

## CHAPTER 289

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 09-1065**

BY REPRESENTATIVE(S) Benefield, Todd, Hulinghorst, Labuda, Massey, Middleton, Ryden, Schafer S., Summers, Carroll T., Curry, Green, Murray, Vigil;  
also SENATOR(S) Spence, Groff, Newell.

**AN ACT**

**CONCERNING THE QUALITY TEACHERS COMMISSION, AND, IN CONNECTION THEREWITH, CREATING AN EDUCATOR IDENTIFIER SYSTEM.**

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

**SECTION 1.** 22-68-104 (3), the introductory portion to 22-68-104 (5), and 22-68-104 (5) (d), Colorado Revised Statutes, are amended to read:

**22-68-104. Quality teachers commission - creation - membership - duties.**  
(3) ~~The commission shall function for a two-year period.~~ On or before January 15, 2008, and ~~again~~ on or before January 15 ~~2009~~ EACH YEAR THEREAFTER, the commission shall report the outcomes of its duties to the education committees of the house of representatives and the senate, or any successor committees. The commission shall make a final report on or before July 1, ~~2009~~ 2012, on its findings and duties to the education committees of the house of representatives and the senate, or any successor committees.

(5) AFTER THE COMPLETION OF ITS DUTIES IN THE FIRST YEAR, the commission's duties ~~for the second year~~ shall include, at a minimum:

(d) ~~By the end of the second year,~~ Having a statewide identifier system ready for implementation if THE COMMISSION RECOMMENDS a statewide identifier system ~~is recommended by the commission at the end of the second year~~ AFTER A REVIEW OF THE EDUCATOR IDENTIFIER PILOT PROGRAM ESTABLISHED PURSUANT TO ARTICLE 68.5 OF THIS TITLE.

**SECTION 2.** 22-68-105, Colorado Revised Statutes, is amended to read:

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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.*

**22-68-105. Quality teachers fund - creation.** The commission is hereby authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this article, including gifts, grants, or donations that include stated conditions of use; except that a gift, grant, or donation shall not be accepted if the conditions attached to the gift, grant, or donation require its expenditure in a manner contrary to law. All private and public funds received through gifts, grants, or donations shall be transmitted to the state treasurer, who shall credit the same to the quality teachers fund, which fund is hereby created. The moneys credited to the fund are continuously appropriated to the department for the implementation of this article. Any moneys in the fund not expended for the purpose of this article may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. At the end of any fiscal year, all unexpended and unencumbered moneys in the fund shall remain in the fund and shall not be credited or transferred to the general fund or any other fund; except that any moneys remaining in the fund as of July 1, ~~2009~~ 2012, shall be credited to the general fund.

**SECTION 3.** 22-68-106, Colorado Revised Statutes, is amended to read:

**22-68-106. Repeal of article.** This article is repealed, effective July 1, ~~2009~~ 2012.

**SECTION 4.** Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 68.5**  
**Educator Identifier System**

**22-68.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE QUALITY TEACHERS COMMISSION CREATED PURSUANT TO SECTION 22-68-104.

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(3) "EDUCATOR" MEANS A TEACHER OR PRINCIPAL AS DEFINED IN THIS SECTION.

(4) "FUND" MEANS THE EDUCATOR IDENTIFIER FUND CREATED IN SECTION 22-68.5-103.

(5) "IDENTIFIER" MEANS A UNIQUE EDUCATOR IDENTIFIER ASSIGNED TO EACH LICENSED EDUCATOR PARTICIPATING IN THE PILOT PROGRAM AND SYSTEM PURSUANT TO SECTION 22-68.5-102.

(6) "PILOT PROGRAM" MEANS THE DEVELOPMENTAL PHASES OF THE EDUCATOR IDENTIFIER SYSTEM CREATED IN SECTION 22-68.5-102. THIS DEFINITION SHALL BE REPEALED BY THE GENERAL ASSEMBLY AFTER THE STATE BOARD CERTIFIES IN WRITING THAT THE SYSTEM IS FULLY OPERATIONAL AND AVAILABLE TO EACH SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY IN THE STATE PURSUANT TO THE

## MINIMUM PROVISIONS OF THIS ARTICLE.

(7) "PRINCIPAL" MEANS A PERSON WHO IS EMPLOYED AS THE CHIEF EXECUTIVE OFFICER OR AN ASSISTANT CHIEF EXECUTIVE OFFICER OF A PUBLIC SCHOOL IN THE STATE AND WHO ADMINISTERS, DIRECTS, OR SUPERVISES THE EDUCATION INSTRUCTIONAL PROGRAM IN THE SCHOOL.

