

SB173_L.003

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.SB15-173 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, **amend** 22-2-301 as
4 follows:

5 **22-2-301. Short title.** This part 3 shall be known and may be cited
6 as the "Data Reporting and ~~Technology~~ PROTECTION Act".

7 SECTION 2. In Colorado Revised Statutes, **add** 22-2-310 as
8 follows:

9 **22-2-310. Student data protection - accountability and**
10 **transparency - legislative declaration - definitions - prohibited**
11 **actions - remedies.** (1) THE GENERAL ASSEMBLY FINDS THAT ALTHOUGH
12 THERE ARE FEDERAL STATUTES LIMITING THE USE OF STUDENT DATA
13 COLLECTED BY SCHOOLS, THESE STATUTES PRIMARILY GOVERN THE
14 ACTIONS OF SCHOOLS AND GOVERNMENT ENTITIES AND HAVE LESS
15 APPLICABILITY TO THIRD-PARTY VENDORS. THE EFFECTIVE USE OF
16 STUDENT DATA TO IMPROVE LEARNING REQUIRES A FRAMEWORK OF TRUST
17 AROUND ITS USE.

18 (2) IT IS THEREFORE THE INTENT OF THE GENERAL ASSEMBLY TO
19 ACHIEVE THE FOLLOWING PURPOSES:

20 (a) TO ENSURE THE PRIVACY OF ALL PUBLIC SCHOOL STUDENTS BY
21 RESTRICTING THIRD-PARTY VENDORS FROM SHARING, MINING, SELLING, OR
22 USING PERSONALLY IDENTIFIABLE DATA COLLECTED BY SCHOOLS AND
23 SCHOOL DISTRICTS; AND

24 (b) TO PROHIBIT AN OPERATOR OF AN INTERNET WEB SITE, ON-LINE
25 SERVICE, ON-LINE APPLICATION, OR MOBILE APPLICATION FROM USING,
26 DISCLOSING, OR COMPILING PERSONAL INFORMATION OF A PUBLIC SCHOOL
27 STUDENT FOR THE PURPOSE OF MARKETING OR ADVERTISING.

28 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
29 REQUIRES:

30 (a) "COVERED INFORMATION" MEANS PERSONALLY IDENTIFIABLE
31 INFORMATION OR MATERIALS, IN ANY MEDIA OR FORMAT THAT IS:

32 (I) CREATED OR PROVIDED BY A STUDENT, OR THE STUDENT'S
33 PARENT OR LEGAL GUARDIAN, TO AN OPERATOR IN THE COURSE OF THE
34 STUDENT'S, PARENT'S, OR LEGAL GUARDIAN'S USE OF THE OPERATOR'S WEB
35 SITE, SERVICE, OR APPLICATION FOR PUBLIC SCHOOL PURPOSES;

36 (II) CREATED OR PROVIDED BY AN EMPLOYEE OR AGENT OF THE
37 PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, LOCAL
38 EDUCATION AGENCY, OR DEPARTMENT TO AN OPERATOR; OR



1 (III) GATHERED BY AN OPERATOR THROUGH THE OPERATION OF A
2 WEB SITE, ON-LINE SERVICE, OR ON-LINE APPLICATION THAT IS USED
3 PRIMARILY FOR PUBLIC SCHOOL PURPOSES, WAS DESIGNED AND MARKETED
4 FOR PUBLIC SCHOOL PURPOSES, AND IS DESCRIPTIVE OF OR OTHERWISE
5 IDENTIFIES A STUDENT. THIS INCLUDES, BUT IS NOT LIMITED TO:

6 (A) INFORMATION IN THE STUDENT'S EDUCATIONAL RECORD OR
7 ELECTRONIC MAIL;

8 (B) STUDENT DATA;

9 (C) FIRST AND LAST NAME, HOME ADDRESS, TELEPHONE NUMBER,
10 ELECTRONIC MAIL ADDRESS, OR ANY OTHER INFORMATION THAT ALLOWS
11 PHYSICAL OR ON-LINE CONTACT; OR

