

CHAPTER 401

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 10-1171

BY REPRESENTATIVE(S) Benefield, Scanlan, Apuan, Fischer, Frangas, Gagliardi, Labuda, Middleton, Schafer S., Solano, Todd, May, Summers, Vigil, Carroll T.;
also SENATOR(S) Steadman, Hudak, Williams, King K., Kopp, Penry.

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

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

SECTION 1. 22-2-114.1, Colorado Revised Statutes, is amended to read:

22-2-114.1. Dropout rates - collection of data on grades seven through twelve and development of plans. (1) The general assembly hereby declares that the dropout rate indicates a waste of economic and human potential. Therefore a correct assessment of the number of students who fail to complete high school in the typical length of time ~~and the number of students who complete high school later in life~~ is necessary in order to fully recognize and correct the problem.

(2) The state board of education shall develop and implement in cooperation with local boards of education a model student accounting method and data collection system on dropouts in grades seven through twelve, with results to be reported to the general assembly by January 1, 1988.

~~(2.5) The state board of education shall develop and implement, in cooperation with the local boards of education, a model student accounting method and data collection system which results in the reporting of those persons who complete high school when twenty-one years of age or older.~~

~~(2.7) Effective July 1, 1998, the state board of education shall integrate the system developed pursuant to subsection (2.5) of this section with the statewide financial, student management, and human resource electronic data communications and reporting system developed pursuant to section 22-44-105 (4).~~

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

(3) (a) ~~For the purposes of school district record keeping and counting pursuant to this section, a "dropout" means a person who is the subject of notification to a school or school district that such person has left or will leave school for any reason, or such person has been absent from class for six consecutive weeks or more in any one school year, except for reasons of expulsion, excused long-term illness, or death, before completion of a high school diploma or its equivalent and who does not transfer to another public or private school or enroll in an approved home study program or in an on-line program pursuant to article 30.7 of this title. Students who are in attendance in an educational program at the end of such school year shall not be reported as dropouts by the school district to the department.~~

~~(b) The state board shall also collect data on the students who have dropped out of a regular course of study but who are enrolled and pursuing an alternative program of study.~~

SECTION 2. 22-7-505, Colorado Revised Statutes, is amended to read:

22-7-505. School district responsibilities and incentives. ~~(1)~~ Each school district shall annually report to the department of education THE STATE-ASSIGNED STUDENT IDENTIFIER FOR EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT WHO HAS AN INDIVIDUAL LITERACY PLAN AND FOR EACH PUPIL ENROLLED IN THE SCHOOL DISTRICT FOR WHOM LITERACY GOALS ARE INCLUDED IN THE PUPIL'S INDIVIDUALIZED EDUCATION PROGRAM.

~~(a) The number and percentage of pupils enrolled in the third grade in the school district who read at or above the third grade level;~~

~~(b) The number and percentage of pupils enrolled in the school district who have an individual literacy plan or are enrolled in an intensive literacy program funded through the read-to-achieve program created in part 9 of this article;~~

~~(c) The number and percentage of pupils enrolled in the school district who have increased their literacy and reading comprehension levels by two or more grades during one year of instruction.~~

SECTION 3. Repeal. 22-44-111 (3), Colorado Revised Statutes, is repealed as follows:

22-44-111. Budget - filing. ~~(3) Each board of education shall submit its adopted annual budget to the department of education on or before January 31, 2009, and on or before January 31 each year thereafter. The budget shall include data available to the board of education as of December 31 of the immediately preceding calendar year.~~

SECTION 4. 22-2-304 (2) (c), (2) (e), and (2) (f), Colorado Revised Statutes, are amended, and the said 22-2-304 (2) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22-2-304. Education data advisory committee - creation - duties - repeal.
(2) The EDAC shall:

(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~~ THAT the request is mandatory BECAUSE IT IS REQUIRED BY STATUTE OR RULE, IS REQUIRED TO ACQUIRE A BENEFIT BECAUSE A STATUTE OR RULE REQUIRES A SCHOOL DISTRICT OR PUBLIC SCHOOL THAT CHOOSES TO SEEK OR RECEIVE A SPECIFIED GOVERNMENTAL BENEFIT TO REPORT THE DATA, or IS voluntary BECAUSE IT IS NOT SPECIFICALLY REQUIRED BY A STATUTE OR RULE;

(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; AND

(g) REVIEW THE PROCESSES AND TIMING FOR COLLECTING STUDENT DEMOGRAPHIC DATA AND MAKE RECOMMENDATIONS TO THE STATE BOARD FOR EFFICIENTLY UPDATING THE DATA AS NECESSARY.

SECTION 5. Repeal. 22-32-110 (1) (bb), 22-37-106, and 22-38-110, Colorado Revised Statutes, are repealed.

SECTION 6. 23-1-113.3, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

23-1-113.3. Commission directive - basic skills courses. (5.5) AS SOON AS PRACTICABLE AFTER A COMMUNITY COLLEGE, ADAMS STATE COLLEGE, MESA STATE COLLEGE, OR ANY OTHER STATE INSTITUTION OF HIGHER EDUCATION THAT PROVIDES BASIC SKILLS COURSES BEGINS USING THE UNIQUE STUDENT IDENTIFIERS AS REQUIRED IN SECTION 23-5-127 (4), THE INSTITUTION AND THE DEPARTMENT SHALL REPORT THE INFORMATION SPECIFIED IN SUBSECTIONS (3) AND (4) OF THIS SECTION ON AN INDIVIDUAL STUDENT BASIS, USING EACH STUDENT'S UNIQUE STUDENT IDENTIFIER.

SECTION 7. Act subject to petition - effective date. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

(2) Notwithstanding any provision of subsection (1) of this section to the contrary, section 3 of this act shall take effect only if House Bill 10-1036 is enacted and becomes law.

Approved: June 10, 2010