

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 13-0404.01 Jane Ritter x4342

SENATE BILL 13-053

SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

Hamner,

Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

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

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill establishes a procedure between the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
March 26, 2013

SENATE
3rd Reading Unamended
February 25, 2013

SENATE
Amended 2nd Reading
February 22, 2013

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. The procedure must utilize student unit record data currently collected and maintained by the department of education and administered at no charge to local education providers, public institutions of higher education, or students.

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

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

4 (a) Previous work to align the sharing of data between state
5 agencies, including H.B. 08-1364, "Concerning interdepartmental data
6 protocols", and H.B. 09-1285, "Concerning the government data advisory
7 board, and, in connection therewith, creating the education data
8 subcommittee to make recommendations for creation of a statewide
9 comprehensive P-20 education data system", have provided dramatically
10 enhanced opportunities to inform stakeholders on the performance of and
11 opportunities in education;

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

18 (c) Enhanced data sharing between the department of education
19 and the department of higher education may enable future opportunities
20 for improving student outcomes and expediting the sharing of relevant
21 academic information, such as improving early awareness of college
22 readiness and transferring academic records electronically. These

1 enhancements promise to decrease the administrative burden for
2 institutions of higher education related to identifying students
3 matriculating from high school to the postsecondary system as well as
4 increase the accuracy of student information.

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

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

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

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

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

21 **22-7-1016.5. Exchange of student records.** (1) THE
22 DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HIGHER
23 EDUCATION SHALL ESTABLISH A PROCEDURE THAT ALLOWS FOR THE
24 DIRECT, ELECTRONIC EXCHANGE OF STUDENT UNIT RECORD DATA FOR
25 STUDENTS ENROLLED IN COLORADO PUBLIC HIGH SCHOOLS.

26 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 22-2-111 (3)
27 (a), THE DEPARTMENT OF EDUCATION, IN COLLABORATION WITH THE

1 DEPARTMENT OF HIGHER EDUCATION, SHALL IDENTIFY THE STUDENT DATA
2 RELEVANT TO HIGH SCHOOL STUDENTS' TRANSITIONS TO THE
3 POSTSECONDARY SYSTEM TO WHICH THE DEPARTMENT OF EDUCATION HAS
4 ACCESS AND THAT SHALL BE SHARED WITH THE DEPARTMENT OF HIGHER
5 EDUCATION.

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

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

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

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

26 **23-1-119.3. Department directive - exchange of student**
27 **records.** (1) THE DEPARTMENT OF HIGHER EDUCATION AND THE

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

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

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

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

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

1 AS AMENDED, AND ALL FEDERAL REGULATIONS AND APPLICABLE
2 GUIDELINES ADOPTED IN ACCORDANCE THEREWITH.

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

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

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

22 **SECTION 4. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.