

NOTE: The governor signed this measure on 4/8/2013.

An Act

SENATE BILL 13-053

BY SENATOR(S) Kerr, Aguilar, Carroll, Guzman, Heath, Hodge, Hudak, Jones, Kefalas, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Morse;

also REPRESENTATIVE(S) Hamner, Duran, Fields, Fischer, Ginal, Labuda, Melton, Mitsch Bush, Pabon, Rosenthal, Salazar, Young.

CONCERNING ESTABLISHING A PROCEDURE BETWEEN THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION THAT ALLOWS FOR THE TRANSFER OF AVAILABLE STUDENT DATA RELEVANT TO THE TRANSITION FROM HIGH SCHOOL TO THE POSTSECONDARY SYSTEM.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) Previous work to align the sharing of data between state agencies, including H.B. 08-1364, "Concerning interdepartmental data protocols", and H.B. 09-1285, "Concerning the government data advisory board, and, in connection therewith, creating the education data subcommittee to make recommendations for creation of a statewide comprehensive P-20 education data system", have provided dramatically

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

enhanced opportunities to inform stakeholders on the performance of and opportunities in education;

(b) Systems that allow for the direct, electronic exchange of student data from the department of education to the department of higher education improve the understanding of student success rates related to high school graduation and first-year student success in postsecondary education as well as developmental education outcomes in postsecondary education; and

(c) Enhanced data sharing between the department of education and the department of higher education may enable future opportunities for improving student outcomes and expediting the sharing of relevant academic information, such as improving early awareness of college readiness and transferring academic records electronically. These enhancements promise to decrease the administrative burden for institutions of higher education related to identifying students matriculating from high school to the postsecondary system as well as increase the accuracy of student information.

(2) The general assembly concludes, therefore, that:

(a) The department of education and the department of higher education shall establish a procedure that allows the transfer of available student data relevant to high school students' transitions to the postsecondary system;

(b) This procedure should not create any additional financial or administrative burden for local education agencies, public institutions of higher education, or students; and

(c) This procedure should initially enable the exchange of relevant data to which the department of education otherwise has access. The procedure should be flexible enough to accommodate the exchange of additional relevant data as the department of education's access to more detailed data relevant to college admissions increases, with the long-term objective of pre-populating admissions applications for students.

SECTION 2. In Colorado Revised Statutes, **add** 22-7-1016.5 as follows:

22-7-1016.5. Exchange of student records. (1) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER EDUCATION SHALL ESTABLISH A PROCEDURE THAT ALLOWS FOR THE DIRECT, ELECTRONIC EXCHANGE OF STUDENT UNIT RECORD DATA FOR STUDENTS ENROLLED IN COLORADO PUBLIC HIGH SCHOOLS.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-2-111 (3)(a), THE DEPARTMENT OF EDUCATION, IN COLLABORATION WITH THE DEPARTMENT OF HIGHER EDUCATION, SHALL IDENTIFY THE STUDENT DATA RELEVANT TO HIGH SCHOOL STUDENTS' TRANSITIONS TO THE POSTSECONDARY SYSTEM TO WHICH THE DEPARTMENT OF EDUCATION HAS ACCESS AND THAT SHALL BE SHARED WITH THE DEPARTMENT OF HIGHER EDUCATION.

(3) THE DEPARTMENT OF EDUCATION SHALL COLLECT STUDENT AUTHORIZATION FOR THE TRANSFER OF DATA WHERE NECESSARY AND PRACTICABLE THROUGH EXISTING SYSTEMS FOR THE COLLECTION OF STUDENT DATA.

(4) THE IMPLEMENTATION OF THE DATA EXCHANGE PROCEDURE ESTABLISHED PURSUANT TO THIS SECTION AND SECTION 23-1-119.3, C.R.S., MUST UTILIZE STUDENT UNIT RECORD DATA COLLECTED AND MAINTAINED BY THE DEPARTMENT OF EDUCATION AND MUST BE ADMINISTERED AT NO CHARGE TO LOCAL EDUCATION PROVIDERS, PUBLIC INSTITUTIONS OF HIGHER EDUCATION, OR STUDENTS.

