

# Educator Identifier System

This Act directs the state department of education to set up a pilot program to compile information about teachers' classroom performance over a five year timeframe. The state will use the information to help identify ways to improve teacher effectiveness and to close the "teacher gap." The Act defines "teacher gap" as the "documented phenomenon that poor or minority students are more likely to be taught by less-qualified or less-experienced teachers than those students' more advantaged peers."

Submitted as:

Colorado

[HB 09-1065](#)

Status: Enacted into law in 2009.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as "An Act to Create an Educator  
2 Identifier System."

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Section 2. [*Definitions.*] As used in this Act:

(1) "Department" means the [department of education] created and existing pursuant to [insert citation].

(2) "Educator" means a teacher or principal as defined in this section.

(3) "Fund" means the Educator Identifier Fund created in Section 4.

(4) "Identifier" means a unique educator identifier assigned to each licensed educator participating in the pilot program and system pursuant to Section 3.

(5) "Pilot program" means the developmental phases of the Educator Identifier System created in Section 3. This definition shall be repealed by the [legislature] after the [state board] certifies in writing the system is fully operational and available to each school district or local education agency in the state pursuant to the minimum provisions of this Act.

(6) "Principal" means a person who is employed as the chief executive officer or an assistant chief executive officer of a public school in the state and who administers, directs, or supervises the education instructional program in the school.

(7) "State board" means the [state board of education] created and existing pursuant to [insert citation].

(8) "System" means the [Educator Identifier System] created in Section 3.

(9) "Teacher" means a person who:

(a) Is enrolled in a teacher preparation program, has submitted their fingerprints to the [department] pursuant to [insert citation], and is employed in a local education agency;

(b) Holds any alternative, initial, or professional teacher license issued pursuant to [insert citation] and who is employed in a local education agency to instruct, direct, or supervise an education instructional program; or

(c) Is employed by a district charter school or an institute charter school to instruct, direct, or supervise an education instructional program.

(10) "Teacher gap" means the documented phenomenon that poor or minority students are more likely to be taught by less-qualified or less-experienced teachers than those students' more advantaged peers.

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Section 3. *[Educator Identifier System and Pilot Program.]*

(A) An Educator Identifier System is created in the [department] as a Pilot Program to assign unique identifiers to educators employed in a school district or local education agency. The system shall use available current and historical data within the past [five] years and be developed in collaboration with a [Quality Teachers Commission] established under [insert citation]. The [department] shall develop the system before or during [insert academic year].

(B) Each educator’s identifier shall be unique. The identifier shall not use any personal identifying information, such as Social Security Numbers or contact information, except for alignment purposes in data processing. Any such personal identifying information that is collected shall 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.

(C) The purpose of the system shall include, but is not limited to, providing information for the following uses:

(1) Studying the teacher gap and identifying any possible solutions to that issue;

(2) Studying educator training programs, educator professional development programs, and educator mobility and retention issues;

(3) Improving teaching and student learning, including the use of data to recognize, reward, and develop the careers of educators;

(4) Using data gleaned from the system in developing the state’s longitudinal data system to include an educator identifier system with the ability to match educators to students;

(5) Allowing the state to gather baseline data about the distribution of highly qualified teachers, including the number and percent of teachers in the highest-poverty and lowest-poverty schools in the state who are highly qualified, and to take actions to address any inequities in the distribution of highly qualified teachers throughout the state;

(6) Enabling teachers to enhance their instruction by using technological resources that provide teachers with performance and longitudinal growth data for their students; and

(7) Gathering information about the number and percent of teachers and principals rated at each performance level in each local education agency’s teacher and principal evaluation system.

(D) The system shall include, at a minimum, all of the following protections for educators, school districts, and educator preparation programs:

(1) A school district or local education agency may not use data obtained from the system concerning specific schools, classrooms, or teachers of other school districts or local education agencies to negatively sanction individual teachers;

(2) The use of information that school districts obtain from any other source or are currently using shall not be restricted by the provisions of this subsection (D);

(3) Nothing in this subsection (D) is intended to restrict a school district’s existing authority to:

(a) Assign individual educators to specific grades, levels, programs, or schools;

(b) Direct the professional development of educators; or

(c) Collaboratively design and develop, with representation from the district’s teachers and principals, alternative compensation plans through the procedures adopted by the district for setting educator compensation.

