

Colorado Legislative Council Staff Fiscal Note

**LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0269	Date: February 2, 2015
Prime Sponsor(s): Rep. Lundeen	Bill Status: House Education
Sen. Woods	Fiscal Analyst: Josh Abram (303-866-3561)

BILL TOPIC: PROTECTIONS COLLECTION AND RELEASE STUDENT DATA

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures		
FTE Position Change		
Appropriation Required:		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Under current law, school districts must obtain the written consent of parents before the school district can require participation in a survey, assessment, analysis, or evaluation intended to reveal information concerning the student or the student's parents' political affiliations, mental and psychological conditions, sexual behavior and attitudes, or other social or cultural information about the family. This bill further defines this provision by stating that at least 85 percent of the student's parents or guardians provide the written consent.

Written consent is considered valid only if the school district gives a parent or legal guardian written notice and makes a copy of the survey, assessment, analysis, or evaluation available for viewing at the student's school or school district office during normal business hours.

School districts must assure parents and legal guardians that any data collected:

- will not be further processed in a way that is incompatible with the purposes for which the survey, assessment, analysis, or evaluation was intended;
- are accurate and kept up to date, and that the school district shall take every reasonable step to ensure that inaccurate or incomplete data are rectified or deleted;
- will be kept in a form that permits identification of a data subject for no longer than is necessary for the stated purposes for which the data are collected;
- will be adequate, relevant, and not excessive in relation to the stated purposes for which the data are collected;
- have appropriate safeguards in place for personal data that will be stored for longer periods of time for historical, statistical, or scientific use; and
- will be protected from threat of exposure or loss, consistent with state law.

The bill requires a similar level of consent and the same assurances for requests to release personally identifiable information. Any right accorded to a parent or legal guardian pursuant to these requirements transfers to the student when he or she turns eighteen. At that time, the

student may request in writing that the school district immediately destroy all data related to his or her record, except for the information contained in his or her academic achievement record. Finally, the bill permits a student's parent or legal guardian to provide written notification to a school district that prohibits the school district from including any data related to the student to be provided separately or in the aggregate to any other vendor or entity outside the school district.

School District Impact

Many of the provisions in the bill are current practice in school districts. Under current law, school districts must already obtain written consent from parents and legal guardians whenever a survey, analysis, assessment, or evaluation seeks to measure social or cultural information about students. This bill merely expands on some of the protections in current law regarding protection of student data and the protocols for protecting personally identifiable information.

The bill will expand workload in school districts to review and update their existing data security policies to comport with the bill's expanded provisions. Any workload increase is anticipated to be minimal.

Pursuant to Section 22-32-143, C.R.S., school districts and Boards of Cooperative Educational Services (BOCES) may submit estimates of fiscal impacts within seven days of a bill's introduction. As of the date of this fiscal note, no summaries of fiscal impacts were submitted by districts or BOCES for this bill. If summaries of fiscal impacts are submitted by districts or BOCES in the future, they will be noted in subsequent revisions to the fiscal note and posted at this address: <http://www.colorado.gov/lcs>

Effective Date

The bill takes effect August 5, 2015, if the General Assembly adjourns on May 6, 2015, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Education