

First Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 17-0665.02 Julie Pelegrin x2700

SENATE BILL 17-102

SENATE SPONSORSHIP

Zenzinger,

HOUSE SPONSORSHIP

Pettersen,

Senate Committees

Education

House Committees

A BILL FOR AN ACT

101 CONCERNING PROHIBITIONS AFFECTING THE STUDENT INFORMATION

102 THAT SCHOOL SERVICE PROVIDERS COLLECT.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill defines "classification information" as information that identifies the citizenship status or religion of a student or the student's family. The bill prohibits a school service contract provider from collecting, using, or sharing classification information. With regard to existing statutory exceptions that allow a school service contract provider to share or sell certain student personally identifying information, the bill

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

prohibits the sharing or sale of classification information.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-16-103, **amend**
3 the introductory portion; and **add** (1.5) as follows:

4 **22-16-103. Definitions.** As used in this ~~article~~ ARTICLE 16, unless
5 the context otherwise requires:

6 (1.5) "CLASSIFICATION INFORMATION" MEANS INFORMATION THAT
7 IDENTIFIES THE CITIZENSHIP STATUS OR RELIGION OF A STUDENT OR A
8 STUDENT'S PARENT OR FAMILY.

9 **SECTION 2.** In Colorado Revised Statutes, 22-16-109, **amend**
10 (1)(a) and (4) as follows:

11 **22-16-109. School service contract provider - use of data.**

12 (1) (a) A school service contract provider may collect, use, and share
13 student personally identifiable information only for the purposes
14 authorized in the contract between the school service contract provider
15 and a public education entity or with the consent of the student who is the
16 subject of the information or the student's parent; EXCEPT THAT A SCHOOL
17 SERVICE CONTRACT PROVIDER SHALL NOT COLLECT, USE, OR SHARE A
18 STUDENT'S CLASSIFICATION INFORMATION.

19 (4) For purposes of this ~~section and section 22-16-110~~ ARTICLE
20 16, a student may consent to the use, sharing, or retention of the student's
21 student personally identifiable information only if the student is at least
22 eighteen years of age or legally emancipated.

23 **SECTION 3.** In Colorado Revised Statutes, 22-16-111, **amend**
24 (1) introductory portion, (1)(c), (1)(e), and (1)(g) as follows:

25 **22-16-111. Use of data - exceptions - application of article.**

1 (1) Notwithstanding any provision of this ~~article~~ ARTICLE 16 to the
2 contrary, this ~~article~~ ARTICLE 16 does not prohibit the use of student
3 personally identifiable information to:

4 (c) Provide recommendations for school, educational, or
5 employment purposes within a school service, so long as the response is
6 not determined in whole or in part by payment or other consideration
7 from a third party; EXCEPT THAT A SCHOOL SERVICE PROVIDER SHALL NOT
8 SHARE A STUDENT'S CLASSIFICATION INFORMATION;

9 (e) Identify for the student, only with the written consent of the
10 student or the student's parent, institutions of higher education or
11 scholarship providers that are seeking students who meet specific criteria,
12 regardless of whether the identified institutions of higher education or
13 scholarship providers provide consideration to the school service contract
14 provider; EXCEPT THAT THE SCHOOL SERVICE PROVIDER SHALL NOT SELL
15 OR SHARE A STUDENT'S CLASSIFICATION INFORMATION;

16 (g) Provide for the student, only with the express written consent
17 of the student or the student's parent given in response to clear and
18 conspicuous notice, access to employment opportunities, educational
19 scholarships or financial aid, or postsecondary education opportunities,
20 regardless of whether the school service contract provider receives
21 consideration from one or more third parties in exchange for the student
22 personally identifiable information; EXCEPT THAT THE SCHOOL SERVICE
23 PROVIDER SHALL NOT SELL OR SHARE A STUDENT'S CLASSIFICATION
24 INFORMATION. This exception applies only to school service contract
25 providers that provide nationally recognized assessments that
26 postsecondary institutions of higher education use in making admissions
27 decisions.