(8) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(9) "SYSTEM" MEANS THE EDUCATOR IDENTIFIER SYSTEM CREATED AND DESCRIBED IN SECTION 22-68.5-102.

(10) "TEACHER" MEANS A PERSON WHO:

(a) IS ENROLLED IN A TEACHER PREPARATION PROGRAM, HAS SUBMITTED HIS OR HER FINGERPRINTS TO THE DEPARTMENT PURSUANT TO SECTION 22-60.5-103, AND IS EMPLOYED IN A LOCAL EDUCATION AGENCY;

(b) HOLDS ANY ALTERNATIVE, INITIAL, OR PROFESSIONAL TEACHER LICENSE ISSUED PURSUANT TO THE PROVISIONS OF ARTICLE 60.5 OF THIS TITLE AND WHO IS EMPLOYED IN A LOCAL EDUCATION AGENCY TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION INSTRUCTIONAL PROGRAM; OR

(c) IS EMPLOYED BY A DISTRICT CHARTER SCHOOL OR AN INSTITUTE CHARTER SCHOOL TO INSTRUCT, DIRECT, OR SUPERVISE AN EDUCATION INSTRUCTIONAL PROGRAM.

(11) "TEACHER GAP" MEANS THE DOCUMENTED PHENOMENON THAT A POOR OR MINORITY STUDENT IS MORE LIKELY TO BE TAUGHT BY A LESS-QUALIFIED OR LESS-EXPERIENCED TEACHER THAN THE STUDENT'S MORE ADVANTAGED PEERS.

**22-68.5-102. Educator identifier system and pilot program - creation - purpose - scope - implementation.** (1) THERE IS HEREBY CREATED THE EDUCATOR IDENTIFIER SYSTEM AND PILOT PROGRAM IN THE DEPARTMENT TO ASSIGN UNIQUE IDENTIFIERS TO EDUCATORS EMPLOYED IN A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY. THE SYSTEM SHALL UTILIZE AVAILABLE CURRENT AND HISTORICAL DATA OBTAINED FROM WITHIN THE PAST FIVE YEARS AND SHALL BE DEVELOPED IN COLLABORATION WITH THE COMMISSION. THE DEPARTMENT SHALL DEVELOP THE SYSTEM BEFORE OR DURING THE 2009-2010 ACADEMIC YEAR.

(2) EACH EDUCATOR'S IDENTIFIER SHALL BE UNIQUE. THE IDENTIFIER SHALL NOT USE ANY PERSONAL IDENTIFYING INFORMATION, SUCH AS SOCIAL SECURITY NUMBERS OR CONTACT INFORMATION, EXCEPT FOR ALIGNMENT PURPOSES IN DATA PROCESSING. ANY SUCH PERSONAL IDENTIFYING INFORMATION THAT IS COLLECTED SHALL BE LINKED IN A SECURE DATA LOCATION SO DATA SETS CAN BE MATCHED BASED ON THE PERSONAL IDENTIFYING INFORMATION WHEN THE IDENTIFIER IS NOT INCLUDED.

(3) THE PURPOSE OF THE SYSTEM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, PROVIDING INFORMATION FOR THE FOLLOWING USES:

(a) STUDYING THE TEACHER GAP AND IDENTIFYING ANY POSSIBLE SOLUTIONS TO THAT ISSUE;

(b) STUDYING EDUCATOR TRAINING PROGRAMS, EDUCATOR PROFESSIONAL DEVELOPMENT PROGRAMS, AND EDUCATOR MOBILITY AND RETENTION ISSUES;

(c) IMPROVING TEACHING AND STUDENT LEARNING, INCLUDING THE USE OF DATA TO RECOGNIZE, REWARD, AND DEVELOP THE CAREERS OF INDIVIDUAL EDUCATORS;

