

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0572.01 Jane Ritter x4342

**HOUSE BILL 13-1220**

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**HOUSE SPONSORSHIP**

**Salazar,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE CONFIDENTIALITY OF AN INDIVIDUAL EDUCATOR'S**  
102     **PERFORMANCE DATA.**

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**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 clarifies that a school district or board of cooperative services may collect information concerning an individual educator's performance evaluation ratings and student assessments results linked to the educator for use in fulfilling duties required by law, including reporting of such information in the aggregate. Any information collected

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.*

concerning an individual educator must remain confidential and may not be published in any way that would identify the individual educator. The department of education and state board of education may also collect data for bona fide research, so long as the data is collected per established protocol and is used in a manner that protects the identity of the educator.

The bill clarifies that evaluation reports and information are available when reviewing certain appeals.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-9-109 as  
3 follows:

4 **22-9-109. Exemption from public inspection.**

5 (1) Notwithstanding the provisions of section 24-72-204 (3), C.R.S., the  
6 evaluation report and all public records as defined in section 24-72-202  
7 (6), C.R.S., used in preparing the evaluation report shall be confidential  
8 and shall be available only to the licensed person being evaluated, to the  
9 duly elected and appointed public officials who supervise his OR HER  
10 work, and to a hearing officer conducting a hearing pursuant to the  
11 provisions of section 22-63-302 or the court of appeals reviewing a  
12 decision of the board of education pursuant to the provisions of section  
13 22-63-302; except that:

14 (a) The evaluation report of the chief executive officer of any  
15 school district, as it relates to the performance of the chief executive  
16 officer in fulfilling the adopted school district objectives, fiscal  
17 management of the district, district planning responsibilities, and  
18 supervision and evaluation of district personnel, ~~shall~~ MUST be open for  
19 inspection by any person at reasonable times; AND

20 (b) EVALUATION REPORTS AND ALL PUBLIC RECORDS AS DEFINED  
21 IN SECTION 24-72-202 (6), C.R.S., USED IN PREPARING THE  
22 EVALUATION REPORTS ARE AVAILABLE TO INDIVIDUALS RESPONSIBLE FOR

1 REVIEWING AN APPEAL MADE BY A NONPROBATIONARY TEACHER  
2 PURSUANT TO SECTION 22-9-106 (4.5) (b).

3 (2) NOTHING IN THIS SECTION SHALL PREVENT A SCHOOL DISTRICT  
4 OR A BOARD OF COOPERATIVE SERVICES FROM COLLECTING INFORMATION  
5 CONCERNING AN INDIVIDUAL EDUCATOR'S PERFORMANCE EVALUATION  
6 RATINGS AND STUDENT ASSESSMENT RESULTS LINKED TO THE INDIVIDUAL  
7 EDUCATOR. A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES  
8 MAY USE THE INFORMATION COLLECTED TO FULFILL ITS DUTIES AS  
9 REQUIRED BY LAW, INCLUDING REPORTING THIS INFORMATION IN THE  
10 AGGREGATE AT THE STATE, DISTRICT, OR SCHOOL LEVEL. IN SUCH  
11 INSTANCES, THE IDENTITY OF INDIVIDUAL EDUCATORS OR STUDENTS,  
12 INCLUDING BUT NOT LIMITED TO STUDENT ASSESSMENTS RESULTS LINKED  
13 TO THE INDIVIDUAL EDUCATOR, MUST OTHERWISE REMAIN CONFIDENTIAL  
14 AND MUST NOT BE PUBLISHED OR PUBLICLY DISCLOSED IN ANY WAY THAT  
15 WOULD IDENTIFY AN INDIVIDUAL EDUCATOR.

16 (3) NOTHING IN THIS SECTION SHALL PREVENT THE USE OF DATA  
17 COLLECTED BY THE DEPARTMENT FOR BONA FIDE RESEARCH, WHEN THE  
18 DATA IS OBTAINED PURSUANT TO THE DEPARTMENT'S PROTOCOLS FOR  
19 RELEASE OF DATA FOR RESEARCH PURPOSES AND IS USED IN A MANNER  
20 THAT PROTECTS THE IDENTITY OF INDIVIDUAL EDUCATORS AND ADHERES  
21 TO THE APPLICABLE PROVISIONS OF THE FEDERAL "FAMILY EDUCATION  
22 RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232 g.

23 **SECTION 2. Safety clause.** The general assembly hereby finds,  
24 determines, and declares that this act is necessary for the immediate  
25 preservation of the public peace, health, and safety.