

Colorado







Law Analyzed	SB 191
Date Passed	2010
Overall Rating	9

Colorado's SB 191 is the first-passed of the state laws we reviewed, and in many respects set the standard for those that followed. SB 191 establishes expectations for a system of annual teacher evaluations, based at least 50 percent on teachers' impact on student achievement, and creates a state commission to further flesh out the details of the system. The legislation also conditions teacher tenure on teacher effectiveness and allows for the dismissal of ineffective teachers. Championed by State Senator Mike Johnston (D), SB 191 was passed by a Democrat-controlled legislature, with support from the Colorado AFT, and signed into law by Democratic Governor Bill Ritter. This updated analysis covers both the legislation and the state guidance and regulations regarding its implementation.





SB 191 is particularly strong on issues related to teacher placement, excessing, and reductions in force. It prohibits a teacher from being assigned to a new position without the consent of the principal and two teachers in the receiving school. It was the first state law to require reductions in force to be based on effectiveness, rather than seniority. While most such state laws apply only to district-wide layoffs or reductions in force, which are relatively rare, Colorado also applies the same principle to teacher "excessing" at the building level, which is quite common. It eliminates the right of excessed teachers to "bump" less-senior teachers at other schools—requiring them instead to secure positions through mutual consent hiring—and it provides a process through which teachers who fail to obtain new positions in a reasonable time frame may be dismissed from district payrolls.

Potential areas for improvement in Colorado law related to teacher effectiveness are around transparent reporting on teacher effectiveness to parents and the public, holding teacher preparation programs accountable for their graduates' performance, and preventing students from being taught by ineffective teachers in consecutive years—issues that SB 191 does not address but that later-passed legislation in other states does.

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Criteria	Explanation	Score
Are teachers evaluated at least annually?	Yes.	
Are principals, as well as teachers, evaluated?	Yes. AB 191 applies to licensed personnel, including both teachers and principals, and the state has developed frameworks for evaluation of both teachers and principals.	
Is evidence of student learning a factor in teacher evaluations?	Student academic growth must constitute at least 50 percent of the teacher's evaluation.	
Do evaluations differentiate between multiple levels of educator performance?	The law defines three levels of teacher performance; the council tasked with developing standards for teacher evaluation defined four levels.	
Are parents and the public provided clear information about teacher effectiveness?	The law does not specify requirements for public/parent reporting of teacher effectiveness, but does not preclude it either.	
Are educator preparation programs accountable for graduates' effectiveness?	The law does not address.	

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Is tenure linked to effectiveness?	To receive tenure a new teacher must complete three years of teaching with evaluations of “effective” or better. A tenured teacher who receives two consecutive “ineffective” evaluations loses tenure.	
Does state provide clear authority to dismiss ineffective teachers and a reasonable process for doing so?	If a teacher who has been evaluated “ineffective” and receives a remediation plan is still not performing effectively after completion of the remediation plan, the evaluator may recommend either dismissal or continued remediation. Dismissal is still subject to previous law, however, the ability to revoke tenure of ineffective teachers makes it easier to dismiss them.	
Is effectiveness, rather than seniority, the primary consideration in reductions in force?	Yes. The law requires teacher evaluations to be considered as a significant factor in reductions in force, and allows seniority and tenure to be considered only after teacher performance.	
In cases of teacher excessing, is there a process for teachers to secure new positions through mutual consent, and for those who cannot do so to eventually be discharged from employment?	Yes. Excessed teachers may obtain new placements in the district only through mutual consent hiring. The law provides a process for dismissal from district employment for teachers who fail to find a new position within their district through mutual consent after two hiring cycles.	

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Do principals have authority to decide who teaches in their schools?	Yes. The law clearly states that teachers may be assigned to a school only with the consent of the hiring principal and at least two teachers employed at the school. The law also provides a process for dismissal from district employment of teachers who fail to find a new position through mutual consent.	<input checked="" type="radio"/>
Does the law protect students from being consecutively assigned to ineffective teachers?	No.	<input type="radio"/>
Are effective teachers rewarded with increased compensation?	The law requires districts to develop systems of incentive pay for effective teachers working in hard-to-staff schools and does not create barriers to compensating teachers based on performance.	<input checked="" type="radio"/>