

HB1065_L.017

SENATE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Education.

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

HB09-1065 be amended as follows:

1 Amend reengrossed bill, page 3, strike lines 21 through 27.

2 Strike pages 4 through 10 and substitute the following:

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

5 **ARTICLE 68.5**
6 **Educator Identifier System**

7 **22-68.5-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

17 (5) "IDENTIFIER" MEANS A UNIQUE EDUCATOR IDENTIFIER



1 ASSIGNED TO EACH LICENSED EDUCATOR PARTICIPATING IN THE PILOT
2 PROGRAM AND SYSTEM PURSUANT TO SECTION 22-68.5-102.

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5 THIS DEFINITION SHALL BE REPEALED BY THE GENERAL ASSEMBLY AFTER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

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

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

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

19 (10) "TEACHER" MEANS A PERSON WHO:

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

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

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

31 (11) "TEACHER GAP" MEANS THE DOCUMENTED PHENOMENON
32 THAT A POOR OR MINORITY STUDENT IS MORE LIKELY TO BE TAUGHT BY A

1 LESS-QUALIFIED OR LESS-EXPERIENCED TEACHER THAN THE STUDENT'S
2 MORE AFFLUENT OR WHITE PEERS.

3 **22-68.5-102. Educator identifier system and pilot program -**
4 **creation - purpose - scope - implementation.** (1) (a) THERE IS HEREBY
5 CREATED THE EDUCATOR IDENTIFIER SYSTEM AND PILOT PROGRAM IN THE
6 DEPARTMENT TO ASSIGN UNIQUE IDENTIFIERS TO EDUCATORS EMPLOYED
7 IN A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY. THE SYSTEM SHALL
8 UTILIZE AVAILABLE CURRENT AND HISTORICAL DATA OBTAINED FROM
9 WITHIN THE PAST FIVE YEARS AND SHALL BE DEVELOPED IN
10 COLLABORATION WITH THE COMMISSION. THE DEPARTMENT SHALL
11 DEVELOP THE SYSTEM BEFORE OR DURING THE 2009-2010 ACADEMIC
12 YEAR.

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

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

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

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

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

31 (d) USING DATA GLEANED FROM THE SYSTEM IN DEVELOPING THE
32 STATE'S LONGITUDINAL DATA SYSTEM TO INCLUDE A TEACHER IDENTIFIER
33 SYSTEM WITH THE ABILITY TO MATCH TEACHERS TO STUDENTS;

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

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

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

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

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

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

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

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

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

32 (III) COLLABORATIVELY DESIGN AND DEVELOP, WITH

1 REPRESENTATION FROM THE DISTRICT'S TEACHERS AND PRINCIPALS,
2 ALTERNATIVE COMPENSATION PLANS THROUGH THE PROCEDURES
3 ADOPTED BY THE DISTRICT FOR SETTING EDUCATOR COMPENSATION.

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

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

28 (f) THE SYSTEM SHALL USE MULTIPLE DATA POINTS.

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

32 (h) DATA ANALYSIS SHALL INCLUDE THE COMPLETE NUMBER OF
33 EDUCATORS IN EACH PARTICIPATING SCHOOL DISTRICT. THE DATA SHALL
34 BE REPORTED ONLY IF A SCHOOL DISTRICT OR LOCAL EDUCATION AGENCY
35 INCLUDES A MINIMUM THRESHOLD IN THE NUMBER OF EDUCATORS TO
36 ENSURE THAT IDENTIFIABLE INFORMATION OF INDIVIDUAL EDUCATORS IS



1 NOT REPORTED.

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

13 (6) THE DEPARTMENT SHALL NOT BE OBLIGATED TO IMPLEMENT
14 THE PROVISIONS OF THIS SECTION UNTIL SUFFICIENT FUNDS HAVE BEEN
15 RECEIVED AND CREDITED TO THE FUND. NO GENERAL FUND MONEYS
16 SHALL BE APPROPRIATED FOR THE IMPLEMENTATION OF THIS ARTICLE.

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

22 **22-68.5-103. Educator identifier fund created - gifts, grants,**
23 **and donations.** (1) THE DEPARTMENT IS AUTHORIZED TO SEEK AND
24 ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
25 FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT
26 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO
27 CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER
28 LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND
29 PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO
30 THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE EDUCATOR
31 IDENTIFIER FUND, WHICH FUND IS HEREBY CREATED.

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

35 (3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES



1 OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS
2 PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
3 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
4 TO THE FUND.

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

11 **22-68.5-104. Repeal of article.** THIS ARTICLE IS REPEALED,
12 EFFECTIVE JULY 1, 2012.

13 **SECTION 5. Appropriation.** In addition to any other
14 appropriation, there is hereby appropriated, to the department of
15 education, management and administration, for the fiscal year beginning
16 July 1, 2009, 3.0 FTE. These 3.0 FTE shall be supported by moneys in
17 the educator identifier fund, created in section 22-68.5-103 (1), Colorado
18 Revised Statutes. Moneys in the educator identifier fund are continuously
19 appropriated pursuant to section 22-68.5-103 (2), Colorado Revised
20 Statutes.

21 **SECTION 6. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety."

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