

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 06-0518.01 Richard Sweetman

SENATE BILL 06-073

SENATE SPONSORSHIP

Tapia,

HOUSE SPONSORSHIP

Merrifield,,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE AGE SPECIFICATIONS RELATING TO COMPULSORY**
102 **SCHOOL ATTENDANCE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Lowers the minimum age of compulsory school attendance from 7 to 6 years. Raises the maximum age of compulsory school attendance from 16 to 17 years.

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

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.

SENATE
Amended 3rd Reading
March 28, 2006

SENATE
Amended 2nd Reading
March 27, 2006

1 **SECTION 1. Legislative declaration.** (1) The general assembly
2 hereby declares that:

3 (a) The minimum age for compulsory school attendance in
4 Colorado shall be six years of age;

5 (b) The maximum age for compulsory school attendance in
6 Colorado shall be eighteen years of age;

7 (c) Students who are being instructed under a nonpublic
8 home-based educational program pursuant to section 22-33-104.5, C.R.S.,
9 shall not be subject to the minimum age requirement for compulsory
10 school attendance and, so long as such students continue to be instructed
11 under a nonpublic home-based educational program, shall not be subject
12 to the maximum age requirement for compulsory school attendance; and

13 (d) The provisions in section 22-33-104, C.R.S., concerning the
14 minimum and maximum ages for compulsory school attendance shall not
15 apply to a child who is temporarily ill or injured or whose absence is
16 approved by the administrator of the school of attendance.

17 **SECTION 2.** 22-33-104 (1), (1.5), (2) (j), and (5) (a), Colorado
18 Revised Statutes, are amended, and the said 22-33-104 (2), Colorado
19 Revised Statutes, is amended BY THE ADDITION OF A NEW
20 PARAGRAPH, to read:

21 **22-33-104. Compulsory school attendance.** (1) (a) Except as
22 otherwise provided in subsection (2) of this section, every child who has
23 attained the age of ~~seven~~ SIX years and is under the age of ~~sixteen~~
24 EIGHTEEN years, except as provided by this section, shall attend public
25 school for at least THE FOLLOWING NUMBER OF HOURS DURING EACH
26 SCHOOL YEAR:

27 (I) One thousand fifty-six hours if a secondary school pupil; ~~or~~

1 (II) Nine hundred sixty-eight hours if an elementary school pupil
2 ~~during each school year; except that in no case shall~~ IN A GRADE OTHER
3 THAN KINDERGARTEN;

4 (III) NINE HUNDRED HOURS IF A FULL-DAY KINDERGARTEN PUPIL;
5 OR

6 (IV) FOUR HUNDRED FIFTY HOURS IF A HALF-DAY KINDERGARTEN
7 PUPIL.

8 (b) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (a) OF
9 THIS SUBSECTION (1), a school or schools SHALL NOT be in session for
10 fewer than one hundred sixty days without the specific prior approval of
11 the commissioner of education.

12 (c) A student who participates in an on-line program pursuant to
13 the provisions of section 22-33-104.6 shall be deemed to attend school in
14 accordance with the requirements of this subsection (1).

15 ~~(1.5) Notwithstanding the provisions of subsection (1) of this~~
16 ~~section and any other provision of this article relating to compulsory~~
17 ~~school attendance, the compulsory school attendance laws apply to a~~
18 ~~six-year-old child who has been enrolled in a public school in the first~~
19 ~~grade or in a higher grade level. In such circumstances, the courts may~~
20 ~~issue orders to compel compliance with the compulsory school attendance~~
21 ~~requirements of this article. However, this subsection (1.5) shall not~~
22 ~~apply to a six-year-old child whose parent or legal guardian chooses to~~
23 ~~withdraw such child.~~

24 (2) (j) Who is enrolled in a school where the state board of
25 education has approved a lesser number of days; OR

26 (k) WHO IS SEVENTEEN YEARS OF AGE AND HAS ENLISTED IN
27 MILITARY SERVICE.

1 (5) (a) The general assembly hereby declares that two of the most
2 important factors in ensuring a child's educational development are
3 parental involvement and parental responsibility. The general assembly
4 further declares that it is the obligation of every parent to ensure that
5 every child under such parent's care and supervision receives adequate
6 education and training. Therefore, every parent of a child who has
7 attained the age of ~~seven~~ SIX years and is under the age of ~~sixteen~~
8 EIGHTEEN years shall ensure that such child attends the public school in
9 which such child is enrolled in compliance with this section.

10 SECTION 3. 22-33-104.6 (4) (a) (II), Colorado Revised Statutes,
11 is amended, and the said 22-33-104.6 (4) (a) is further amended BY THE
12 ADDITION OF A NEW SUBPARAGRAPH, to read:

13 22-33-104.6. On-line program - legislative declaration -
14 authorized - definitions. (4) Funding. (a) For the 2003-04 budget year
15 and for each budget year thereafter, except as otherwise provided in
16 subsection (5) of this section, a school district, for purposes of
17 determining total program funding under the "Public School Finance Act
18 of 1994", article 54 of this title, may not count a student in the school
19 district's on-line pupil enrollment who enrolls in or transfers to an on-line
20 program within the school district, unless:

21 (II) The student, in the preceding school year, was not enrolled in
22 any private school, did not participate in a nonpublic home-based
23 education program, and did not participate in home instruction by a
24 licensed or certified teacher; OR

25 (III) THE STUDENT IS ENROLLING IN KINDERGARTEN OR FIRST
26 GRADE IN AN ON-LINE PROGRAM.