12 (D) DISCIPLINE OR CRIMINAL RECORDS, JUVENILE DEPENDENCY
13 RECORDS, MEDICAL OR HEALTH RECORDS, SOCIAL SECURITY NUMBER,
14 BIOMETRIC INFORMATION, DISABILITIES, SOCIOECONOMIC INFORMATION,
15 POLITICAL AFFILIATIONS, RELIGIOUS INFORMATION, TEXT MESSAGES,
16 DOCUMENTS, STUDENT IDENTIFIERS, SEARCH ACTIVITY, PHOTOS, VOICE
17 RECORDINGS, FOOD PURCHASES, OR GEOLOCATION INFORMATION.

18 (b) "EDUCATION RECORD" HAS THE SAME MEANING AS DEFINED IN
19 THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
20 1974", AS AMENDED, 20 U.S.C. SEC. 1232g. "EDUCATION RECORD"
21 INCLUDES AN INDIVIDUALIZED EDUCATION PROGRAM.

22 (c) "OPERATOR" MEANS ANY OPERATOR OF AN INTERNET WEB SITE;
23 AN ON-LINE SERVICE, INCLUDING CLOUD COMPUTING SERVICES; AN
24 ON-LINE APPLICATION; OR A MOBILE APPLICATION WITH ACTUAL
25 KNOWLEDGE THAT THE SITE, SERVICE, OR APPLICATION IS USED PRIMARILY
26 FOR PUBLIC SCHOOL PURPOSES AND WAS DESIGNED AND MARKETED FOR
27 PUBLIC SCHOOL PURPOSES. "OPERATOR" DOES NOT INCLUDE A SCHOOL, A
28 SCHOOL DISTRICT, THE CHARTER SCHOOL INSTITUTE, THE DEPARTMENT, OR
29 THE STATE BOARD.

30 (d) "PERSONALLY IDENTIFIABLE INFORMATION" HAS THE SAME
31 MEANING AS DEFINED IN THE FEDERAL "FAMILY EDUCATIONAL RIGHTS
32 AND PRIVACY ACT OF 1974", AS AMENDED, 20 U.S.C. SEC. 1232g.

33 (e) "PUBLIC SCHOOL PURPOSE" MEANS ANY PURPOSE THAT
34 CUSTOMARILY TAKES PLACE AT THE DIRECTION OF A PUBLIC SCHOOL,
35 TEACHER, SCHOOL DISTRICT, OR CHARTER SCHOOL, OR AIDS IN THE
36 ADMINISTRATION OF SCHOOL ACTIVITIES, INCLUDING, BUT NOT LIMITED
37 TO, INSTRUCTION IN THE CLASSROOM OR AT HOME, ADMINISTRATIVE
38 ACTIVITIES, AND COLLABORATION BETWEEN STUDENTS, SCHOOL
39 PERSONNEL, OR PARENTS, OR ANY OTHER PURPOSE THAT IS FOR THE USE
40 AND BENEFIT OF A PUBLIC SCHOOL OR CHARTER SCHOOL.

41 (f) "TARGETED ADVERTISING" MEANS DELIVERING



1 ADVERTISEMENTS TO A STUDENT WHERE THE ADVERTISEMENT IS
2 SELECTED BASED ON INFORMATION OBTAINED OR INFERRED FROM THAT
3 STUDENT'S ON-LINE VIEWING BEHAVIOR, USAGE OF APPLICATIONS, OR
4 COVERED INFORMATION. "TARGETED ADVERTISING" DOES NOT INCLUDE
5 USE OF SEARCH ENGINES OR RECOMMENDATION ENGINES, CONTEXTUAL
6 ADVERTISING, RUN OF NETWORK ADVERTISING, OR ADAPTIVE OR
7 INDIVIDUALIZED LEARNING.

