of the evaluation system.

Minor adjustments and variations in the evaluation process will be allowed in order to ensure that the evaluation process is thorough and that sufficient data is collected in accordance with the district’s evaluation system.

Informal evaluations and observations may be made whenever deemed appropriate by the district.

Documentation

The evaluator will prepare a written evaluation report at the conclusion of the evaluation process which will include the following:

1. An improvement plan which is specific as to what improvements, if any, are needed in the licensed staff member’s performance and which clearly sets forth recommendations for improvements. If the person evaluated is a teacher or a principal, the plan shall include recommendations for additional education and training during the teacher’s or principal’s license renewal process.
2. Specific information about the strengths and weaknesses in the licensed staff member’s performance.
3. Documentation identifying when a direct observation was made.
4. Identification of data sources.

The evaluation report will be discussed with the licensed staff member evaluated. Both the evaluator and the licensed staff member will sign the report, and each will receive a copy. The signature of any person on the report will not be construed to indicate agreement with the information contained therein. If the staff member disagrees with any of the conclusions or recommendations made in the evaluation

report, he or she may attach any written explanation or other relevant documentation.

Each report will be reviewed and signed by a supervisor of the evaluator.

Ineffective performance

A licensed staff member whose performance is deemed to be ineffective shall receive:

1. Written notice that his or her performance evaluation shows a rating of ineffective;
2. A copy of the documentation relied upon in measuring the staff member's performance; and
3. Identification of deficiencies.

Appeal

The conclusions of the evaluator will not be subject to further review except as otherwise provided in these procedures.

The licensed staff member evaluated may appeal the application of the evaluation procedures by submitting a request for review to the supervisor of the evaluator to determine if the procedures were followed during the evaluation.

[NOTE 1: State law requires the district to ensure that a nonprobationary teacher who objects to a rating of ineffectiveness has an opportunity to appeal that rating, "in accordance with a fair and transparent process developed, where applicable, through collective bargaining." C.R.S. 22-9-106 (4.5)(b). The statute prescribes certain requirements for this appeal process, including that the nonprobationary teacher has the burden of demonstrating that a rating of effectiveness was appropriate and that the appeal process take no longer than 90 days. Id. Applicable rules of the State Board of Education require districts to develop an appeal process for nonprobationary teachers to appeal a second rating of ineffective or partially effective beginning in the 2015-16 school year. 1 CCR 301-87, Rule 5.04(A)(1). Because of the discrepancy between the statute and SBE rules, CASB has taken a conservative approach in providing optional language to allow for an appeal process now. The district should consult with its own legal counsel to determine the district's approach to this issue.]

[NOTE 2: If the Board decides to adopt an appeal process prior to the 2015-16 school year for nonprobationary teachers to appeal an ineffective rating, the Board should choose one of the following options under the heading, "Appeal by a nonprobationary teacher."]

*[NOTE 3: The SBE rules provide that SSPs who receive a second consecutive rating of ineffective or partially effective and **who are not employed on an at-will basis** may appeal their rating using the appeal process described in the rules for nonprobationary teachers. 1 CCR 301-87, Rule 4.05. If the district's employment of SSPs is not on an at-will basis, the following section should be revised to include*

SSPs as well as nonprobationary teachers.]

Appeal by a nonprobationary teacher

[Option 1: (for a district that has a collective bargaining agreement with its teachers.)]

A nonprobationary teacher may appeal his or her performance rating of ineffective or partially effective pursuant to the appeal process prescribed in the applicable collective bargaining agreement.

[or]

[Option 2: (for a district that does not have a collective bargaining agreement with its teachers.)]

A nonprobationary teacher may appeal his or her rating of ineffective or partially effective in accordance with the following:

1. The nonprobationary teacher shall file a written appeal with the superintendent within fifteen (15) calendar days of the teacher's receipt of the district's written notice informing the teacher of his or her performance rating of ineffective or partially effective.
2. A nonprobationary teacher's grounds for appealing an ineffective or partially effective rating shall be limited to the following:
 - a. The evaluator did not follow evaluation procedures that adhere to the requirements of applicable law and that failure had an impact on the teacher's performance rating; or
 - b. The data relied upon was inaccurately attributed to the teacher.
3. The nonprobationary teacher shall have the burden of demonstrating that a rating of effectiveness was appropriate.
4. The superintendent or designee shall review the nonprobationary teacher's appeal and provide the teacher with a written decision regarding the appeal within thirty (30) calendar days of the superintendent's receipt of such appeal. The superintendent's decision shall be final.

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