(E) The [department] and the [department of higher education] shall not use the data obtained from the system to sanction any school district, local education agency, or educator preparation or professional development program. However, said [departments] may provide that

81 data to districts and programs to be used for program improvement and may require that data be  
82 considered and responded to as part of the accreditation process established pursuant to [insert  
83 citation] and the approval process established pursuant to [insert citation]. The [department] and  
84 [department of higher education], in collaboration with institutions of higher education, shall set  
85 up protocols for releasing system data of graduates to their respective educator preparation  
86 programs for the purpose of self-evaluation. Protocols shall comply with all federal laws. The  
87 [department] and [department of higher education] may also use that data to identify practices  
88 that may show promise if the practices are verified by additional evidence.

89 (F) Data obtained from the system shall be available to state agencies, school districts,  
90 nongovernmental entities, and individuals, through varying degrees of access, as designed by the  
91 [Quality Teachers Commission] and in the subsequent report adopted by the [state board].

92 (G) The system shall use multiple data points.

93 (H) The system shall comply with all state and federal privacy laws in order to ensure the  
94 confidentiality and appropriate uses of information found in the system.

95 (I) Data analysis shall include the complete number of educators in each participating  
96 school district. The data shall be reported only if a school district or local education agency  
97 includes a minimum threshold in the number of educators to ensure that identifiable information  
98 of individual educators is not reported.

99 (J) Notwithstanding any provisions of this Act to the contrary, a school district or local  
100 education agency may use the system to merge, manage, or access any information that it is  
101 otherwise authorized to obtain and the use of such information shall not be restricted in any way  
102 that is otherwise permitted by statute. Information obtained through the system that school  
103 districts or local education agencies are not otherwise authorized to obtain may be used to  
104 achieve the purposes described in subsection (C) of this section, so long as it is not used in any  
105 way inconsistent with the protections defined in subsection (D) of this section.

106 (K) The [department] shall not be obligated to implement the provisions of this section  
107 until sufficient funds have been received and credited to the [fund] established under Section 4.  
108 No [general fund] money shall be appropriated to implement this Act.

109 (L) The [general assembly] shall reconsider the appropriateness of the provisions of this  
110 Act after the [state board] certifies in writing that the system is fully operational and available to  
111 each school district and local education agency in the state pursuant to the provisions of this Act.  
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#### 113 Section 4. *[Educator Identifier Fund.]*

114 (A) There is created an [Educator Identifier Fund].

115 (B) The [department] is authorized to seek and accept gifts, grants, or donations from  
116 private or public sources for the purposes of this Act; except that the [department] shall not  
117 accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this Act or  
118 any other law of the state. The [department] shall transmit all private and public moneys received  
119 through gifts, grants, or donations to the [state treasurer], who shall credit the same to the  
120 [Educator Identifier Fund].

121 (C) The moneys credited to the [fund] shall be continuously appropriated to the  
122 [department] for the direct and indirect costs associated with implementing this Act.

123 (D) Any moneys in the [fund] not expended for the purposes of this Act may be invested  
124 by the [state treasurer] as provided by law. All interest and income derived from the investment  
125 and deposit of moneys in the [fund] shall be credited to the [fund].

126 (E) Any unexpended and unencumbered moneys remaining in the [fund] at the end of a  
127 fiscal year shall remain in the [fund] and shall not be credited or transferred to the [general fund]  
128 or another fund; except that any unexpended and unencumbered moneys remaining in the [fund]  
129 as of [insert date], shall be transferred to the [general fund].

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Section 5. [*Severability.*] [Insert severability clause.]

Section 6. [*Repealer.*] [Insert repealer clause.]

Section 7. [*Effective Date.*] [Insert effective date.]