8 (4) AN OPERATOR SHALL NOT KNOWINGLY ENGAGE IN ANY OF THE
9 FOLLOWING ACTIVITIES WITH RESPECT TO ITS WEB SITE, SERVICE, OR
10 APPLICATION:

11 (a) (I) ENGAGE IN TARGETED ADVERTISING ON THE OPERATOR'S
12 WEB SITE, SERVICE, OR APPLICATION; OR

13 (II) TARGET ADVERTISING ON ANY OTHER WEB SITE, SERVICE, OR
14 APPLICATION WHEN THE TARGETING OF THE ADVERTISING IS BASED UPON
15 ANY INFORMATION, INCLUDING COVERED INFORMATION AND PERSISTENT
16 UNIQUE IDENTIFIERS, THAT THE OPERATOR HAS ACQUIRED BECAUSE OF THE
17 USE OF THAT OPERATOR'S WEB SITE, SERVICE, OR APPLICATION;

18 (b) USE INFORMATION, INCLUDING PERSISTENT UNIQUE
19 IDENTIFIERS, CREATED OR GATHERED BY THE OPERATOR'S WEB SITE,
20 SERVICE, OR APPLICATION, TO AMASS A PROFILE ABOUT A PUBLIC SCHOOL
21 STUDENT, EXCEPT IN FURTHERANCE OF A PUBLIC SCHOOL PURPOSE.
22 AMASSING A PROFILE DOES NOT INCLUDE COLLECTION AND RETENTION OF
23 ACCOUNT RECORDS OR INFORMATION THAT REMAINS UNDER THE CONTROL
24 OF THE STUDENT, PARENT, SCHOOL, OR SCHOOL DISTRICT.

25 (c) SELL A STUDENT'S INFORMATION, INCLUDING COVERED
26 INFORMATION. THIS PROHIBITION DOES NOT APPLY TO THE PURCHASE,
27 MERGER, OR OTHER TYPE OF ACQUISITION OF AN OPERATOR BY ANOTHER
28 ENTITY, PROVIDED THAT THE OPERATOR OR SUCCESSOR ENTITY CONTINUES
29 TO COMPLY WITH THE PROVISIONS OF THIS SECTION CONCERNING
30 PREVIOUSLY ACQUIRED STUDENT INFORMATION.

31 (d) DISCLOSE COVERED INFORMATION UNLESS THE DISCLOSURE IS
32 MADE, TO THE EXTENT REASONABLY NECESSARY:

33 (I) IN FURTHERANCE OF THE PUBLIC SCHOOL PURPOSE OF THE WEB
34 SITE, SERVICE, OR APPLICATION, PROVIDED THE RECIPIENT OF THE
35 COVERED INFORMATION DISCLOSED PURSUANT TO THIS PARAGRAPH (d):

36 (A) DOES NOT FURTHER DISCLOSE THE COVERED INFORMATION
37 UNLESS DONE TO ALLOW OR IMPROVE OPERABILITY AND FUNCTIONALITY
38 WITHIN THAT STUDENT'S CLASSROOM OR SCHOOL; AND

39 (B) IS LEGALLY REQUIRED TO COMPLY WITH SUBSECTION (6) OF
40 THIS SECTION;

