



COLORADO DEPARTMENT OF EDUCATION

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How does S.B. 10-191 (The Great Teachers and Leaders Bill), apply to charter schools and innovation schools?

CDE has received inquiries from the field regarding how the Educator Effectiveness legislation, SB 10-191, applies to charter and innovation schools. In response to these questions, CDE staff has prepared this document for your information.

In Colorado, both charter schools and innovation schools may apply for waivers from state statutes, rules of the state board of education, and local district policies and procedures. The state board, in rule, has outlined several statutes that may be automatically waived for charter schools, though a school district may also apply to the state board for a waiver of a state statute or state rule that is not automatically waived for charter schools.¹

In order to receive waivers from state statute and rules, charter schools and innovation schools must submit applications that explicitly request these waivers. New charter schools seek these waivers at the time of their initial charter application and contract. Existing charter schools renew and/or seek new waivers at the time of renewal as part of their renewal contract.

Each charter school's new or renewal contract must include a statement specifying the manner in which the charter school will comply with the intent of the state statutes, state board rules, and district rules that are waived for the charter school *either automatically or by application*. Section 22-30.5-105 (2) (a), C.R.S. Similarly, innovation schools must submit an application that specifies the statutes or rules for which the school is seeking a waiver, and that application must specify the manner in which the innovation school will comply with the intent of the waived statutes or rules and will be accountable to the state for such compliance. Section 22-32.5-109 (4), C.R.S.

¹ Please note that charter schools and innovation schools are not permitted to waive a particular set of statutes that are specifically outlined in law, including any statute or rule relating to school accountability committees as described in section 22-11-401, C.R.S., any statute or rule relating to the statewide assessments described in section 22-7-409, C.R.S., any statute or rule necessary to prepare the school performance reports pursuant to part 5 of article 11 of title 22, any statute or rule necessary to implement the provisions of the "Public School Finance Act of 1994", article 54 of title 22, or any statute or rule relating to the "Children's Internet Protection Act."

S.B. 10-191 (The Great Teachers and Leaders Bill), included revisions to several already-existing state statutes. Three of the statutes that were amended by S.B. 10-191 are statutes that are automatically waived for charter schools: (1) section 22-9-106, C.R.S., which outlines requirements for local personnel evaluation systems, (2) section 22-63-202, C.R.S., which outlines requirements for teacher employment contracts, and (3) section 22-63-203, C.R.S., which outlines requirements for the renewal and nonrenewal of teacher employment contracts.

Although charter schools and innovation schools may waive section 22-9-106, C.R.S., which outlines requirements for local personnel evaluation systems, they also must specify in their charter contract or innovation application how they will comply with the intent of the waived statute by including a rationale and replacement plan with the waiver requests. In order to assist schools and districts in identifying the “intent” of the provisions of S.B. 10-191 that apply to evaluation systems, the department has identified the following essential components of that statute. Schools are not required to develop replacement policies that meet all of the requirements below, but the department recommends these requirements as guidance for the development of new innovation and charter applications or at the time of renewal.

- The methods used for evaluating administrators and teachers include quality standards that are clear and relevant to the administrators’ and teachers’ roles and responsibilities, have the goal of improving student academic growth, and meet the intent of the quality standards established by state board rule.
- One of the standards for measuring teacher performance is linked to classroom instruction and ties at least fifty percent of the evaluation to the academic growth of the teacher’s students. One of the standards for measuring administrator performance associates at least fifty percent of the evaluation to the academic growth of the students enrolled in the administrator’s school. Academic growth can be evaluated using multiple measures, including statewide summative assessment results.
- The charter or innovation school’s personnel evaluation policy includes clearly defined criteria for assigning educators to evaluation categories or otherwise communicating to them about their performance.
- The performance of administrators and teachers is evaluated annually, and the results of that evaluation clearly set forth recommendations for improvements and identify professional development opportunities. [Please note that this policy should not be construed to superimpose or negate the nature of at-will employment at charter schools.]
- The school continues to report to their authorizing district required information for the State’s Automatic Data Exchange (ADE) reporting, including providing the data for the Human Resources and Special Education December 1st counts that the Department collects, and that is required from *all* schools, including charter and innovation schools.

Questions about this document or about charter or innovation schools can be directed to: Amy Anderson, Assistant Commissioner for Innovation & Choice, anderson_a@cde.state.co.us.