(d) USING DATA GLEANED FROM THE SYSTEM IN DEVELOPING THE STATE'S LONGITUDINAL DATA SYSTEM TO INCLUDE AN EDUCATOR IDENTIFIER SYSTEM WITH THE ABILITY TO MATCH EDUCATORS TO STUDENTS;

(e) ALLOWING THE STATE TO GATHER BASELINE DATA ABOUT THE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS, INCLUDING THE NUMBER AND PERCENT OF TEACHERS IN THE HIGHEST-POVERTY AND LOWEST-POVERTY SCHOOLS IN THE STATE WHO ARE HIGHLY QUALIFIED, AND TO TAKE ACTIONS TO ADDRESS ANY INEQUITIES IN THE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS THROUGHOUT THE STATE;

(f) ENABLING TEACHERS TO ENHANCE THEIR INSTRUCTION THROUGH THE USE OF TECHNOLOGICAL RESOURCES, INCLUDING THE COLORADO GROWTH MODEL, THAT PROVIDE TEACHERS WITH PERFORMANCE AND LONGITUDINAL GROWTH DATA FOR THEIR STUDENTS; AND

(g) GATHERING INFORMATION ABOUT THE NUMBER AND PERCENT OF TEACHERS AND PRINCIPALS RATED AT EACH PERFORMANCE LEVEL IN EACH LOCAL EDUCATION AGENCY'S TEACHER AND PRINCIPAL EVALUATION SYSTEM.

(4) THE SYSTEM SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING PROTECTIONS FOR EDUCATORS, SCHOOL DISTRICTS, AND EDUCATOR PREPARATION PROGRAMS:

(a) A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY MAY NOT USE DATA OBTAINED FROM THE SYSTEM CONCERNING SPECIFIC SCHOOLS, CLASSROOMS, OR TEACHERS OF OTHER SCHOOL DISTRICTS OR LOCAL EDUCATION AGENCIES TO NEGATIVELY SANCTION INDIVIDUAL TEACHERS;

(b) THE USE OF INFORMATION THAT SCHOOL DISTRICTS OBTAIN FROM ANY OTHER SOURCE OR ARE CURRENTLY USING SHALL NOT BE RESTRICTED BY THE PROVISIONS OF THIS SUBSECTION (4);

(c) NOTHING IN THIS SUBSECTION (4) IS INTENDED TO RESTRICT A SCHOOL DISTRICT'S EXISTING AUTHORITY TO:

(I) ASSIGN INDIVIDUAL EDUCATORS TO SPECIFIC GRADES, LEVELS, PROGRAMS, OR SCHOOLS;

(II) DIRECT THE PROFESSIONAL DEVELOPMENT OF INDIVIDUAL EDUCATORS; OR

(III) COLLABORATIVELY DESIGN AND DEVELOP, WITH REPRESENTATION FROM THE DISTRICT'S TEACHERS AND PRINCIPALS, ALTERNATIVE COMPENSATION PLANS

THROUGH THE PROCEDURES ADOPTED BY THE DISTRICT FOR SETTING EDUCATOR COMPENSATION.

(d) THE DEPARTMENT AND THE DEPARTMENT OF HIGHER EDUCATION SHALL NOT USE THE DATA OBTAINED FROM THE SYSTEM TO SANCTION ANY SCHOOL DISTRICT, LOCAL EDUCATION AGENCY, OR EDUCATOR PREPARATION OR PROFESSIONAL DEVELOPMENT PROGRAM; HOWEVER, SAID DEPARTMENTS MAY PROVIDE THESE DATA TO DISTRICTS AND PROGRAMS TO BE USED FOR PROGRAM IMPROVEMENT AND MAY REQUIRE THAT THESE DATA BE CONSIDERED AND RESPONDED TO AS PART OF THE ACCREDITATION PROCESS ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 11 OF THIS TITLE AND THE APPROVAL PROCESS ESTABLISHED PURSUANT TO SECTION 23-1-121, C.R.S. THE DEPARTMENT AND DEPARTMENT OF HIGHER EDUCATION, IN COLLABORATION WITH INSTITUTIONS OF HIGHER EDUCATION, SHALL SET UP PROTOCOLS FOR RELEASING SYSTEM DATA OF GRADUATES TO THEIR RESPECTIVE EDUCATOR PREPARATION PROGRAMS FOR THE PURPOSE OF SELF-EVALUATION. PROTOCOLS SHALL COMPLY WITH ALL FEDERAL LAWS. THE DEPARTMENT AND DEPARTMENT OF HIGHER EDUCATION MAY ALSO USE THESE DATA TO PRELIMINARILY IDENTIFY PRACTICES THAT MAY SHOW PROMISE, IF THE PRACTICES ARE VERIFIED BY ADDITIONAL EVIDENCE.

