

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 06-0518.01 Richard Sweetman

SENATE BILL 06-073

SENATE SPONSORSHIP

Tapia,

HOUSE SPONSORSHIP

(None),

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

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.

HOUSE
Amended 2nd Reading
May 1, 2006

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) Colorado children at least seven years of age and less than
4 seventeen years of age shall be required to attend school;

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

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

15 **SECTION 2.** 22-33-104 (1), (1.5), and (5) (a), Colorado Revised
16 Statutes, are amended to read:

17 **22-33-104. Compulsory school attendance.** (1) (a) Except as
18 otherwise provided in subsection (2) of this section, every child who has
19 attained the age of seven years and is under the age of ~~sixteen~~ SEVENTEEN
20 years, except as provided by this section, shall attend public school for at
21 least THE FOLLOWING NUMBER OF HOURS DURING EACH SCHOOL YEAR:

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

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

26 (III) NINE HUNDRED HOURS IF A FULL-DAY KINDERGARTEN PUPIL;



27 OR

1 (IV) FOUR HUNDRED FIFTY HOURS IF A HALF-DAY KINDERGARTEN
2 PUPIL.

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

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

10 ~~(1.5) Notwithstanding the provisions of subsection (1) of this~~
11 ~~section and any other provision of this article relating to compulsory~~
12 ~~school attendance, the compulsory school attendance laws apply to a~~
13 ~~six-year-old child who has been enrolled in a public school in the first~~
14 ~~grade or in a higher grade level. In such circumstances, the courts may~~
15 ~~issue orders to compel compliance with the compulsory school attendance~~
16 ~~requirements of this article. However, this subsection (1.5) shall not~~
17 ~~apply to a six-year-old child whose parent or legal guardian chooses to~~
18 ~~withdraw such child.~~

19 
20 (5) (a) The general assembly hereby declares that two of the most
21 important factors in ensuring a child's educational development are
22 parental involvement and parental responsibility. The general assembly
23 further declares that it is the obligation of every parent to ensure that
24 every child under such parent's care and supervision receives adequate
25 education and training. Therefore, every parent of a child who has
26 attained the age of  years and is under the age of ~~sixteen~~ SEVENTEEN
27 years shall ensure that such child attends the public school in which such

1 child is enrolled in compliance with this section.

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

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

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

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

19 **SECTION 4.** 22-33-104.5 (3) (e), Colorado Revised Statutes, is
20 amended to read:

21 **22-33-104.5. Home-based education - legislative declaration -**
22 **definitions - guidelines.** (3) The following guidelines shall apply to a
23 nonpublic home-based educational program:

24 (e) Any parent establishing a nonpublic home-based educational
25 program shall provide written notification of the establishment of said
26 program to a school district within the state fourteen days prior to the
27 establishment of said program and each year thereafter if the program is

1 maintained. The parent in charge and in control of a nonpublic
2 home-based educational program shall certify, in writing, only a
3 statement containing the name, age, place of residence, and number of
4 hours of attendance of each child enrolled in said program.
5 NOTWITHSTANDING THE PROVISIONS OF SECTION 22-33-104 (1), A PARENT
6 WHO INTENDS TO ESTABLISH A NONPUBLIC HOME-BASED EDUCATIONAL
7 PROGRAM IS NOT REQUIRED TO ESTABLISH NOR TO PROVIDE WRITTEN
8 NOTIFICATION OF SAID PROGRAM TO A SCHOOL DISTRICT WITHIN THE
9 STATE UNTIL THE PARENT'S CHILD IS SEVEN YEARS OF AGE, NOR IS THE
10 PARENT REQUIRED TO CONTINUE THE PROGRAM OR PROVIDE THE
11 NOTIFICATION AFTER THE CHILD IS SIXTEEN YEARS OF AGE.

12

13 **SECTION 5.** 22-33-107 (3) (a), Colorado Revised Statutes, is
14 amended to read:

15 **22-33-107. Enforcement of compulsory school attendance.**
16 (3) (a) As used in this subsection (3), a child who is "habitually truant"
17 means a child who has attained the age of seven years and is under the
18 age of ~~sixteen~~ SEVENTEEN years having four unexcused absences from
19 public school in any one month or ten unexcused absences from public
20 school during any school year. Absences due to suspension or expulsion
21 of a child shall be considered excused absences for purposes of this
22 subsection (3).

23

24 **SECTION 6.** 22-2-124 (2) (c) (I), Colorado Revised Statutes, is
25 amended to read:

26 **22-2-124. Family literacy education grant program -**
27 **rule-making - repeal.** (2) As used in this section, unless the context

1 otherwise requires:

2 (c) "Eligible adult" means a person who meets the following
3 criteria:

4 (I) Is at least ~~sixteen~~ SEVENTEEN years of age;

5 **SECTION 7.** 22-52-102 (1), Colorado Revised Statutes, is
6 amended to read:

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

15 **SECTION 8.** 23-1-119 (4), Colorado Revised Statutes, is
16 amended to read:

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

23 **SECTION 9.** 23-20-131, Colorado Revised Statutes, is amended
24 to read:

25 **23-20-131. Free pupil from each county.** Each county is entitled
26 to send one pupil under the age of ~~sixteen~~ SEVENTEEN years to said
27 university, tuition free, said pupil to be selected by competitive

1 examination before the county superintendent of such county and given
2 to the highest scholarship.

3 **SECTION 10.** 23-60-103 (3), Colorado Revised Statutes, is
4 amended to read:

5 **23-60-103. Definitions.** As used in this article, unless the context
6 otherwise requires:

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

11 **SECTION 11. Effective date.** This act shall take effect July 1,
12 2007.

13 **SECTION 12. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.