

## CHAPTER 174

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 06-024**

BY SENATOR(S) Spence;  
also REPRESENTATIVE(S) Paccione, Benefield, Carroll M., Hodge, Kerr A., Riesberg, Solano, Todd, and Vigil.

**AN ACT****CONCERNING STUDENT DATA FROM THE ELEMENTARY TO SECONDARY EDUCATION SYSTEM THROUGH THE POSTSECONDARY EDUCATION SYSTEM.**

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

**SECTION 1.** 23-5-127, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**23-5-127. Unique student identifier - social security number - prohibition.**

(4) (a) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, FOR EACH STUDENT WHO GRADUATES FROM OR WAS ENROLLED IN A COLORADO HIGH SCHOOL, A POSTSECONDARY INSTITUTION IN COLORADO THAT IS ELIGIBLE FOR THE COLLEGE OPPORTUNITY FUND PROGRAM CREATED IN SECTION 23-18-201 SHALL USE THE UNIQUE STUDENT IDENTIFIER ASSIGNED, IN ACCORDANCE WITH RULES ADOPTED PURSUANT TO SECTION 22-7-603.5, C.R.S., TO THE STUDENT WHILE HE OR SHE WAS ENROLLED IN THE ELEMENTARY TO SECONDARY PUBLIC EDUCATION SYSTEM, INCLUDING PUBLIC PRE-KINDERGARTEN PROGRAMS, AS AN ALTERNATIVE STUDENT IDENTIFIER AT THE POSTSECONDARY INSTITUTION.

(b) ADAMS STATE COLLEGE, MESA STATE COLLEGE, WESTERN STATE COLLEGE, AND METROPOLITAN STATE COLLEGE SHALL IMPLEMENT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) ON OR BEFORE JULY 1, 2007. ALL OTHER POSTSECONDARY INSTITUTIONS SHALL IMPLEMENT THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4) ON OR BEFORE JULY 1, 2009.

**SECTION 2.** 22-7-603.5 (4), Colorado Revised Statutes, is amended to read:

**22-7-603.5. Legislative declaration - measurement of value added to academic progress.** (4) The state board may adopt rules necessary for

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

implementation and administration of this section including, but not limited to, provisions to uniquely identify individual students, INCLUDING STUDENTS ENROLLED IN THE COLORADO PRESCHOOL PROGRAM, CREATED PURSUANT TO SECTION 22-28-104.

**SECTION 3.** Article 1 of title 23, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**23-1-109.3. Duties and powers of the commission with regard to student data - memorandum of understanding.** NOTWITHSTANDING THE PROVISIONS OF SECTION 22-2-111 (3) (a), C.R.S., THE COMMISSION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING ON OR BEFORE SEPTEMBER 1, 2006, WITH THE STATE BOARD OF EDUCATION TO ADOPT A POLICY TO SHARE STUDENT DATA. AT A MINIMUM, THE POLICY SHALL ENSURE THAT THE EXCHANGE OF INFORMATION IS CONDUCTED IN CONFORMANCE WITH THE REQUIREMENTS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", AS AMENDED, 20 U.S.C. SEC. 1232g, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH. THE POLICY SHALL ADDITIONALLY REQUIRE THE COMMISSION, UPON REQUEST, TO SHARE STUDENT DATA WITH QUALIFIED RESEARCHERS. FOR PURPOSES OF THIS SECTION, QUALIFIED RESEARCHERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND PUBLIC POLICY RESEARCH AND ADVOCACY ORGANIZATIONS.

**SECTION 4.** Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-2-106.5. State board - duties with regard to student data - memorandum of understanding.** NOTWITHSTANDING THE PROVISIONS OF SECTION 22-2-111 (3) (a), THE STATE BOARD SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING ON OR BEFORE SEPTEMBER 1, 2006, WITH THE COLORADO COMMISSION ON HIGHER EDUCATION TO ADOPT A POLICY TO SHARE STUDENT DATA. AT A MINIMUM, THE POLICY SHALL ENSURE THAT THE EXCHANGE OF INFORMATION IS CONDUCTED IN CONFORMANCE WITH THE REQUIREMENTS OF THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", AS AMENDED, 20 U.S.C. SEC. 1232g, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH. THE POLICY SHALL ADDITIONALLY REQUIRE THE STATE BOARD, UPON REQUEST, TO SHARE STUDENT DATA WITH QUALIFIED RESEARCHERS. FOR PURPOSES OF THIS SECTION, QUALIFIED RESEARCHERS SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, INSTITUTIONS OF HIGHER EDUCATION, SCHOOL DISTRICTS, AND PUBLIC POLICY RESEARCH AND ADVOCACY ORGANIZATIONS.

**SECTION 5. Effective date.** This act shall take effect July 1, 2006.

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

Approved: May 1, 2006