(e) DATA OBTAINED FROM THE SYSTEM SHALL BE AVAILABLE AT MULTIPLE LEVELS, INCLUDING STATE, SCHOOL DISTRICT, NONGOVERNMENTAL ENTITY, AND INDIVIDUAL, THROUGH VARYING DEGREES OF ACCESS, AS DESIGNED BY THE COMMISSION PURSUANT TO SECTION 22-68-104, AND IN THE SUBSEQUENT REPORT ADOPTED BY THE STATE BOARD.

(f) THE SYSTEM SHALL USE MULTIPLE DATA POINTS.

(g) THE SYSTEM SHALL COMPLY WITH ALL STATE AND FEDERAL PRIVACY LAWS IN ORDER TO ENSURE THE CONFIDENTIALITY AND APPROPRIATE USES OF INFORMATION FOUND IN THE SYSTEM.

(h) DATA ANALYSIS SHALL INCLUDE THE COMPLETE NUMBER OF EDUCATORS IN EACH PARTICIPATING SCHOOL DISTRICT. THE DATA SHALL BE REPORTED ONLY IF A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY INCLUDES A MINIMUM THRESHOLD IN THE NUMBER OF EDUCATORS TO ENSURE THAT IDENTIFIABLE INFORMATION OF INDIVIDUAL EDUCATORS IS NOT REPORTED.

(5) NOTWITHSTANDING ANY PROVISIONS OF THIS ARTICLE TO THE CONTRARY, A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY MAY USE THE SYSTEM TO MERGE, MANAGE, OR ACCESS ANY INFORMATION THAT IT IS OTHERWISE AUTHORIZED TO OBTAIN AND THE USE OF SUCH INFORMATION SHALL NOT BE RESTRICTED IN ANY WAY THAT IS OTHERWISE PERMITTED BY STATUTE. INFORMATION OBTAINED THROUGH THE SYSTEM THAT SCHOOL DISTRICTS OR LOCAL EDUCATION AGENCIES ARE NOT OTHERWISE AUTHORIZED TO OBTAIN MAY BE USED TO ACHIEVE THE PURPOSES DESCRIBED IN SUBSECTION (3) OF THIS SECTION, SO LONG AS IT IS NOT USED IN ANY WAY INCONSISTENT WITH THE PROTECTIONS DEFINED IN SUBSECTION (4) OF THIS SECTION.

(6) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN RECEIVED AND CREDITED TO

THE FUND. NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE IMPLEMENTATION OF THIS ARTICLE.

(7) THE GENERAL ASSEMBLY SHALL RECONSIDER THE APPROPRIATENESS OF THE PROVISIONS OF THIS ARTICLE AFTER THE STATE BOARD CERTIFIES IN WRITING THAT THE SYSTEM IS FULLY OPERATIONAL AND AVAILABLE TO EACH SCHOOL DISTRICT AND LOCAL EDUCATION AGENCY IN THE STATE PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

**22-68.5-103. Educator identifier fund created - gifts, grants, and donations.**

(1) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE EDUCATOR IDENTIFIER FUND, WHICH FUND IS HEREBY CREATED.

(2) THE MONEYS CREDITED TO THE FUND SHALL BE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND.

(4) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2012, SHALL BE TRANSFERRED TO THE GENERAL FUND.

**22-68.5-104. Repeal of article.** THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2012.

**SECTION 5. 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 21, 2009