

CHAPTER 198

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 09-1214

BY REPRESENTATIVE(S) Benefield, Massey, Middleton, Miklosi, Scanlan, Schafer S., Summers, Todd, Green, Merrifield, Ryden;
also SENATOR(S) Bacon, Hudak.

AN ACT**CONCERNING EDUCATION DATA REPORTING REQUIREMENTS.**

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

SECTION 1. 22-2-304, Colorado Revised Statutes, is amended to read:

22-2-304. Education data advisory committee - creation - duties - repeal.

(1) The state board shall designate at least five volunteer school districts and two volunteer boards of cooperative services and a volunteer charter school, that are representative of the state as to pupil size and population, to send representatives to form a voluntary committee, to be known as the education data advisory committee. The EDAC shall work with the department to review school district data reporting requirements and make recommendations as provided in this section.

(2) The EDAC shall:

(a) Review the statutory and regulatory data reporting requirements applicable to school districts and public schools and determine whether the benefits derived from the reports are outweighed by the increased administrative costs incurred by the school districts and public schools in preparing and submitting the reports;

(b) Identify those statutory and regulatory data reporting requirements that are duplicative or obsolete and may be combined, eliminated, or otherwise streamlined;

(c) Review each data reporting request made to school districts and public schools that is not required by statute or by rule and notify school districts and public schools as to whether compliance with the request is mandatory or voluntary;

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

(d) Review all proposed STATUTORY AND REGULATORY data reporting requirements, whether proposed in state or federal legislation or in rules, and, TO THE EXTENT PRACTICABLE PRIOR TO FINAL ADOPTION, INFORM THE GENERAL ASSEMBLY OR THE ENACTING STATE OR FEDERAL AGENCY OF THE ESTIMATED COST TO THE SCHOOL DISTRICTS AND PUBLIC SCHOOLS OF COMPLYING WITH THE PROPOSED STATUTORY AND REGULATORY DATA REPORTING REQUIREMENTS AND make recommendations to the ~~department~~ GENERAL ASSEMBLY OR TO THE ENACTING STATE OR FEDERAL AGENCY concerning whether the PROPOSED REQUIREMENTS ARE ALREADY INCLUDED IN EXISTING LAW OR REGULATION AND WHETHER THE PROPOSED requirements are necessary and appropriate; ~~and~~

(e) Advise the department on the impact of data practices and technology on school districts and public schools; AND

(f) PERIODICALLY REVIEW THE RULES FOR IMPLEMENTING THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND RECOMMEND TO THE STATE BOARD AN INTERPRETATION OF SAID ACT THAT WILL FACILITATE THE EXCHANGE AND SHARING OF STUDENT INFORMATION TO THE GREATEST EXTENT POSSIBLE IN COMPLIANCE WITH THE FEDERAL REGULATIONS FOR IMPLEMENTING SAID ACT.

(3) (a) The EDAC shall annually, or more often if necessary, make recommendations to the state board and ~~the education committees of the senate and the house of representatives, or any successor committees,~~ TO THE APPROPRIATE LEGISLATIVE COMMITTEES OF REFERENCE BASED ON THE SUBJECT MATTER OF THE RECOMMENDATION for the repeal or amendment of statutory and regulatory data reporting requirements that the EDAC has identified as duplicative, obsolete, or inefficient.

(b) (I) ON OR BEFORE SEPTEMBER 15, 2009, THE EDAC SHALL SUBMIT TO THE GENERAL ASSEMBLY AND PUBLISH ON THE DEPARTMENT'S WEB SITE A WRITTEN REPORT LISTING, WITH THE SPECIFIC CITATIONS TO STATUTE OR RULE, THE STATUTORY AND REGULATORY DATA REPORTING REQUIREMENTS FOR WHICH THE BENEFITS DO NOT OUTWEIGH THE COSTS OF REPORTING OR THAT ARE DUPLICATIVE OF OTHER REQUIREMENTS, OBSOLETE, INEFFICIENT, OR NOT USED BY THE REQUESTING AUTHORITY AND SHOULD THEREFORE BE REPEALED.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2010.

(4) The EDAC shall identify those reporting requirements that may be consolidated into a single report or a single submission for purposes of streamlining data submission for school districts and public schools.

(5) AS USED IN THIS SECTION, "STATUTORY AND REGULATORY DATA REPORTING REQUIREMENTS" INCLUDES ALL DATA REPORTING REQUIREMENTS THAT APPLY TO SCHOOL DISTRICTS AND PUBLIC SCHOOLS AND THAT ARE IMPOSED BY FEDERAL OR STATE STATUTE OR BY RULE OF A FEDERAL OR STATE AGENCY, INCLUDING BUT NOT LIMITED TO THE DATA REPORTING REQUIREMENTS IMPOSED BY THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING.

~~(5)~~ (6) (a) This section is repealed, effective July 1, 2017.

(b) Prior to such repeal, the EDAC shall be reviewed as provided in section 2-3-1203, C.R.S.