41 (II) TO PROTECT THE SECURITY OR INTEGRITY OF ITS WEB SITE,

1 SERVICE, OR APPLICATION;
2 (III) TO TAKE PRECAUTIONS AGAINST LIABILITY;
3 (IV) TO RESPOND TO THE JUDICIAL PROCESS;
4 (V) TO THE EXTENT PERMITTED UNDER OTHER PROVISIONS OF
5 LAW, TO PROVIDE INFORMATION TO LAW ENFORCEMENT AGENCIES OR FOR
6 AN INVESTIGATION ON A MATTER RELATED TO PUBLIC SAFETY; OR
7 (VI) TO A SERVICE PROVIDER, PROVIDED THAT THE OPERATOR
8 CONTRACTUALLY:
9 (A) PROHIBITS THE SERVICE PROVIDER FROM USING ANY COVERED
10 INFORMATION FOR ANY PURPOSE OTHER THAN PROVIDING THE
11 CONTRACTED SERVICE TO, OR ON BEHALF OF, THE OPERATOR;
12 (B) PROHIBITS THE SERVICE PROVIDER FROM DISCLOSING ANY
13 COVERED INFORMATION PROVIDED BY THE OPERATOR WITH SUBSEQUENT
14 THIRD PARTIES, EXCEPT TO THE EXTENT NECESSARY TO CARRY OUT
15 LEGITIMATE EDUCATIONAL FUNCTIONS DELEGATED TO IT BY THE AGENCY
16 OR INSTITUTION; AND
17 (C) REQUIRES THE SERVICE PROVIDER TO IMPLEMENT AND
18 MAINTAIN REASONABLE SECURITY PROCEDURES AND PRACTICES AS
19 PROVIDED FOR IN SUBSECTION (6) OF THIS SECTION.
20 (5) NOTHING IN SUBSECTION (4) OF THIS SECTION SHALL BE
21 CONSTRUED TO PROHIBIT THE OPERATOR'S USE OF INFORMATION FOR
22 MAINTAINING, DEVELOPING, SUPPORTING, IMPROVING, OR DIAGNOSING THE
23 OPERATOR'S WEB SITE, SERVICE, OR APPLICATION.
24 (6) AN OPERATOR SHALL:
25 (a) IMPLEMENT AND MAINTAIN REASONABLE SECURITY
26 PROCEDURES AND PRACTICES THAT, AT A MINIMUM, MEET THE
27 REQUIREMENTS DEVELOPED BY THE DEPARTMENT AND STATE BOARD
28 PURSUANT TO SECTION 22-2-309 AND THAT ARE APPROPRIATE TO THE
29 NATURE OF THE COVERED INFORMATION AND PROTECT THAT INFORMATION
30 FROM UNAUTHORIZED ACCESS, DESTRUCTION, USE, MODIFICATION, OR
31 DISCLOSURE; AND
32 (b) DELETE A STUDENT'S COVERED INFORMATION IF THE PUBLIC
33 SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL, OR CHARTER SCHOOL
34 INSTITUTE REQUESTS SUCH DELETION OF ANY DATA UNDER THE CONTROL
35 OF THE PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL OR CHARTER
36 SCHOOL INSTITUTE.
37 (7) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (d) OF
38 SUBSECTION (4) OF THIS SECTION, AN OPERATOR MAY DISCLOSE COVERED
39 INFORMATION OF A STUDENT UNDER THE FOLLOWING CIRCUMSTANCES, AS
40 LONG AS PARAGRAPHS (a) TO (c) OF SUBSECTION (4) OF THIS SECTION,
41 INCLUSIVE, ARE NOT VIOLATED:



1 (a) IF OTHER PROVISIONS OF STATE OR FEDERAL LAW REQUIRE THE
2 OPERATOR TO DISCLOSE THE COVERED INFORMATION AND THE OPERATOR
3 COMPLIES WITH THE APPLICABLE REQUIREMENTS OF STATE AND FEDERAL
4 LAW IN PROTECTING AND DISCLOSING THE INFORMATION;

5 (b) FOR LEGITIMATE RESEARCH PURPOSES APPROVED BY THE
6 SCHOOL DISTRICT OR THE CHARTER SCHOOL INSTITUTE:

7 (I) AS REQUIRED BY STATE OR FEDERAL LAW AND SUBJECT TO THE
8 RESTRICTIONS UNDER APPLICABLE STATE AND FEDERAL LAW; OR

9 (II) AS ALLOWED BY STATE OR FEDERAL LAW AND UNDER THE
10 DIRECTION OF A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL,
11 CHARTER SCHOOL INSTITUTE, OR THE DEPARTMENT, IF NO COVERED
12 INFORMATION IS USED FOR ANY PURPOSE IN FURTHERANCE OF
13 ADVERTISING OR TO AMASS A PROFILE ON A STUDENT FOR A PURPOSE
14 OTHER THAN A PUBLIC SCHOOL PURPOSE; AND

15 (c) TO A STATE OR LOCAL EDUCATION AGENCY, INCLUDING PUBLIC
16 SCHOOLS, SCHOOL DISTRICTS, CHARTER SCHOOLS, OR THE CHARTER
17 SCHOOL INSTITUTE FOR A PUBLIC SCHOOL PURPOSE, AS PERMITTED BY
18 STATE OR FEDERAL LAW.

