

Teacher Status and S.B. 10-191

Understanding the Non-Probationary Implications of S.B. 10-191

With the passage of The Great Teachers and Leaders Act, Senate Bill 10-191 (S.B. 10-191), the expectations for teachers to earn and maintain non-probationary status have been changed. This fact sheet focuses on the earning and retaining of non-probationary status and is meant as a high-level guidance document. It is important to note that it does not take the place of state law or local district governance and agreements.

Earning Non-Probationary Status

Educators are required to have three consecutive years of an overall effectiveness rating of effective or highly effective to earn non-probationary status. If a probationary educator has an overall rating less than effective during their first three years of teaching they will need to continue their probationary status until such time that they have three consecutive years with an overall rating of effective or higher.

S.B. 10-191 does not address portability of evaluation ratings for probationary educators. This would mean that an educator cannot earn non-probationary status by taking consecutive effective evaluation ratings across districts. The portability language in S.B. 10-191 addresses the ability for non-probationary teachers who have already earned their status.

Losing Non-Probationary Status

S.B. 10-191 and State Board Rules state, “A teacher shall lose non-probationary status after receiving two consecutive ratings of either ineffective or partially effective.” This means that a non-probationary teacher must lose his/her non-probationary status after two consecutive years of either an ineffective or partially overall effectiveness rating as indicated by the district’s evaluation system.

However, each district shall have an appeals process by which an educator can appeal their second consecutive ineffective/partially effective rating. A [Model Appeals Process Guidance](#) document has been created by CDE to support districts. It is important to note that the 2014-15 school year was the first year that a non-probationary teacher’s first rating of ineffective or partially effective could count towards the loss of non-probationary status.

Please see the following section for further clarification of teacher status under S.B. 10-191.

Statewide Definition of Teacher Effectiveness

Effective teachers in the state of Colorado have the knowledge, skills, and commitments that ensure equitable learning opportunities and growth for all students. They strive to close achievement gaps and to prepare diverse student populations for postsecondary success. Effective teachers facilitate mastery of content and skill development, and identify and employ appropriate strategies for students who are not achieving mastery. They also develop in students the skills, interests and abilities necessary to be lifelong learners, as well as skills needed for democratic and civic participation. Effective teachers communicate high expectations to students and their families and find ways to engage them in a mutually supportive teaching and learning environment. Because effective teachers understand that the work of ensuring meaningful learning opportunities for all students cannot happen in isolation, they engage in collaboration, continuous reflection, on-going learning and leadership within the profession.



Summary of Probationary and Non-Probationary Status

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| <p>Non-probationary Teacher</p> | <p>A non-probationary teacher rated effective or higher remains non-probationary.</p> <p>A non-probationary teacher rated ineffective or partially effective <u>for the first time</u> will retain non-probationary status.</p> <p>A non-probationary teacher who receives an effectiveness rating of ineffective or partially effective <u>for the second consecutive year</u> can either:</p> <ul style="list-style-type: none"> • Lose non-probationary status; or • Appeal the rating at the district level. If an appeal is made, there are three possible outcomes: <ul style="list-style-type: none"> ○ The teacher rating may be confirmed and the appeal is denied, in which case the teacher will lose non-probationary status; ○ There may be sufficient information to overturn the rating, the teacher receives a rating of effective and retains their non-probationary status; or ○ The rating of ineffective or partially effective was deemed to not be accurate but based on the evidence there is not sufficient information to assign a rating of effective. The final evaluation score would be a “no score”, in which case the teacher will be held harmless for that year only. <ul style="list-style-type: none"> ▪ Should the teacher receive a rating of ineffective or partially effective in the next school year, it is considered two consecutive years and the teacher will lose non-probationary status. <p>Note: District legal counsel should be consulted to determine the district’s timeline for assigning evaluation ratings. Each district may either use the Model Appeals Process or develop its own distinctive appeal process that adheres to the requirements outlined in the State Rules.</p> |
| <p>Probationary Teachers</p> | <p>A probationary teacher rated effective or higher for three consecutive years will become non-probationary upon hiring by his/her district in the fourth year of service.</p> <p>A probationary teacher rated ineffective or partially effective will remain probationary until he/she has earned three consecutive effective (or higher) ratings and is granted non-probationary status by his/her district. Non-renewal procedures are in effect for these educators.</p> |

Where can I learn more?

- To learn more about S.B. 10-191 visit: www.cde.state.co.us/educatoreffectiveness/overviewofsb191
- To view all CDE fact sheets, visit: www.cde.state.co.us/Communications/factsheetsandfaqs