27 SECTION 4. 22-33-104.5 (3) (e), Colorado Revised Statutes, is

1 amended to read:

2 **22-33-104.5. Home-based education - legislative declaration -**
3 **definitions - guidelines.** (3) The following guidelines shall apply to a
4 nonpublic home-based educational program:

5 (e) Any parent establishing a nonpublic home-based educational
6 program shall provide written notification of the establishment of said
7 program to a school district within the state fourteen days prior to the
8 establishment of said program and each year thereafter if the program is
9 maintained. The parent in charge and in control of a nonpublic
10 home-based educational program shall certify, in writing, only a
11 statement containing the name, age, place of residence, and number of
12 hours of attendance of each child enrolled in said program.
13 NOTWITHSTANDING THE PROVISIONS OF SECTION 22-33-104 (1), A PARENT
14 WHO INTENDS TO ESTABLISH A NONPUBLIC HOME-BASED EDUCATIONAL
15 PROGRAM IS NOT REQUIRED TO ESTABLISH NOR TO PROVIDE WRITTEN
16 NOTIFICATION OF SAID PROGRAM TO A SCHOOL DISTRICT WITHIN THE
17 STATE UNTIL THE PARENT'S CHILD IS SEVEN YEARS OF AGE, NOR IS THE
18 PARENT REQUIRED TO CONTINUE THE PROGRAM OR PROVIDE THE
19 NOTIFICATION AFTER THE CHILD IS SEVENTEEN YEARS OF AGE.

20 **SECTION 5.** 22-33-104.7, Colorado Revised Statutes, is
21 amended to read:

22 **22-33-104.7. Eligibility for the general educational**
23 **development tests.** Any child ~~sixteen~~ EIGHTEEN years of age who
24 submits written evidence of a need to take the GED to be eligible for an
25 educational or vocational program shall be eligible to sit for the GED
26 after complying with all statutory and regulatory requirements in regard
27 to GED testing.

1 **SECTION 6.** 22-33-107 (3) (a), Colorado Revised Statutes, is
2 amended to read:

3 **22-33-107. Enforcement of compulsory school attendance.**
4 (3) (a) As used in this subsection (3), a child who is "habitually truant"
5 means a child who has attained the age of ~~seven~~ SIX years and is under the
6 age of ~~sixteen~~ EIGHTEEN years having four unexcused absences from
7 public school in any one month or ten unexcused absences from public
8 school during any school year. Absences due to suspension or expulsion
9 of a child shall be considered excused absences for purposes of this
10 subsection (3).

11 **SECTION 7.** 22-2-112 (2), Colorado Revised Statutes, is
12 amended to read:

13 **22-2-112. Commissioner - duties.** (2) In accordance with
14 section 22-2-107 (1) (c), the commissioner shall establish requirements
15 enabling residents of this state who are ~~seventeen~~ EIGHTEEN years of age
16 or older or who are sixteen years of age and satisfy the requirements of
17 section 22-33-104.7 to earn a high school equivalency certificate upon
18 satisfaction of said requirements.

19 **SECTION 8.** 22-2-124 (2) (c) (I), Colorado Revised Statutes, is
20 amended to read:

21 **22-2-124. Family literacy education grant program -**
22 **rule-making - repeal.** (2) As used in this section, unless the context
23 otherwise requires:

24 (c) "Eligible adult" means a person who meets the following
25 criteria:

26 (I) Is at least ~~sixteen~~ EIGHTEEN years of age;

27 **SECTION 9.** 22-52-102 (1), Colorado Revised Statutes, is

1 amended to read:

2 **22-52-102. Eligible students.** (1) In order to be eligible to
3 participate in the second chance program, a child shall be a dropout
4 between ~~sixteen~~ EIGHTEEN and twenty-one years of age who has been
5 recommended for participation in the program by his OR HER school
6 district of residence with the concurrence of the child, ~~his~~ THE CHILD'S
7 parent, and the receiving district; but no such child shall be eligible to
8 participate in the second chance program if he OR SHE has achieved a high
9 school diploma or its equivalent.

10 **SECTION 10.** 23-1-119 (4), Colorado Revised Statutes, is
11 amended to read:

12 **23-1-119. Commission directive - transition between K-12**
13 **education system and postsecondary education system.** (4) For
14 purposes of this section, "postsecondary" means related to instruction of
15 students over the age of ~~sixteen~~ EIGHTEEN years who are not enrolled in
16 a regular program of kindergarten through grade twelve in a public,
17 independent, or parochial school.

18 **SECTION 11.** 23-20-131, Colorado Revised Statutes, is amended
19 to read:

20 **23-20-131. Free pupil from each county.** Each county is entitled
21 to send one pupil under the age of ~~sixteen~~ EIGHTEEN years to said
22 university, tuition free, said pupil to be selected by competitive
23 examination before the county superintendent of such county and given
24 to the highest scholarship.

25 **SECTION 12.** 23-60-103 (3), Colorado Revised Statutes, is
26 amended to read:

27 **23-60-103. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (3) "Postsecondary" means related to instruction of students over
3 the age of ~~sixteen~~ EIGHTEEN years who are not enrolled in a regular
4 program of kindergarten through grade twelve in a public, independent,
5 or parochial school.

6 **SECTION 13. Effective date.** This act shall take effect July 1,
7 2007.

8 **SECTION 14. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.