19 (8) NOTHING IN THIS SECTION PROHIBITS AN OPERATOR FROM
20 USING DEIDENTIFIED COVERED INFORMATION AS FOLLOWS:

21 (a) WITHIN THE OPERATOR'S WEB SITE, SERVICE, OR APPLICATION,
22 OR OTHER WEB SITES, SERVICES, OR APPLICATIONS OWNED BY THE
23 OPERATOR, TO IMPROVE ITS EDUCATIONAL PRODUCTS; OR

24 (b) TO DEMONSTRATE THE EFFECTIVENESS OF THE OPERATOR'S
25 PRODUCTS OR SERVICES, INCLUDING ITS MARKETING.

26 (9) NOTHING IN THIS SECTION PROHIBITS AN OPERATOR FROM
27 SHARING AGGREGATED AND DEIDENTIFIED COVERED INFORMATION FOR
28 THE DEVELOPMENT AND IMPROVEMENT OF EDUCATIONAL WEB SITES,
29 SERVICES, OR APPLICATIONS.

30 (10) THIS SECTION DOES NOT:

31 (a) LIMIT THE AUTHORITY OF A LAW ENFORCEMENT AGENCY TO
32 OBTAIN ANY CONTENT OR INFORMATION FROM AN OPERATOR AS
33 AUTHORIZED BY LAW OR PURSUANT TO AN ORDER OF A COURT OF
34 COMPETENT JURISDICTION;

35 (b) LIMIT THE ABILITY OF AN OPERATOR TO USE STUDENT DATA,
36 INCLUDING COVERED INFORMATION, FOR ADAPTIVE LEARNING OR
37 CUSTOMIZED STUDENT LEARNING PURPOSES;

38 (c) APPLY TO GENERAL-AUDIENCE INTERNET WEB SITES, ON-LINE
39 SERVICES, ON-LINE APPLICATIONS, OR MOBILE APPLICATIONS, EVEN IF
40 LOG-IN CREDENTIALS CREATED FOR AN OPERATOR'S WEB SITE, SERVICE, OR
41 APPLICATION MAY BE USED TO ACCESS THE GENERAL-AUDIENCE WEB SITE,

- 1 SERVICE, APPLICATION, OR MOBILE APPLICATION;
- 2 (d) LIMIT INTERNET SERVICE PROVIDERS FROM PROVIDING
- 3 INTERNET CONNECTIVITY TO SCHOOLS OR STUDENTS AND THEIR FAMILIES;
- 4 (e) PROHIBIT AN OPERATOR OF AN INTERNET WEB SITE, ON-LINE
- 5 SERVICE, ON-LINE APPLICATION, OR MOBILE APPLICATION FROM
- 6 MARKETING EDUCATIONAL PRODUCTS DIRECTLY TO PARENTS, SO LONG AS
- 7 THE MARKETING DID NOT RESULT FROM THE USE OF COVERED
- 8 INFORMATION OBTAINED BY THE OPERATOR THROUGH THE PROVISION OF
- 9 SERVICES COVERED UNDER THIS SECTION;
- 10 (f) IMPOSE A DUTY UPON A PROVIDER OF AN ELECTRONIC STORE,
- 11 GATEWAY, MARKETPLACE, OR OTHER MEANS OF PURCHASING OR
- 12 DOWNLOADING SOFTWARE OR APPLICATIONS TO REVIEW OR ENFORCE
- 13 COMPLIANCE OF THIS SECTION ON THOSE APPLICATIONS OR SOFTWARE;
- 14 (g) IMPOSE A DUTY UPON A PROVIDER OF AN INTERACTIVE
- 15 COMPUTER SERVICE, AS DEFINED IN SECTION 230 OF TITLE 47, U.S.C., TO
- 16 REVIEW OR ENFORCE COMPLIANCE WITH THIS SECTION BY THIRD-PARTY
- 17 CONTENT PROVIDERS; AND
- 18 (h) IMPEDE THE ABILITY OF A STUDENT TO DOWNLOAD, EXPORT, OR
- 19 OTHERWISE SAVE OR MAINTAIN HIS OR HER STUDENT-CREATED DATA OR
- 20 DOCUMENTS.

