

CHAPTER 119

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 04-062

BY SENATOR(S) Arnold, Cairns, Chlouber, Groff, Hanna, Hillman, Jones, Kester, Lamborn, Nichol, Tupa, and Windels;
also REPRESENTATIVE(S) Mitchell, Boyd, Hall, Merrifield, Paccione, Spence, and Williams S.

AN ACT**CONCERNING DATABASES OF SCHOOL DISTRICT EMPLOYEES.**

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

SECTION 1. 22-32-109.8, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons failing to comply - department database. (11) (a) EACH SCHOOL DISTRICT SHALL SUBMIT TO THE DEPARTMENT OF EDUCATION THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER FROM THE HUMAN RESOURCE ELECTRONIC DATA COMMUNICATIONS AND REPORTING SYSTEM REQUIRED BY SECTION 22-44-105 (4) (a) FOR EACH NONLICENSED PERSON EMPLOYED BY THE DISTRICT.

(b) THE DEPARTMENT OF EDUCATION SHALL CREATE AND MAINTAIN A DATABASE OF ALL THE INFORMATION SUBMITTED PURSUANT TO THIS SUBSECTION (11).

(c) AT THE BEGINNING OF EACH SEMESTER, A SCHOOL DISTRICT SHALL NOTIFY THE DEPARTMENT OF EDUCATION WHEN A NONLICENSED EMPLOYEE IS NO LONGER EMPLOYED BY THE SCHOOL DISTRICT, AND THE DEPARTMENT SHALL PURGE AT LEAST ANNUALLY THE EMPLOYEES' INFORMATION FROM THE DATABASE CREATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (11).

(d) ON OR BEFORE NOVEMBER 15, 2004, AND ON OR BEFORE AUGUST 30 EACH YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL SUBMIT A LIST OF ALL PERSONS EMPLOYED BY EACH SCHOOL DISTRICT IN THE STATE FOR THE PRECEDING SCHOOL YEAR TO THE COLORADO BUREAU OF INVESTIGATION. THE LIST SHALL INCLUDE EACH EMPLOYEE'S NAME AND DATE OF BIRTH.

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

SECTION 2. 22-2-111 (3), Colorado Revised Statutes, is amended to read:

22-2-111. Commissioner of education - office - records - confidential nature.

(3) Except when requested by the governor or a committee of the general assembly, OR PURSUANT TO COMPLIANCE WITH SECTION 22-32-109.8 (11), all papers filed in the department of education which contain personal information about applicants for employment, employees, or holders of teachers' certificates or letters of authorization or about pupils test scores are classified as confidential in nature; however, each teacher has the right to inspect and to have copies made at his OR HER expense of all information pertaining to himself on file in the department of education. The teacher may challenge any such record by formal letter or other evidence, which shall be added to the state records. The state board may authorize any material to be added to or removed from a teacher's official records in its custody. It is unlawful for any officer, employee, or other person to divulge, or to make known in any way, any such personal information without the written consent of said applicant, employee, teacher, or pupil; but the information may be divulged or made known in the normal and proper course of administration of programs relating thereto without such written consent. Nothing in this subsection (3) shall be construed in a manner to prohibit the publication of statistics relative to the aforementioned information when so classified as to prevent the identification of teachers or pupils involved in said statistics.

SECTION 3. 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: April 8, 2004