

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 11, 2016

Date

Committee on Education.

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

SB16-079 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, line 13, after "(2) (d)" insert "and (3)".

2 Page 4, after line 1 insert:

3 "(3) (a) (I) A SCHOOL DISTRICT OR PUBLIC SCHOOL, INCLUDING A
4 CHARTER SCHOOL, SHALL NOT, WITHOUT THE SPECIFIC WRITTEN CONSENT
5 OF THE PARENT OR LEGAL GUARDIAN OF THE AFFECTED STUDENT, RELEASE
6 OR OTHERWISE PROVIDE A STUDENT'S INDIVIDUAL CAREER AND ACADEMIC
7 PLAN, OR ANY PERSONALLY IDENTIFIABLE DATA, AS DEFINED IN 34 CFR
8 99.3, AS AMENDED, INCLUDED IN THE STUDENT'S INDIVIDUAL CAREER AND
9 ACADEMIC PLAN, TO A PERSON WHO IS NOT AN EMPLOYEE OF THE SCHOOL
10 DISTRICT OR PUBLIC SCHOOL OR TO AN ENTITY THAT IS NOT A PART OF THE
11 SCHOOL DISTRICT OR PUBLIC SCHOOL, INCLUDING BUT NOT LIMITED TO A
12 STATE OR FEDERAL AGENCY OR AN ENTITY WITH WHICH THE SCHOOL
13 DISTRICT OR PUBLIC SCHOOL CONTRACTS.

14 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
15 THIS PARAGRAPH (a) TO THE CONTRARY, A SCHOOL DISTRICT OR PUBLIC
16 SCHOOL MAY PROVIDE PERSONALLY IDENTIFIABLE DATA THAT IS
17 INCLUDED IN A STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN TO
18 THE DEPARTMENT TO THE EXTENT SPECIFICALLY AUTHORIZED BY
19 STATUTE.

20 (b) EACH SCHOOL DISTRICT AND PUBLIC SCHOOL SHALL PROVIDE
21 TO THE DEPARTMENT ASSURANCES THAT IT HAS PREPARED AND IS
22 MAINTAINING AN INDIVIDUAL CAREER AND EDUCATION PLAN FOR EACH
23 STUDENT ENROLLED IN ONE OF GRADES NINE THROUGH TWELVE IN
24 COMPLIANCE WITH SECTIONS 22-30.5-525 AND 22-32-109 (1) (oo). THE

1 ASSURANCES MUST NOT INCLUDE PERSONALLY IDENTIFIABLE DATA.

2 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-525, **add** (3)
3 as follows:

4 **22-30.5-525. Individual career and academic plans.**

5 (3) (a) (I) AN INSTITUTE CHARTER SCHOOL SHALL NOT, WITHOUT THE
6 SPECIFIC WRITTEN CONSENT OF THE PARENT OR LEGAL GUARDIAN OF THE
7 AFFECTED STUDENT, RELEASE OR OTHERWISE PROVIDE A STUDENT'S
8 INDIVIDUAL CAREER AND ACADEMIC PLAN, OR ANY PERSONALLY
9 IDENTIFIABLE DATA, AS DEFINED IN 34 CFR 99.3, AS AMENDED, INCLUDED
10 IN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, TO A PERSON
11 WHO IS NOT AN EMPLOYEE OF THE INSTITUTE CHARTER SCHOOL OR TO AN
12 ENTITY THAT IS NOT A PART OF THE INSTITUTE CHARTER SCHOOL,
13 INCLUDING BUT NOT LIMITED TO A STATE OR FEDERAL AGENCY OR AN
14 ENTITY WITH WHICH THE INSTITUTE CHARTER SCHOOL CONTRACTS.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
16 THIS PARAGRAPH (a) TO THE CONTRARY, AN INSTITUTE CHARTER SCHOOL
17 MAY PROVIDE PERSONALLY IDENTIFIABLE DATA THAT IS INCLUDED IN A
18 STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN TO THE DEPARTMENT
19 TO THE EXTENT SPECIFICALLY AUTHORIZED BY STATUTE.

20 (b) EACH INSTITUTE CHARTER SCHOOL SHALL PROVIDE TO THE
21 DEPARTMENT ASSURANCES THAT IT HAS PREPARED AND IS MAINTAINING
22 AN INDIVIDUAL CAREER AND EDUCATION PLAN FOR EACH STUDENT
23 ENROLLED IN ONE OF GRADES NINE THROUGH TWELVE IN COMPLIANCE
24 WITH THIS SECTION. THE ASSURANCES MUST NOT INCLUDE PERSONALLY
25 IDENTIFIABLE DATA.

26 **SECTION 4.** In Colorado Revised Statutes, 22-32-109, **add** (1)
27 (oo) (IV) and (1) (oo) (V) as follows:

28 **22-32-109. Board of education - specific duties.** (1) In addition
29 to any other duty required to be performed by law, each board of
30 education shall have and perform the following specific duties:

31 (oo) (IV) (A) A SCHOOL DISTRICT OR A PUBLIC SCHOOL OF A
32 SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL, SHALL NOT, WITHOUT
33 THE SPECIFIC WRITTEN CONSENT OF THE PARENT OR LEGAL GUARDIAN OF
34 THE AFFECTED STUDENT, RELEASE OR OTHERWISE PROVIDE A STUDENT'S
35 INDIVIDUAL CAREER AND ACADEMIC PLAN, OR ANY PERSONALLY
36 IDENTIFIABLE DATA, AS DEFINED IN 34 CFR 99.3, AS AMENDED, INCLUDED
37 IN THE STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN, TO A PERSON
38 WHO IS NOT AN EMPLOYEE OF THE SCHOOL DISTRICT OR THE PUBLIC
39 SCHOOL OR TO AN ENTITY THAT IS NOT A PART OF THE SCHOOL DISTRICT OR
40 PUBLIC SCHOOL, INCLUDING BUT NOT LIMITED TO A STATE OR FEDERAL

1 AGENCY OR AN ENTITY WITH WHICH THE SCHOOL DISTRICT OR PUBLIC
2 SCHOOL CONTRACTS.

3 (B) NOTWITHSTANDING THE PROVISIONS OF SUB-SUBPARAGRAPH
4 (A) OF THIS SUBPARAGRAPH (IV) TO THE CONTRARY, A SCHOOL DISTRICT
5 OR PUBLIC SCHOOL MAY PROVIDE PERSONALLY IDENTIFIABLE DATA THAT
6 IS INCLUDED IN A STUDENT'S INDIVIDUAL CAREER AND ACADEMIC PLAN TO
7 THE STATE DEPARTMENT OF EDUCATION TO THE EXTENT SPECIFICALLY
8 AUTHORIZED BY STATUTE.

9 (V) EACH SCHOOL DISTRICT AND PUBLIC SCHOOL SHALL PROVIDE
10 TO THE STATE DEPARTMENT OF EDUCATION ASSURANCES THAT IT HAS
11 PREPARED AND IS MAINTAINING AN INDIVIDUAL CAREER AND EDUCATION
12 PLAN FOR EACH STUDENT ENROLLED IN ONE OF GRADES NINE THROUGH
13 TWELVE IN COMPLIANCE WITH THIS PARAGRAPH (oo). THE ASSURANCES
14 MUST NOT INCLUDE PERSONALLY IDENTIFIABLE DATA."

15 Renumber succeeding sections accordingly.

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