SECTION 2. 22-2-306 (3) and (4), Colorado Revised Statutes, are amended to read:

22-2-306. Advance notice - legislative declaration - data collection - data submission changes - web site update - submission windows. (3) (a) To improve the accuracy of submitted data and minimize inaccurate data submissions and errors in data submitted by school districts and public schools, the department shall update data reporting requirements on the department web site on ~~a regular~~ AN ANNUAL basis. ~~At a minimum,~~ The department shall ensure that the department web site is updated ~~within sixty days after receiving notice of any~~ ANNUALLY BY APRIL 1 WITH ALL changes to state or federal data reporting requirements MADE SINCE THE PRECEDING APRIL 1. NO LATER THAN THE FOLLOWING JULY 1, school districts and public schools shall comply with ~~a change~~ THE CHANGES to state or federal data reporting requirements ~~no later than ninety days after the department updates the web site with the change~~ THAT ARE INCLUDED IN THE APRIL 1 UPDATE.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (3) TO THE CONTRARY, IF FEDERALLY REQUIRED TIME LINES FOR IMPLEMENTING FEDERAL DATA REPORTING REQUIREMENTS CONFLICT WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (3), THE DEPARTMENT, THE SCHOOL DISTRICTS, AND THE PUBLIC SCHOOLS SHALL COMPLY WITH THE FEDERALLY REQUIRED TIME LINES.

(4) (a) To assist the department, school districts, and public schools in exercising reasonable management over data collection and submission activities, FOLLOWING THE ENACTMENT OF LEGISLATION THAT ALTERS DATA COLLECTION REQUIREMENTS, the state board shall ~~have ninety days after the effective date of legislation that alters data collection requirements to~~ promulgate rules to implement the changes IN ACCORDANCE WITH A TIMELINE THAT ENSURES THE RULES ARE EFFECTIVE BY APRIL 1 FOLLOWING THE EFFECTIVE DATE OF THE LEGISLATION. Each school district and public school shall ~~have ninety days after publication of the rules to~~ reformat its data systems BY THE JULY 1 FOLLOWING ENACTMENT OF THE RULES.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO THE CONTRARY, IF FEDERALLY REQUIRED TIME LINES FOR IMPLEMENTING FEDERAL DATA REPORTING REQUIREMENTS CONFLICT WITH THE PROVISIONS OF PARAGRAPH (a) OF THIS SUBSECTION (4), THE STATE BOARD, THE SCHOOL DISTRICTS, AND THE PUBLIC SCHOOLS SHALL COMPLY WITH THE FEDERALLY REQUIRED TIME LINES.

SECTION 3. Part 3 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-307. Data reporting requirements - interpretation of federal law - suspension. (1) ON OR BEFORE OCTOBER 1, 2009, AND PERIODICALLY THEREAFTER, THE STATE BOARD SHALL REVIEW THE RULES FOR IMPLEMENTING THE

FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AND SHALL ADOPT AN INTERPRETATION OF SAID ACT THAT WILL FACILITATE THE EXCHANGE AND SHARING OF STUDENT INFORMATION TO THE GREATEST EXTENT POSSIBLE IN COMPLIANCE WITH THE FEDERAL REGULATIONS FOR IMPLEMENTING SAID ACT. THE STATE BOARD SHALL CONSULT WITH THE EDAC IN DETERMINING ITS INTERPRETATION OF SAID ACT.

(2) THE DEPARTMENT SHALL PERIODICALLY REVIEW ITS INTERPRETATION OF FEDERAL REGULATIONS PERTAINING TO EDUCATION DATA COLLECTION AND REPORTING AND SHALL ENSURE THAT IT TAKES INTO CONSIDERATION THE INTERPRETATIONS ADOPTED BY THE DEPARTMENTS OF EDUCATION IN NEIGHBORING STATES.

(3) (a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IN ANY YEAR IN WHICH THE GENERAL ASSEMBLY DOES NOT APPROPRIATE MONEYS TO IMPLEMENT A STATE PROGRAM IN WHICH THE DEPARTMENT, A SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, OR A PUBLIC SCHOOL WAS PARTICIPATING, ANY REPORTING REQUIREMENTS THAT ARE REQUIRED UNDER THE PROVISIONS OF THE STATE PROGRAM ARE SUSPENDED, AND THE DEPARTMENT, SCHOOL DISTRICTS, THE STATE CHARTER SCHOOL INSTITUTE, AND PUBLIC SCHOOLS NEED NOT COMPLY WITH SAID REPORTING REQUIREMENTS; EXCEPT THAT A PARTICIPATING SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE IF IT IS PARTICIPATING, OR A PARTICIPATING PUBLIC SCHOOL SHALL COMPLY WITH REQUIREMENTS TO REPORT INFORMATION CONCERNING THE ENTITY'S PARTICIPATION IN THE STATE PROGRAM DURING THE PERIOD IN WHICH IT WAS FUNDED.

(b) FOR PURPOSES OF THIS SUBSECTION (3), "STATE PROGRAM" MEANS A PROGRAM SPECIFICALLY CREATED IN STATE STATUTE AND FOR WHICH THE STATUTE CREATING THE PROGRAM SPECIFICALLY PROVIDES FUNDING TO A PARTICIPATING SCHOOL DISTRICT, THE STATE CHARTER SCHOOL INSTITUTE, OR A PUBLIC SCHOOL.

SECTION 4. 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 30, 2009