21 (11) ANY INTERESTED PARTY MAY MAKE AN INITIAL REPORT OF

22 ALLEGED VIOLATIONS OF THIS SECTION TO THE DEPARTMENT. THE

23 DEPARTMENT SHALL CONTACT THE OPERATOR DIRECTLY AND PROVIDE THE

24 OPERATOR WITH THE OPPORTUNITY TO EXPLAIN OR RECTIFY. IF THE

25 DEPARTMENT CONTINUES TO RECEIVE COMPLAINTS ABOUT THE SAME

26 OPERATOR, IT MAY BRING THE ISSUE TO THE OFFICE OF THE ATTORNEY

27 GENERAL FOR REVIEW AND ACTION.

28 **SECTION 3.** In Colorado Revised Statutes, **add** 22-2-311 as

29 follows:

30 **22-2-311. Data protection - disclosure and transparency -**

31 **definition.** (1) BEGINNING WITH THE START OF THE 2015-16 ACADEMIC

32 YEAR, AND AT THE START OF EACH ACADEMIC YEAR THEREAFTER:

33 (a) EACH SCHOOL DISTRICT, CHARTER SCHOOL, AND THE CHARTER

34 SCHOOL INSTITUTE SHALL PROVIDE AN ANNUAL NOTICE TO PARENTS AND

35 LEGAL GUARDIANS LISTING ALL OPERATORS WITH WHOM THE SCHOOL

36 DISTRICT, CHARTER SCHOOL, OR CHARTER SCHOOL INSTITUTE HAS

37 ENTERED INTO A NEGOTIATED CONTRACT, EXCLUDING END-USER

38 AGREEMENTS, THAT PROVIDES FOR THE TRANSFER OF COVERED

39 INFORMATION FOR THE UPCOMING ACADEMIC YEAR; AND

40 (b) EACH OPERATOR THAT HAS ENTERED INTO A NEGOTIATED

41 CONTRACT, EXCLUDING END-USER AGREEMENTS, WITH A SCHOOL



1 DISTRICT, CHARTER SCHOOL, OR THE CHARTER SCHOOL INSTITUTE FOR THE
2 UPCOMING ACADEMIC YEAR SHALL POST ALL SUCH CONTRACTS ON THE
3 OPERATOR'S WEB SITE.

4 (2) THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION DO
5 NOT APPLY TO RURAL PUBLIC SCHOOLS, RURAL SCHOOL DISTRICTS, OR
6 RURAL CHARTER SCHOOLS AS THOSE TERMS ARE DEFINED BY THE
7 DEPARTMENT.

8 (3) AS USED IN THIS SECTION, "OPERATOR" MEANS ANY OPERATOR
9 OF AN INTERNET WEB SITE; AN ON-LINE SERVICE, INCLUDING CLOUD
10 COMPUTING SERVICES; AN ON-LINE APPLICATION; OR A MOBILE
11 APPLICATION WITH ACTUAL KNOWLEDGE THAT THE SITE, SERVICE, OR
12 APPLICATION IS USED PRIMARILY FOR PUBLIC SCHOOL PURPOSES AND WAS
13 DESIGNED AND MARKETED FOR PUBLIC SCHOOL PURPOSES. "OPERATOR"
14 DOES NOT INCLUDE A SCHOOL, A SCHOOL DISTRICT, THE DEPARTMENT, OR
15 THE STATE BOARD.

