Evaluation of Licensed Personnel

This policy and accompanying regulation shall be considered part of the BOCES's licensed personnel performance evaluation system. The BOCES's licensed personnel evaluation system shall be developed and implemented in accordance with state law. The Board shall consult with administrators, teachers, parents and the advisory BOCES licensed personnel performance evaluation council in developing and evaluating the BOCES's evaluation system.

The purposes of the BOCES's licensed personnel evaluation system shall be to serve as a basis for the improvement of instruction, enhance the implementation of curricular programs, and measure the professional growth and development and the level of effectiveness of licensed personnel. The BOCES's licensed personnel performance evaluation system also shall serve as the measurement of satisfactory performance and documentation for dismissal for unsatisfactory performance pursuant to state law, if applicable. For purposes of this policy and the BOCES's licensed personnel performance evaluation system, "unsatisfactory performance" shall be defined as a performance rating of "ineffective."

The BOCES shall conduct all evaluations so as to observe the legal and constitutional rights of licensed personnel. No informality in any evaluation or in the manner of making or recording any evaluation shall invalidate the evaluation. No minor deviation in the evaluation procedures shall invalidate the process or the evaluation report.

Licensed personnel, unless otherwise designated by contract, shall be considered "at will" employees who serve at the pleasure of the Board and shall have only those employment rights expressly established by Board policy. Nothing in this policy shall be construed to imply in any manner the establishment of any property rights or expectancy or entitlement to continued employment not explicitly established by statute, Board policy or contract. Neither shall this policy and/or the evaluation system be deemed or construed to establish any conditions prerequisite relative to transfer, assignment, dismissal or other employment decisions relating to BOCES personnel. The BOCES reserves the right to discipline or terminate a licensed staff member without regard to the outcome of any past or pending evaluation.

Unless an evaluator acts in bad faith or maliciously with respect to the application of a procedure associated with the evaluation process, any misapplication of a procedure, failure to apply a procedure or adhere to a prescribed timeline shall not be an impediment to or prevent the Board from modifying an employee's contract status, employment status or assignment under the terms of the employment contract and state law. The content of the evaluation, the rating given and any improvement plan shall not be grievable under the BOCES's formal grievance process.

All employment decisions remain within the sole and continuing discretion of the Board, subject only to the conditions and limitations prescribed by Colorado law.

(Adoption date: June 16, 2021)

LEGAL REFS.: C.R.S. 22-9-101 *et seq. (Licensed Personnel Performance Evaluation Act)*

1 CCR 301-87 *(State Board of Education rules for administration of a system to evaluate the effectiveness of licensed personnel)*

CROSS REFS.: BDFA*, BOCES Licensed Personnel Performance Evaluation Council

GCOE*, Evaluation of Evaluators

GCQF, Discipline, Suspension and Dismissal of Professional Staff