1 **SECTION 4.** In Colorado Revised Statutes, 22-16-105, **amend**
2 (5)(a); and **add** (5)(d) as follows:

3 **22-16-105. Department of education - duties.** (5) (a) The
4 department shall ensure that the terms of each contract that the
5 department enters into or renews with a school service contract provider
6 on and after August 10, 2016, at a minimum, require the contract provider
7 to comply with the requirements in sections 22-16-108 to 22-16-110, AND
8 ON AND AFTER THE EFFECTIVE DATE OF SENATE BILL 17-____, REQUIRE THE
9 CONTRACT PROVIDER TO ALSO COMPLY WITH THE REQUIREMENTS IN
10 SECTION 22-16-111. If the contract provider commits a material breach of
11 the contract that involves the misuse or unauthorized release of student
12 personally identifiable information, the department shall determine
13 whether to terminate the contract in accordance with a policy adopted by
14 the state board. At a minimum, the policy must require the state board,
15 within a reasonable time after the department identifies the existence of
16 a material breach, to hold a public hearing that includes discussion of the
17 nature of the material breach, an opportunity for the contract provider to
18 respond concerning the material breach, public testimony, and a decision
19 as to whether to direct the department to terminate or continue the
20 contract.

21 (d) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
22 CONTRARY, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
23 (5)(d), THE DEPARTMENT SHALL NOT ENTER INTO OR RENEW A CONTRACT
24 WITH A SCHOOL SERVICE CONTRACT PROVIDER THAT REFUSES TO ACCEPT
25 THE TERMS SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION OR THAT HAS
26 SUBSTANTIALLY FAILED TO COMPLY WITH ONE OR MORE OF THE
27 REQUIREMENTS IN SECTIONS 22-16-108 TO 22-16-111.

1 **SECTION 5.** In Colorado Revised Statutes, 22-16-107, **amend**
2 (2)(a) and (2)(b); and **add** (2)(c) as follows:

3 **22-16-107. Local education provider - data collection - data**
4 **security policy.** (2) (a) Each local education provider shall ensure that
5 the terms of each contract that the local education provider enters into or
6 renews with a school service contract provider on and after August 10,
7 2016, at a minimum, require the contract provider to comply with the
8 requirements in sections 22-16-108 to 22-16-110, AND ON AND AFTER THE
9 EFFECTIVE DATE OF SENATE BILL 17-___, REQUIRE THE CONTRACT
10 PROVIDER TO ALSO COMPLY WITH THE REQUIREMENTS IN SECTION
11 22-16-111. If the contract provider commits a material breach of the
12 contract that involves the misuse or unauthorized release of student
13 personally identifiable information, the local education provider shall
14 determine whether to terminate the contract in accordance with a policy
15 adopted by the governing body of the local education provider. At a
16 minimum, the policy must require the governing body, within a
17 reasonable time after the local education provider identifies the existence
18 of a material breach, to hold a public hearing that includes discussion of
19 the nature of the material breach, an opportunity for the contract provider
20 to respond concerning the material breach, public testimony, and a
21 decision as to whether to direct the local education provider to terminate
22 or continue the contract.

23 (b) On and after August, 10, 2016, a local education provider shall
24 not enter into or renew a contract with a school service contract provider
25 that refuses to accept the terms specified in ~~paragraph (a) of this~~
26 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION or that has
27 substantially failed to comply with one or more of the requirements in

1 sections 22-16-108 to 22-16-110.

2 (c) ON AND AFTER THE EFFECTIVE DATE OF THIS SUBSECTION
3 (2)(c), A LOCAL EDUCATION PROVIDER SHALL NOT ENTER INTO OR RENEW
4 A CONTRACT WITH A SCHOOL SERVICE CONTRACT PROVIDER THAT REFUSES
5 TO ACCEPT THE TERMS SPECIFIED IN SUBSECTION (2)(a) OF THIS SECTION
6 OR THAT HAS SUBSTANTIALLY FAILED TO COMPLY WITH ONE OR MORE OF
7 THE REQUIREMENTS IN SECTIONS 22-16-108 TO 22-16-111.

8 **SECTION 6. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.