16 **SECTION 4.** In Colorado Revised Statutes, 22-1-123, add (14)
17 as follows:

18 **22-1-123. Protection of student data - parental or legal**
19 **guardian consent for surveys.** (14) (a) If A PUBLIC SCHOOL, SCHOOL
20 DISTRICT, CHARTER SCHOOL, OR THE CHARTER SCHOOL INSTITUTE UTILIZES
21 CLOUD COMPUTING SERVICES, WEB SITES, ON-LINE PROGRAMS, OR
22 APPLICATIONS THAT COLLECT OR STORE STUDENT INFORMATION, WHETHER
23 THE INFORMATION IS PERSONALLY IDENTIFIABLE OR NOT, IT SHALL
24 DEVELOP AN EDUCATION TECHNOLOGY PLAN THAT PROVIDES FOR THE
25 FOLLOWING:

26 (I) ANNUAL NOTICE TO PARENTS AND LEGAL GUARDIANS
27 CONCERNING THE TYPE OF DATA TRANSFERRED TO CLOUD COMPUTING
28 SERVICE PROVIDERS;

29 (II) TRAINING FOR STUDENTS AND STAFF CONCERNING THE
30 APPROPRIATE USE OF TECHNOLOGY, INCLUDING SAFETY AND PRIVACY
31 SAFEGUARDS AND PROTOCOLS; AND

32 (III) NOTICE TO PARENTS AND LEGAL GUARDIANS IF THERE IS A
33 SECURITY BREACH OR OTHER UNAUTHORIZED DISCLOSURE OF STUDENT
34 INFORMATION.

35 (b) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO RURAL
36 PUBLIC SCHOOLS, RURAL SCHOOL DISTRICTS, OR RURAL CHARTER
37 SCHOOLS, AS THOSE TERMS ARE DEFINED BY THE DEPARTMENT OF
38 EDUCATION.

39 **SECTION 5.** In Colorado Revised Statutes, amend 22-2-106.5
40 as follows:

41 **22-2-106.5. State board - duties with regard to student data -**

1 **memorandum of understanding.** (1) Notwithstanding the provisions of
2 section 22-2-111 (3) (a), the state board shall enter into a memorandum
3 of understanding on or before September 1, 2006, with the Colorado
4 commission on higher education to adopt a policy to share student data.
5 At a minimum, the policy shall ensure that the exchange of information
6 is conducted in conformance with the requirements of the federal "Family
7 Educational Rights and Privacy Act of 1974", as amended, 20 U.S.C. sec.
8 1232g, and all federal regulations and applicable guidelines adopted in
9 accordance therewith. The policy shall additionally require the state
10 board, upon request, to share student data with qualified researchers. For
11 purposes of this section, qualified researchers shall include, but need not
12 be limited to, institutions of higher education, school districts, and public
13 policy research and advocacy organizations.

14 (2) ANY RELEASE OF DATA PURSUANT TO SUBSECTION (1) OF THIS
15 SECTION MUST CONFORM TO THE REQUIREMENTS OF SECTION 22-2-310.

16 **SECTION 6.** In Colorado Revised Statutes, 22-2-111, **add** (4) as
17 follows:

18 **22-2-111. Commissioner of education - office - records -**
19 **confidential nature.** (4) ANY RELEASE OF DATA PURSUANT TO
20 SUBSECTION (3) OF THIS SECTION MUST CONFORM TO THE REQUIREMENTS
21 OF SECTION 22-2-310.

22 **SECTION 7.** In Colorado Revised Statutes, 25-1-1202, **amend**
23 (1) (II) as follows:

24 **25-1-1202. Index of statutory sections regarding medical**
25 **record confidentiality and health information.** (1) Statutory provisions
26 concerning policies, procedures, and references to the release, sharing,
27 and use of medical records and health information include the following:

28 (II) ~~Section~~ SECTIONS 22-1-123 (5) AND 22-2-310, C.R.S.,
29 concerning the protection of student data;

30 **SECTION 8. Act subject to petition - effective date.** This act
31 takes effect at 12:01 a.m. on the day following the expiration of the
32 ninety-day period after final adjournment of the general assembly (August
33 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
34 referendum petition is filed pursuant to section 1 (3) of article V of the
35 state constitution against this act or an item, section, or part of this act
36 within such period, then the act, item, section, or part will not take effect
37 unless approved by the people at the general election to be held in
38 November 2016 and, in such case, will take effect on the date of the
39 official declaration of the vote thereon by the governor."

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