(5) THE DATA EXCHANGE PROCEDURE ESTABLISHED PURSUANT TO THIS SECTION AND SECTION 23-1-119.3, C.R.S., MUST ENSURE THAT THE EXCHANGE OF INFORMATION IS CONDUCTED IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC 1232g, AS AMENDED, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

SECTION 3. In Colorado Revised Statutes, **add** 23-1-119.3 as follows:

23-1-119.3. Department directive - exchange of student records.

(1) THE DEPARTMENT OF HIGHER EDUCATION AND THE DEPARTMENT OF

EDUCATION SHALL ESTABLISH A PROCEDURE THAT ALLOWS FOR THE DIRECT, ELECTRONIC EXCHANGE OF STUDENT UNIT RECORD DATA FOR STUDENTS ENROLLED IN COLORADO PUBLIC HIGH SCHOOLS.

(2) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-2-111 (3)(a), C.R.S., THE DEPARTMENT OF HIGHER EDUCATION, IN COLLABORATION WITH THE DEPARTMENT OF EDUCATION, SHALL IDENTIFY THE STUDENT DATA RELEVANT TO HIGH SCHOOL STUDENTS' TRANSITIONS TO THE POSTSECONDARY SYSTEM TO WHICH THE DEPARTMENT OF EDUCATION HAS ACCESS AND THAT SHALL BE SHARED WITH THE DEPARTMENT OF HIGHER EDUCATION.

(3) THE DEPARTMENT OF EDUCATION SHALL COLLECT STUDENT AUTHORIZATION FOR THE TRANSFER OF DATA WHERE NECESSARY AND PRACTICABLE THROUGH EXISTING SYSTEMS FOR THE COLLECTION OF STUDENT DATA.

(4) THE IMPLEMENTATION OF THE DATA EXCHANGE PROCEDURE ESTABLISHED PURSUANT TO THIS SECTION AND SECTION 22-7-1016.5, C.R.S., MUST UTILIZE STUDENT UNIT RECORD DATA COLLECTED AND MAINTAINED BY THE DEPARTMENT OF EDUCATION AND MUST BE ADMINISTERED AT NO CHARGE TO LOCAL EDUCATION PROVIDERS, PUBLIC INSTITUTIONS OF HIGHER EDUCATION, OR STUDENTS.

(5) THE DATA EXCHANGE PROCEDURE ESTABLISHED PURSUANT TO THIS SECTION AND SECTION 22-7-1016.5, C.R.S., MUST ENSURE THAT THE EXCHANGE OF INFORMATION IS CONDUCTED IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC 1232g, AS AMENDED, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

(6) IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC 1232g, AS AMENDED, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED IN ACCORDANCE THEREWITH, THE DEPARTMENT OF HIGHER EDUCATION SHALL SHARE STUDENT UNIT RECORD DATA WITH COLORADO PUBLIC INSTITUTIONS OF

HIGHER EDUCATION FOR RECRUITMENT, ENROLLMENT, AND PLACEMENT PURPOSES.

(7) THE DEPARTMENT OF HIGHER EDUCATION MAY USE COLORADO PUBLIC HIGH SCHOOL STUDENTS' STUDENT UNIT RECORD DATA TO PROVIDE STUDENTS WITH RELEVANT INFORMATION CONCERNING THE TRANSITION FROM HIGH SCHOOL TO COLLEGES AND UNIVERSITIES.

(8) TO THE EXTENT PRACTICABLE AND SUBJECT TO AVAILABLE DATA AND RESOURCES, THE DEPARTMENT OF HIGHER EDUCATION MAY USE THE DATA OBTAINED PURSUANT TO THIS SECTION FOR PURPOSES OF FULFILLING THE REQUIREMENTS OF SECTION 23-1-119.1 AND 23-1-119.2, AS WELL AS IN THE ADMISSION OF ELIGIBLE STUDENTS TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

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.

John P. Morse
PRESIDENT OF
THE SENATE

Mark Ferrandino
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO