



**COLORADO DEPARTMENT OF EDUCATION**

**DATA COLLECTION REVIEW**

**November 2016**

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## Introduction

In order to fulfill its mission, the Colorado Department of Education (CDE) collects, stores, and reports on a significant amount of data obtained from a wide variety of sources, including over 1,800 schools throughout the State. The Department oversees data management for about 900,000 students in preschool through the twelfth grade. This includes managing core data for every student and teacher, for specific programs, and on test results. The data collections are used for many purposes, among them funding allocation, performance evaluation, and report generation. CDE collects and stores data that includes Personally Identifiable Information (PII), which can be used to distinguish or trace an individual's identity, along with highly sensitive information on health and individual capabilities. Such information is subject to particularly stringent confidentiality requirements.

The Data Pipeline and Data Warehouse are the foundation of CDE's data collection and reporting efforts. Recently implemented, the Pipeline is a platform that is intended to move data efficiently from school districts to CDE. The Pipeline is a significant investment, intended to be the foundation of all data integration efforts. For example, the Pipeline supports projects like the Teacher-Student Data Link (TSDL) and extensions to the SchoolView Project. One of the goals of the Pipeline is to reduce data collection, maintenance, and reporting risks and to allow for increased system availability and ease of use. The Pipeline is used to validate data, generate reporting snapshots, provide the tools to approve final data submissions, and enhance security and student privacy.

The Pipeline supports data collection efforts in the following areas:

- Staff
- Student
- Discipline
- Special Education
- Finance
- READ
- RITS/EDIS Batches and Match Tool for multiple records

The Education Data Advisory Committee (EDAC) is the state authorized body responsible for approving the Department's data collection. EDAC was established in 2007 and reauthorized 2009. EDAC approves three categories of data collection:

- Mandatory
- Required to obtain benefit
- Voluntary

For FY 2014-2015, EDAC reviewed 147 data collection requests. Of these, 47 were mandatory, 75 were required to obtain benefit, and 25 were voluntary.

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*CDE Response:*

*Here is a list of [data collected via the Data Pipeline](#).*

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## Executive Summary

### Scope, Objective, and Methodology

The objective of this data review was to determine if CDE had met its federal and state obligations to protect the privacy of Colorado students and educators and to secure all PII that is collected, used, shared, and stored. To meet the objective, we analyzed, reviewed, researched, and evaluated the controls over the collection of student and educator records collected by CDE. Specifically, we performed the following:

- Interviewed representatives from each business unit within CDE. To fully understand the magnitude of CDE's data collection, storage, and reporting processes, we conducted interviews with over 40 staff, all engaged in significant data management and administration. We found staff to be highly knowledgeable, cooperative, and very forthcoming. Through our interviews, we gathered information on data processes and systems, Personally Identifiable Information (PII), data collection and reporting authority, and existing concerns.
- Identified the data collected and the approval of the collection. Along with obtaining lists of data elements collected during the interviews, we obtained the listing of all elements stored in CDE's Data Pipeline. We also reviewed the EDAC approval documents and corresponding forms sent to the local education agencies (LEA's) to find additional data elements and collections.
- Reviewed the federal and Colorado statutes, laws, and legal authorities that supported the collection of the data. We reviewed the laws and regulations cited by the interviewees and

included in EDAC approval documents to determine if they supported the collection of the data.

- Developed a database of the data elements, collections, and related authorities. We developed an Access database to track and catalogue data collected by CDE. The database includes three primary concepts – data elements, data collections, and authorities for the data collections. The database links data elements to the data collections, and the data collections and/or elements to the relevant authorities. The database allowed us to identify potential data collection risks.

## Results

Based on our interviews and data reviews, we did not identify evidence of the collection of data elements that were not supported by a legal statute or authority. However, because of the characteristics of the data collection, particularly the high number of staff members that collect data from LEA's and the quantity of data collected, this does not mean we concluded that all data elements collected were fully authorized. Further, the legal statutes are frequently written in general terms and do not specifically identify the data elements. As a result, the interpretation of which elements are required to meet the reporting requirement is a matter of judgment.

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*CDE Response:*

*To help alleviate the need for judgement in determining what elements to collect, EDAC, as discussed below, is the vehicle used by staff to review the need for collections.*

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Throughout our interviews, we found that CDE staff were aware of the importance of properly collecting and storing data. Data security policies had been disseminated throughout the organization, and staff were aware of the requirements. In general, CDE leadership has set standards and put processes in place to protect the collection and storage of data.

## Identified Risks

Based on our interviews and document reviews, the following areas contain risks that could merit process adjustments or ongoing monitoring.

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*CDE Response:*

*CDE will be reviewing our procedures to determine what improvements can be made to address these concerns about our processes to mitigate potential risks. More information is contained later in the report.*

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### Statutory/Regulatory Authority

**Risk of Over/Under Collecting Data:** Because the laws and regulations governing data collection efforts do not always contain specific requirements, the Department faces the risk of either over or under collecting data. For example, No Child Left Behind Section 4141 requires that each state receiving funds under the Elementary and Secondary Education Act must have a law in place that requires schools to expel for at least one year any student who brings a gun to school or possesses a gun in school, with the exception that a local education agency may modify the expulsion requirement on a case by case basis. Colorado Revised Statutes (CRS 22-33-106) further state that a school district is encouraged to consider several factors, including age of the student and disciplinary history, before suspending or expelling a student. To meet state and federal requirements, CDE has a Firearm Discipline data collection that includes student information about expulsions, grade levels, and whether or not the student brought or possessed a gun at school. While the data elements collected may be necessary to meet the state requirements, they are not explicitly named in the either federal or state law. The Educational Data Advisory Committee's (EDAC) standard form does not require that data approval requests include the specific data elements that will be included in the collection. EDAC's knowledge, understanding, and review of the specific authorizing language would be helpful in minimizing the risk that data is over/under-collected.

**Risk of Collecting Data in the Absence of Authority:** The Department does not have a formal process in place to regularly review the statutory/regulatory authority used as a basis for data collection, increasing the risk of inappropriate and/or unnecessary data collection. We found, for example, that the collection of certain data elements relied on a statute that had been repealed.



CRS 22-7-603.5, which was cited as the authority in the EDAC request for the Record Integration Tracking System, is no longer in effect. While there may be other statutes/regulations that support the collection of the data elements in the repealed statute, there could be cases in which the collection of the element is no longer supported. Regular review is an important control over the accuracy and efficiency of collection efforts.

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*CDE Response:*

*The requirement to assign every student a student identification number (SASID) via the RITS system is required by C.R.S. 22-16-105(1).*

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## **Data Sharing/Disclosure**

**Risk of Inappropriately Sharing and Misusing Department Information:** The Educational Data Advisory Committee (EDAC) review process is designed to ensure that each new data collection effort is a) required; and b) not duplicative of existing data collection. There is no comparable review process, however, with respect to the sharing or reporting of data within the Department, increasing the risk of data misuse. Data approved by EDAC and appropriately collected could be shared with other CDE users and reported out in aggregate form in a way not contemplated by the authorizing statute or regulation. For example, the October count data collection contains a free or reduced lunch flag. The data elements are pulled and used for the direct certification for the free or reduced lunch list provided by the U.S. Department of Agriculture. EDAC has not approved the use of the October count flag for the reduced lunch program. Sharing data elements within the Department reduces the risk of inefficient collection, but, in the absence of strong internal controls, can increase inadvertent or intentional misuse of data.

**Risk of Disclosing Educator Social Security Numbers (SSNs):** Educator files may contain Social Security numbers used to verify that an educator is properly licensed, increasing the risk of disclosure of key PII. The Department's licensing application is not yet part of the Educator

Identification Information System (EDIS) and, as a result, the Educator ID (EDID) is not sufficient for purposes of cross-referencing and verifying licensure status.

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*CDE Response:*

*CDE is evaluating the collection of educator SSNs to determine if we can move to the use of EDID to verify licensure status.*

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## Shared Data Storage

**Risk of unintentional release of Personally Identifiable Information (PII) through on-line storage systems:** The Department's systems and controls do not prevent the use of shared online storage systems, such as Google Drive, for PII, increasing the risk of unintentional release of confidential information. While staff members are aware that PII should not be stored on a shared drive, there are no restrictions in the system that would prevent a district representative from inadvertently posting data that contains PII. For example, the Turnaround Leaders Low Performing Schools program shares data on a Google storage system with some small rural schools. If a small school posted aggregate data that did not have an N-size greater than 16, a user with access to the shared storage could identify individuals.

## Memorandums of Understanding (MOUs)

**Risk that Memorandums of Understanding Will Not Be in Compliance with Statutory/Regulatory Requirements and Contain Important Confidentiality Provisions:** Department managers are allowed to enter into MOUs with LEAs that enable the collection of data. Such data collections may not have gone through a review process. Recently passed House Bill 16-1423 restricts the collection of student PII that is not required by state or federal law, except that the Department is permitted to request that a local education provider voluntarily submit data in order to receive a benefit. Language in an MOU may not lead an individual to conclude that there is a sufficient benefit to the LEAs to justify the collection of the data. In addition, MOUs may not contain the appropriate clauses regarding confidentiality and penalties for breach of confidentiality.

## Emails Containing PII

**Risk of Release of PII through Emails:** Because CDE, like other state departments, transacts significant business via email; there is an increased risk of inadvertent disclosure of PII. The Department has developed standard forms for district use that include PII requests. Districts are instructed to attach completed forms in an email reply. While most of the forms have been revised and the email instructions removed, some of the forms are still in existence. For example, the School Transportation Assistance Review (STAR) Questionnaire includes a form that requires the driver's full name and motor vehicle record information. The form requests a copy of the commercial driver's license as an attachment and asks the responder to email the completed form to a CDE address.

## Recommendations

While CDE has general processes in place to protect the collection and storage of data, the following recommendations could further improve the controls. We have grouped our recommendations into two main categories: 1) recommendations in response to specific risks identified and 2) general recommendations.

### Recommendations in Response to Risks Identified

- **Statutory/Regulatory Authority:**
  - CDE should consider modifying the EDAC request form to include a requirement for those seeking data collection authorization to reference the specific data elements to be collected. The request form could include a requirement to cite the specific statutory/regulatory section(s) and text that applies.

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*CDE Response:*

*CDE is updating EDAC forms to include a requirement to provide the recommended information. This was already a recommendation from EDAC that predated this report.*

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- The Department should consider implementing a regular review of changes in laws and regulations and their associated impact on data collection requirements. The database of elements, collections, and authorities resulting from our work will help create, and facilitate the updating of, an inventory of data collected and the underlying statutory/regulatory authority.

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*CDE Response:*

*CDE will be putting in place a process to review the statutory authority to collect information on a regular basis.*

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- **Data Sharing/Disclosure:** The Department should consider establishing a process for reviewing data shared and reported by staff that includes review and approval levels.

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*CDE Response:*

*The results of this audit found no evidence of the inadvertent or intentional misuse of data. In addition, each data type has been assigned a data steward who is responsible for defining how data is defined, collected, and reported to confirm that data is used appropriately.*

*However, CDE will be evaluating the EDAC process to determine if enhancements can be made to reduce this possibility.*

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- **Shared Data Storage:** The Department should consider reviewing its policies and procedures to ensure they are up-to-date and include non-CDE hosted data storage systems and portable hardware. The Department should also consider enhancing employee training and communication on CDE policies regarding cloud data storage. Defining and distributing the definition of PII could help CDE employees and district employees understand when cloud data storage is and is not appropriate. Finally, the Department should consider periodically obtaining a list of all shared sites visited and reviewing a sample of the information posted to sites.

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*CDE Response:*

*The results of this audit found no evidence of the sharing of personally identifiable information via online storage systems. However, CDE will be drafting guidance regarding this practice.*

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- **Memorandums of Understanding (MOUs):** In light of the recently enacted legislation, the Department should review the MOU process to ensure that the appropriate controls are in place. For example, CDE could require a secondary review of all MOUs that require the collection of PII. In addition, the Department could develop standard language regarding confidentiality and the breach thereof for inclusion in all MOUs.

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*CDE Response:*

*There is no legal requirement for contracts between a state educational entity and a local education entity for the sharing of data. The Educational Data Advisory Committee is a statutorily required body in place to review all data collection requests from the district, and is actively involved in doing so. As an extra check, however, CDE will update MOU verbiage to include privacy and security protections.*

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## General Recommendations

**Emails with PII:** CDE corresponds with LEA's throughout the state regarding data collection. The forms CDE sends to LEA's that request PII have a statement asking respondents not to email information. However, in certain instances, PII may be mailed from LEA's to CDE staff. In these cases, CDE staff is instructed to notify the sender that they should not email PII. CDE could continue to provide training to LEA's that submit information on the importance of using CDE's data systems rather than email.

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*CDE Response:*

*CDE regularly uses (and instructs local education entities) to use email encryption processes to secure personally identifiable information. In addition, CDE will be updating its forms to ensure that no personally identifiable information is requested via unsecure email methods.*

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**Vendor Contracts:** The Department should regularly review its contracts to ensure all vendors are aware of PII requirements and the consequences of inappropriate release of data. In particular,

contracts should specify if, when, and how individual users can allow vendors to share data and/or use it for purposes other than the specifically contracted use. In addition, the Department should consider including contract language to ensure that users are allowed to opt in or out of any data sharing. EDAC should consider what the best option is (i.e., user opt in or user opt out). Standard contract language should be reviewed annually given the rapidly changing world of data confidentiality and security breaches.

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*CDE Response:*

*Since 2014, all CDE contracts involving the sharing of PII have included these requirements. In addition, all contracts are reviewed and updated yearly.*

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# **Appendix A: Summary of Key State and Federal Laws and Regulations**

## **Introduction**

This report provides a summary of key state and federal laws and regulations discussed with Colorado Department of Education (CDE) staff we interviewed, as confirmed by our review. It is intended to be helpful in directing readers to some important requirements in the thousands of pages of requirements. Colorado Revised Statutes (2015) Title 22, for example, contains over 1,000 pages of laws containing CDE and school district requirements. Federal laws and regulations are equally voluminous. Users should take care in reading all relevant portions of laws and regulations effecting their work.

We have organized this report by data categories and provided the division or unit within the Colorado Department of Education responsible for data collection and management.



# Data Collection and Management - General

## Data Management

### Information Management Services – Data Services

#### Authority

- **EDAC:** CRS 22-2-304 establishes the Education Data Advisory Committee to review school district data reporting and make recommendations to determine, for example, if the benefits derived from reports merit the costs.
  
- **Educator Information:** CRS 22-2-112(p) sets forth the duty of the Education Commissioner to establish and maintain an educator identifier system to assign unique identifiers to educators employed in a school district or local educational agency (LEA). Each educator’s identifier must be unique. The identifier must not use any personal identifying information, such as Social Security numbers or contact information, except for alignment purposes in data processing. Any personal identifying information that is collected must be linked in a secure data location so data sets can be matched based on the personal identifying information when the identifier is not included.
  
- **Student Information:**
  - CRS 22-2-309, the "Student Data Protection, Accessibility, Transparency, and Accountability Act of 2014," sets forth requirements for collecting, managing and reporting student information.
  
  - CRS 22-16-101 et seq., the “Student Data Transparency and Security Act,” provides authority for both protecting and positively applying information by increasing the level of transparency regarding and specifying and enforcing limitations on the collection, use, storage, and destruction of student data.
  
- **Personally Identifiable Information:** The Family Educational Rights and Privacy Act (FERPA) applies to educational agencies or institutions that receive funds from programs administered by the U.S. Department of Education. “Educational agencies or institutions” include public schools, school districts (or “local educational agencies” (LEAs)), and postsecondary institutions, such as colleges and universities. According to FERPA, PII includes:
  - a) The student’s name;
  - b) The name of the student’s parent or other family members;

- c) The address of the student or student’s family;
  - d) A personal identifier, such as the student’s social security number, student number, or biometric record;
  - e) Other indirect identifiers, such as the student’s date of birth, place of birth, and mother’s maiden name;
  - f) Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
  - g) Information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.
- **Annual Report:** CRS 32-109.1(2)(b) requires schools and LEAs to submit to CDE an annual report specifically covering such topics as: enrollment, average daily attendance, dropout rates, and conduct and discipline code violations (to include such matters as possession of a dangerous weapon, use, or possession of alcohol, use or possession of drugs).
  - **Conduct and Discipline Information:** CRS 22-11-503(3)(c) requires that performance reports on each public school and district include conduct and discipline information.
  - **Expulsion:** The federal Gun-Free Schools Act Title IV, Part A, Subpart 3, Section 4141 requires each state receiving funding under the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), to have in effect a law requiring LEAs to expel for at least one year any student who brings a gun to school or possesses a gun in school.
  - **Teacher-Student Data Link Collection:** State statutes and Board of Education regulations in support of the teacher-student data link collection do not specifically list data elements to be included. However, statutes require the following:
    - CRS 22-2-116.5 requires CDE to annually collect “student-level course completion data” consistent with state and federal privacy laws from LEAs.
    - CRS 22-11-503.5 requires that, commencing with the 2016-2017 academic year, CDE annually create a “core course level participation and performance report for each school district and public school in the state.” LEAs are to use the participation and performance report “to generate school-building level and school-district level discussion and examination of course placement policies and decisions and the resulting student proficiency levels on statewide assessments.”

- **Staff Interchange Collection:**
  - CRS 22-9-106(1.5) authorizes CDE to collect data from LEAs' performance evaluations systems and to monitor those systems.
  - CRS 22-11-503(3)(e) requires CDE to publish performance reports for each school and prescribes the information to be included in the reports, including information regarding staff employed.
  - CRS 22-32-109.1 specifies safe school reporting requirements.
  - CRS 22-54-104 prescribes the manner in which the financial base of support is calculated.

## Data Integrity

### Accountability, Performance and Support Division, Federal Programs

#### Authority

- **Supplemental Education Services (SES):** The Elementary and Secondary Education Act (ESEA), reauthorized as NCLB, Section 1116(e) requires that states evaluate the effectiveness of the SES programs implemented in the state.
- **Math and Science Partnerships:** ESEA, reauthorized as NCLB, Section 2202(e) and (f) require that “Each eligible partnership receiving a grant or subgrant under this part shall develop an evaluation and accountability plan for activities assisted under this part that includes rigorous objectives that measure the impact of activities funded under this part.” CDE is required to collect these reports of activities and submit the findings to the U.S. Department of Education (USDE).
- **Neglected and Delinquent Facilities:** ESEA, reauthorized as NCLB, Title 1 Section 1431 requires evaluation of any funded programs.
- **Connect for Success Grant:** ESEA, reauthorized as NCLB, Section 1116 (Academic Assessment and Local Educational Agency and School Improvement). LEAs must use State academic assessments to annually review the progress of each Title I school to ensure they are making adequate progress.
- **English Language Proficiency:** CRS 22-24-107 requires that each school receiving an award under the English Language Proficiency Act Excellence Award Program submit at the end of the school year a report to CDE regarding, for example, its use of the grant money and a data analysis and summary of the local education provider's or charter

school's English language proficiency program.

## **Report Development**

### **Achievement and Strategy Division**

#### **Authority**

- **Educator Preparation Program Report:** CRS 22-2-112 (q) collaboration with the Department of Higher Education “to prepare an annual report on the effectiveness of educator preparation programs.
- **Teaching and Learning Conditions (TELL) Survey:** CRS 22-2-503 requires CDE to administer a survey to assess at least the following: teaching and learning conditions as predictors of student achievement; the correlation between teaching conditions and teacher retention; and the relationship between teaching and learning conditions and school administration.

# Schools

## School Performance Ratings

### Accountability, Performance and Support Division

#### Authority

- **High Risk Students/School Ratings:**
  - CRS 22-7-604.5 requires applicants for Alternative Education Campus (AEC) status to show that their student population includes “high-risk” students, as specifically defined (e.g., drug/alcohol history/ expelled from school, etc.).
  - State Board Rule 1 CCR 301-57(3.02) requires applicants to provide sufficient information to show that they meet the requirements for AEC status.

## Innovative Schools

### Choice and Engagement Division

#### Authority

- **Charter Schools:** CRS 22-30.5-113 requires CDE to generate a report with “Data about the performance of charter school pupils and institute charter school pupils with the performance of ethnically and economically comparable groups of pupils in other public schools who are enrolled in academically comparable courses.”
- **Innovation School Plans:**
  - CRS 22-32.5-101 *et seq.*, sets forth the requirements for submitting innovation school plans.
  - CRS 22-32.5-111 requires the submission of an annual report to the Governor and the Senate and House education committees.
- **Online learning:** CRS 22-30.7-103 sets forth various duties of the CDE Division of On-line Learning, including the requirement to submit an annual report to the Legislature every 5 years.

## Unified Improvement Planning

### Performance and Support Division

#### Authority

- **Unified Improvement Planning (UIP):**
  - CRS 22-11-101, *et seq.*, Education Accountability Act of 2009 provides general authority for UIP.
  - ESEA – including Titles IA, IIA and III – requires improvement planning to focus on ensuring that all students in the State reach proficiency in English language arts/reading and mathematics. Over time, several other state and federal programs and grants (e.g., Student Graduation Completion Plan designation, Tiered Intervention Grants, Gifted Education, READ Act (Colorado Reading To Ensure Academic Development) have been woven into UIP processes, allowing schools and LEAs to meet multiple planning requirements simultaneously.
- **UIP Goal:** CRS 22-7-1001, *et seq.*, the Preschool to Postsecondary Education Alignment Act, requires among other efforts, that CDE facilitate and ensure longitudinal measurement of students' academic growth over time. The Act established the primary purpose of improvement planning as aligning efforts to ensure all students exit the K-12 education system ready for postsecondary education, and/or to be successful in the workforce, earning a living wage immediately upon graduation.
- **Accountability Requirements:** CRS 22-2-503 established the Teaching and Learning Conditions survey. The UIP process enables the State, districts and schools to meet accountability requirements - State Accreditation (school and district levels); spells out requirements (e.g., trends, target setting, action plan) in the Accountability Act for each plan type at both the school and district levels. Requirements intensify for schools and districts on the accountability clock.
  - Districts: CRS 22-11-302 through 306
  - Schools: CRS 22-11- 402 through 406
- **State Accreditation:** ESEA (Titles IA, IIA, III) for districts authorizes waivers that enable states to use the planning system that is currently used for state accreditation. In the absence of the waiver, requirements would revert back to the No Child Left Behind (NCLB) expectations for annual reporting on an improvement plan. Staff also uses the UIP to document districts' analysis on the Equitable Distribution of Teachers (a requirement in Title I and referenced in Title IIA). The Colorado ESEA waiver was approved by the USDE (February 2012). Other relevant statutes include:
  - **LEA Improvement:** ESEA, Title I, Part A, Subpart c, Section 1116
  - **Technical Assistance and Accountability:** ESEA, Title II, Part A, Subpart 4, Section 2141

- **Improvement Plan:** ESEA, Title III, Section 3122(b)(2)
  - **Focus Schools:** ESEA for Schools (Focus Schools; School-wide programs): The ESEA waiver enables the State to use the UIP to meet reporting expectations of focus schools. The school-wide documentation requirements are spelled out in the Title I portion of ESEA. Use of the UIP for school wide documentation is optional.
  - **Other Provisions to Support Teaching and Learning:** ESEA, Title I, Part A, Section 1114
  - **Inclusion of READ Act** (elementary school and district levels): CRS 22-11-101 specifies that accountability requirements should be met through the UIP.
  - **UIP Districts:** CRS 22-11-302 through 306
  - **UIP Schools:** CRS 22-11- 402 through 406
  - **Student Performance by Course Level:** CRS 22-11-503.5
  - **Gifted Education** (district level). CRS 22-20-204 and CRS 22-20-202 (3), (15), (16) shifted reporting requirements to the UIP at the Administrative Unit (AU) and district level last year.
- Student Graduation and Completion Plan.** CRS 22-14-107 specifies that following adoption of the initial student graduation and completion plan, each high priority and priority local education provider shall review and update the student graduation and completion plan in accordance with timelines adopted by rule of the State Board.
- **Colorado Graduation Pathways Grant.** This grant uses the UIP to meet reporting expectations. The grant was awarded by the USDE.

### Turnaround Leaders Low Performing Schools

#### Performance and Support Division, LEA and School Performance

##### Authority

- **Turnaround Program:** CRS 22-13-103 creates the Turnaround Leaders Development Program and sets forth criteria for grant awards. “At a minimum, the criteria must take

into account for applying school districts the concentration of schools of the school district, or for the institute the concentration of institute charter schools, that must implement priority improvement or turnaround plans.”

- **Grant Awards:** 1 CCR 301-95 establishes procedures and detailed criteria for grant awards.

## Facility Schools

### Exceptional Student Services

#### Authority

- **Facility Schools:** CRS 22-2-401, *et seq.*, sets forth requirements for facility schools, including the requirement to report pupil enrollment to CDE.

## National Assessment of Educational Progress (NAEP)

### Administration and Management

#### Authority

- **No Child Left Behind, Title I:** CDE provides assistance to the districts by using the October Count data and formatting the data for the districts into the required structure, this is not required by statute or law, but as a service to remove the administrative burden from the district and assist in the compliance aspect for Title I funds.



# Students

## Student Assessment

### Achievement and Strategy Division, Assessment Unit

#### Authority

- **Student Assessment Data Collection** – This collection is voluntary and is used to assist LEAs with their federal reporting requirements. The Department uses data collected in the Student Interchange to populate federal student assessment forms and outside contractor’s databases to report testing results for the Partnership for Assessment of Readiness for College and Careers (PARCC) and Colorado Alternative Testing Measures (CoAlt). The districts, not CDE, are responsible for reporting their results to CDE and the federal government.
  - PARCC – The school districts are required to report the results of PARCC to CDE, but CDE is not required to populate the data for the school districts into forms used by CDE to aggregate the data. CDE uses the data from the Student Interchange Collection to populate the data into the forms, which the districts report their results. The local school districts may choose to populate their own data and report the information to CDE.
  - CoAlt – The school districts are required to report the results of CoAlt to CDE, but CDE is not required to use Pearson to assist with the collection of or reporting on the data from the school districts. CDE populates student information collected from the Student Interchange Collection into the Pearson system and has the local school districts validate the data, but CDE is not required to populate the data for the school districts. CDE chose to have Pearson help with the collection of the data from the testing, but it is not required to use Pearson to assist with the collection.

## Homeless Students

### Choice and Engagement Division

#### Authority

- **Homeless Students:** The McKinney-Vento Act (Title X of NCLB) requires that data be collected as part of the national data collection system on the education of homeless children and youth.

## Early Childhood Assessments (Results Matter)

## Teaching and Learning, Early Learning and School Readiness

### Authority

- **Colorado Preschool Program Accountability Report:**
  - CRS 22-28-112 requires CDE to report to the Legislature on the effectiveness of the Colorado Preschool Program and to request from participating LEAs such information and data as may be necessary to make such reports.
  - 1 CCR 301-32 (2228-R 7.00) requires that CDE use the information required in the annual reapplication for participation in the Colorado Preschool Program as the basis of the report. CDE may request a report on child progress from LEAs as part of the final report.
- **Preschool Special Education Accountability Report:** The Individuals with Disabilities Education Act (IDEA), 20 USC 1416(b), requires states to complete a performance evaluation and improvement plan, report results for local educational agencies, and submit annual reports to the Secretary of Education. State performance plans contain measureable and rigorous targets in 20 indicators that were established by USDE, including: Part B Indicator #7: Early Childhood Outcomes.
- **Unique Identifiers for Early Childhood Education Services:** CRS 22-2-134 requires the State Board of Education to promulgate rules pursuant to the "State Administrative Procedure Act," Article 4 of Title 24, CRS, as necessary for the assignment of uniquely identifying student numbers to students receiving early childhood education services. The State Board must collaborate with the State Board of Human Services in promulgating rules as provided in this subsection (4) to ensure that they do not conflict with any rules promulgated by the State Board of Human Services pursuant to CRS 26-6-121.

### Special Education

#### Accountability, Performance and Support Division, Exceptional Student Services

### IMS - Data Services

### Authority

- **Special Education Data Collection:** IDEA, Title I (B) 618 authorizes data collection snapshots.
- **Special Education Data – Fiscal:** CRS 22-20-104(4) requires CDE to maintain special education data to ensure that state monies provided to Administrative Units (AUs) are being spent only on special education expenditures.

- **Special Education Programs:** CRS 22-20-114 requires AUs to provide CDE with federally required data concerning special education programs.
- **End of Year Data Collection:** Data collection is authorized by state and federal laws and regulations, including CRS 22-20-118; 20 U.S.C 1481; 34 CFR Sections: 300.301; 300.124; 300.303-321; 300.343; 300.600; 300.601; 300.602; 300.640.

## Graduation and Completion

### Innovations, Choice and Engagement Division, Office of Postsecondary Readiness

#### Authority

**ASCENT Program Participants:** CRS 22-35-112, the Concurrent Enrollment Programs Act, ASCENT, sets forth reporting requirements.

- **School Counselor Corps Grant Program:** CRS 22-91-105 sets forth reporting requirements under the grants program.

## Student Interchange Collection

### IMS – Data Services

#### Authority

- Federal collections such as the Civil Rights Data Collection and EDFacts reporting require the calculation of graduation, dropout and mobility information to provide a full submission. Sub-grouping information is also collected to adhere to federal collection guidelines.
- **Rules for the Administration of the Exceptional Children’s Educational Act:** 1 CCR 301-8 sets forth collections of information regarding gifted and talented students and IDEA students.
- **CRS Section 22-33-104.5:** Sets forth the rules for the evaluation and funding of home based education students.
- **No Child Left Behind Act:** Section 1115 and 1309 sets forth the requirements for reporting and eligibility for migrant students.

## Student Demographics

### IMS - Data Services

### Authority

- **Graduation rates, dropout rates, and mobility:**
  - CRS 22-2-114.1(2) and the Concurrent Enrollment Programs Act, CRS 22-35-101 et seq. set forth requirements on data collection.
  - Federal collections such as the Civil Rights Data Collection and EDFacts reporting require the calculation of graduation, dropout and mobility information to provide a full submission. Sub-grouping information is also collected to adhere to federal collection guidelines.
- **Concurrent enrollment:** CRS 22-35-112 requires CDE to collect demographic information regarding concurrent enrollment.

### English Language Proficiency

#### Office of Culturally and Linguistically Diverse Education

### Authority

- **English Language Proficiency Act (LPA) data:** CRS 22-24-101 *et seq.*, authorizes data collection regarding English language proficiency.

### Migrant Students

#### Office of Migrant Education

### Authority

- **Migrant Children Data Collections:** NCLB, Title I, Part C, Section 1300-1309 – Education of Migratory Children provides authority for migrant children data collection. Specifically, Section 1308 requires CDE to ensure linkage of data to the national system to receive grant funds under NCLB.

### Expelled and At-Risk Student Services

#### Office of Dropout Prevention and Re-Engagement Pathways

### Authority

- **Expelled and At-Risk Data Collections:** CRS 22-33-205 (Services for expelled and at-risk students – grants) requires CDE to report to the Legislature on the efficacy of the service that it offers at-risk and expelled students. Also, as a condition of accepting grant funds the user of the funds must evaluate the services provided and submit required reports to CDE.



# Educators

## Teacher Recruitment Grants

### Accountability, Performance and Support Division – Federal Programs

#### Authority

- **Teacher Recruitment Data Collection:** CRS 22-94-103 authorizes teacher recruitment data collection.
- **Specified data elements in human resources and December Count staff:** NCLB, Section 1119(a)-(d); ESSA, Section 1111(h) (5) (d) and Section 1112(c) (6) authorize collection of specified elements in human resources and the December count.

## Colorado Performance Management System/ Front Line Solutions

### Achievement and Strategy Division, Educator Effectiveness

#### Authority

- **Course Completion Data:** CRS 22-2-116.5 requires CDE to annually collect student-level course completion data, consistent with state and federal privacy laws, from each LEA.
- **Course Participation and Performance Report:** CRS 22-11-503.5 requires CDE to annually create a core course level participation and performance report for each school district and public school. At a minimum, the report must include: (I) The participation of students in each core course level disaggregated by student groups; and (II) when available, the proficiency levels that the students enrolled in each core course level achieve on the statewide assessment that corresponds to the course subject disaggregated by student groups.
- **Licensed Personnel Evaluation Systems:** CRS 22-9-106(1.5) requires CDE to monitor school districts' and boards of cooperative services' implementation of the requirements for local licensed personnel evaluation systems.
- **Monitoring and Reporting:** 1CCR 301-87 (6.04) authorizes CDE to collect data to enable monitoring and reporting. Methods for monitoring may include analyzing the correlation between student performance and performance evaluation ratings requiring the collection of data at the course/subject level.

## Teacher Evaluation System Pilot

### Achievement and Strategy Division, Educator Effectiveness

#### Authority

- **Educator Identification System:** CRS 22-2-112(p) sets forth the duty of the Education Commissioner to establish and maintain an educator identifier system to assign unique identifiers to educators employed in a school district or LEA. Each educator's identifier must be unique. The identifier must not use any personal identifying information, such as Social Security numbers or contact information, except for alignment purposes in data processing. Any personal identifying information that is collected must be linked in a secure data location so data sets can be matched based on the personal identifying information when the identifier is not included.
- **Educator Evaluation Systems:** CRS 22-9-106 (1.5) requires CDE to monitor school districts' and boards of cooperative services' implementation of the requirements for local licensed personnel evaluation systems.
- **Monitoring and Reporting:** 1 CCR 301-87 (6.04) authorizes CDE to collect data to enable monitoring and reporting. Methods for monitoring may include analyzing the correlation between student performance and performance evaluation ratings requiring the collection of data at the course/subject level.
- **Performance Report:** CRS 22-11-503 requires CDE to publish a performance report for each school in the State, to include specific data on staff.

## Professional Development – Early Childhood Educators

### Early Childhood Professional Development, Early Learning and School Readiness

#### Authority

- **Early Childhood Leadership Commission (ECLC):** CRS 26-6.2-104, established the ECLC to ensure and advance a comprehensive service delivery system for children from birth to eight years of age using data to improve decision-making, alignment, and coordination among federal funded and state-funded services and programs for young children and their families.
- **Professional Development/Improvement in Early Childhood Programs:** CRS 26-6.5-106, ensuring a connection between professional development and continuous quality improvement in early childhood programs, requires school readiness quality ratings and measurement.

- **Childcare Credentialing:** CRS 26-6.5-107 sets forth requirements for a voluntary childcare credentialing system.

## Educator Effectiveness

### Exceptional Student Services

#### Authority

- **Effectiveness Data Collection:** NCLB, Section 119(a)-(d); ESSA, Section 1111(h) (5) (d) and Section 1112(c) (6) set forth specified data elements in human resources and the December Count.
- **Monitoring Evaluation Systems:** CRS 22-9-106(1.5) requires CDE to monitor school districts' and boards of cooperative services' implementation of the requirements for local licensed personnel evaluation systems.

## Special Education Personnel Licensure

### Special Education Licensing and Federal Applications, Exceptional Student Services

#### Authority

- **Snapshots:** IDEA, Title I (B) 618 20 USC section 1400, *et seq* authorizes snapshots data collection under Data Reporting requirements..
- **Special Education Expenditures:** CRS 22-20-104(4) requires CDE to maintain special education data to ensure that state monies provided to AUs are used only for special education expenditures.
- **Special Education Program Data:** CRS 22-20-114 requires AUs to provide CDE with federally required data concerning special education programs.
- **Facility Schools Reporting:** CRS 22-2-401, *et seq.*, sets forth requirements for facility schools, including the requirement to report pupil enrollment to CDE.



## Federal Programs

### No Child Left Behind (NCLB) Applications/E-Rate Program

#### Accountability, Performance and Support Division, Federal Programs.

##### Authority

- **Application for Supplemental Funding and E-Rate:** NCLB relevant authority includes:
  - Sec. 1111 requires a state plan.
  - Section 1112 requires LEA plans in order for LEAs to receive funding.
  - Sec. 1119 requires LEAs to hire qualified teachers.
  - Sections 2411-2414 addresses state and local technology grants.
  - Sec. 3111-3116 addresses grants for English language acquisition and language enhancement.
  - Sections 5131- 5133 addresses grants for local innovative education programs.
  - Sections 6211 addresses the Rural School Achievement Program.

### Online Comparability Data System

#### Performance and Support Division, Federal Programs

##### Authority

- **EDFacts Data:** Title I Part A Targeted Assistance Schools (TAS) Services File Specification - provides technical instructions for building files that are submitted through the EDFacts Submission System (ESS). Data submitted through the ESS is authorized by an Annual Mandatory Collection of Elementary and Secondary Education Data through EDFacts (OMB 1875-0240, expires 02/29/2016). The failure to submit EDFacts data constitutes a failure to comply substantially with the law applicable to the funds provided by the federal government.
- **Online Comparability Data System:** NCLB Section 1120A(c) requires CDE to monitor LEAs allocation of Title I money across the LEA to ensure proper usage on an annual basis. Referred to in the law as comparability, all LEAs with more than one school per grade level must show that before or in the absence of federal funds all schools are receiving the same funding within a range.

### IDEA Federal Funds

## **Performance and Support Division, Exceptional Student Services**

### **Authority**

- **Performance Evaluation and Improvement Plan:** IDEA, 20 USC 1416(b), requires states to complete a performance evaluation and improvement plan, report results for local educational agencies, and submit annual reports to the Secretary of Education.

## **School Nutrition**

### **Office of School Nutrition**

### **Authority**

- **CEP Validation Process:** USDA Memo 15-2016 provides guidance for the steps CDE must take to determine the accuracy of the LEAs identified student percentages for participation in the free or reduced lunch program. CDE is responsible for ensuring that LEAs seeking to adopt free or reduced lunch programs meet all participation requirements.
- **Administrative Review:** The Administrative Review Manual pages 31-35 provides guidance for reviewing applications.

# Grant Funding

## Graduation and Completion

### Innovation and Pathways Division

#### Authority

- **CDE Responsibilities:** CRS 22-14-103 requires CDE to assist local education providers in analyzing student data pertaining to student dropout rates, graduation rates, completion rates, mobility rates, truancy rates, suspension and expulsion rates, safety or discipline incidences, and student academic growth data at the state and local levels; and creating and evaluating student graduation and completion plans.
- **Attendance Report:** CRS 22-14-105 requires an annual report to the Legislature and others assessing statewide student attendance data.
- **Reducing Dropout Rates:** CRS 22-14-111 requires an annual report to the Legislature and others on findings and recommendations to reduce the student dropout rate and increase graduation and completion rates.
- **Dropout Data Collection:** CRS 22-2-114.1 requires the State Board of Education to develop and implement in cooperation with local boards of education a model student accounting method and data collection system on dropouts in grades seven through twelve.
- **Calculation of Graduate and Dropout Rates:** CRS 22-11-204(4)(c) requires CDE to calculate graduate and dropout rates for public high schools in the State.

## Early Literacy Grant Program

### Office of Literacy

#### Authority

- **Literacy Data Collection:** CRS 22-7-1213 sets forth requirements for information that LEAs must report annually to CDE. This section also includes a requirement that CDE submit an annual report to the Legislature.

## Deaf and Blind Children Grant

### Exceptional Student Services

#### Authority

- **Deaf and Blind Children Data Collection:** IDEA Title I, Part A, Subsection 618 requires states to report child count and educational environments data. Deaf and blind children are included among the child count.

# Financial Data

## Financial Data Collection

### Public School Finance Division

#### Authority

- **Financial Data December Collection:** The following statutes provide direction for the Financial Data December collection:
  - CRS 22-44-101 *et seq.*, (LEA budgets)
  - CRS 29-1-600, *et seq.* (audits)
  - 20 USC 9543 (federal statistics center collection and compilation)
  - CRS 22-11-206(4) (financial compliance)
  - CRS 39-5-128(1) (mill levies)
  - 1 CCR 301-39-R-13.01 (ballot questions)
  - CRS 22-54-108 (additional local revenue)
  - CRS 22-32-109(1)(d) (Board duties)
- **Transportation CDE-40 Collection:** CRS 22-51-101 *et seq.*, and 1 CCR 301-14 provides authority for the CDE-40 collection.
- **Pupil Count and Transportation Audit Documentation Requests:** CRS 22-51-101, *et seq.*; CRS 22-54-101, *et seq.*, and 1 CCR 301-14, 1 CCR 301-39, 1 CCR 301-71, 1 CCR 301-86 provide authority for the pupil count and transportation audit documentation requests.
- **School Transportation Information Requests and Documentation Reviews:**  
CRS 42-4-1901, *et seq.*, and 1 CCR 301-25, 1 CCR 301-26, 1 CCR 301-29 provide authority for school transportation data requests and reviews.

## Other Programs

### Library System

#### State Library

##### Authority

- **Library Data Collection:** CRS 24-90-105 sets forth the powers and duties of the State Librarian.

### Health Services Data Collection

#### Choice and Engagement Division, Office of Student Health Services

##### Authority

- **Student Health Services Information:** The Healthy School Colorado grant from the Colorado Health Foundation provides authority for the database.
- **Epinephrine/Anaphylaxis Report:**
  - CRS 22-1-119.5(8)(e) requires schools to submit incident reports to CDE.
  - CRS 22-1-119.5(5)(g) requires CDE to submit an annual report.