

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

April 11, 2016  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB16-1423 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 13, line 19 after the period insert "THE  
2 DEPARTMENT SHALL IMPLEMENT THE PROCESS SUBJECT TO APPROVAL BY  
3 THE STATE BOARD."
- 4 Page 17, line 23, strike "INFORMATION, THE DEPARTMENT" and substitute  
5 "INFORMATION:  
6 (I) THE DEPARTMENT SHALL TERMINATE THE CONTRACT; OR  
7 (II) THE DEPARTMENT SHALL DETERMINE WHETHER TO TERMINATE  
8 THE CONTRACT IN ACCORDANCE WITH A POLICY ADOPTED BY THE STATE  
9 BOARD. AT A MINIMUM, THE POLICY MUST REQUIRE THE STATE BOARD,  
10 WITHIN A REASONABLE TIME AFTER THE DEPARTMENT IDENTIFIES THE  
11 EXISTENCE OF A MATERIAL BREACH, TO HOLD A PUBLIC HEARING THAT  
12 INCLUDES DISCUSSION OF THE NATURE OF THE MATERIAL BREACH, PUBLIC  
13 TESTIMONY, AND A DECISION AS TO WHETHER TO DIRECT THE DEPARTMENT  
14 TO TERMINATE OR CONTINUE THE CONTRACT."
- 15 Page 17, strike line 24.
- 16 Page 22, strike lines 20 through 26 and substitute:  
17 "(II) THE LOCAL EDUCATION PROVIDER SHALL DETERMINE  
18 WHETHER TO TERMINATE THE CONTRACT IN ACCORDANCE WITH A POLICY  
19 ADOPTED BY THE GOVERNING BODY OF THE LOCAL EDUCATION PROVIDER.

1 AT A MINIMUM, THE POLICY MUST REQUIRE THE GOVERNING BODY, WITHIN  
2 A REASONABLE TIME AFTER THE LOCAL EDUCATION PROVIDER IDENTIFIES  
3 THE EXISTENCE OF A MATERIAL BREACH, TO HOLD A PUBLIC HEARING THAT  
4 INCLUDES DISCUSSION OF THE NATURE OF THE MATERIAL BREACH, PUBLIC  
5 TESTIMONY, AND A DECISION AS TO WHETHER TO DIRECT THE LOCAL  
6 EDUCATION PROVIDER TO TERMINATE OR CONTINUE THE CONTRACT."

7 Page 24, line 22, strike "A LOCAL EDUCATION PROVIDER" and substitute  
8 "AN ON-DEMAND SCHOOL SERVICE PROVIDER".

9 Page 26, strike lines 20 and 21 and substitute "LOCAL EDUCATION  
10 PROVIDER IN RESPONSE TO A REQUEST FOR CORRECTION THAT THE LOCAL  
11 EDUCATION PROVIDER RECEIVES AND RESPONDS TO IN ACCORDANCE WITH  
12 SECTION 22-16-112 (1) (c)."

13 Page 26, after line 21 insert:

14 "(4) UPON DISCOVERING THE MISUSE OR UNAUTHORIZED RELEASE  
15 OF STUDENT PERSONALLY IDENTIFIABLE INFORMATION BY THE CONTRACT  
16 PROVIDER, A SUBCONTRACTOR OF THE CONTRACT PROVIDER, OR A  
17 SUBSEQUENT SUBCONTRACTOR, THE CONTRACT PROVIDER SHALL NOTIFY  
18 THE CONTRACTING PUBLIC EDUCATION ENTITY AS SOON AS POSSIBLE,  
19 REGARDLESS OF WHETHER THE MISUSE OR UNAUTHORIZED RELEASE IS A  
20 RESULT OF A MATERIAL BREACH OF THE TERMS OF THE CONTRACT."

21 Page 29, line 1, strike "TERMINATE THE" and substitute "COMPLY WITH  
22 THE REQUIREMENTS OF SECTION 22-16-105 (5) (a) OR 22-16-107 (2) (a),  
23 AS APPLICABLE; EXCEPT THAT".

24 Page 29, strike line 2.

25 Page 29, line 3, after "TERMINATE" insert "OR CONSIDER TERMINATING".

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