

Second Regular Session  
Sixty-fifth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 06-0518.01 Richard Sweetman

**SENATE BILL 06-073**

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**SENATE SPONSORSHIP**

**Tapia,**

**HOUSE SPONSORSHIP**

**Merrifield,**

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**Senate Committees**

Education  
Appropriations

**House Committees**

Education

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**A BILL FOR AN ACT**

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

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**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.

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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 ~~seventeen~~ 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), and (5) (a), Colorado Revised  
18 Statutes, are amended to read:

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

- 25            (I) One thousand fifty-six hours if a secondary school pupil; ~~or~~  
26            (II) Nine hundred sixty-eight hours if an elementary school pupil  
27 ~~during each school year; except that in no case shall~~ IN A GRADE OTHER

1 THAN KINDERGARTEN;

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

3 OR

4 (IV) FOUR HUNDRED FIFTY HOURS IF A HALF-DAY KINDERGARTEN  
5 PUPIL.

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

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

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

22

23 (5) (a) The general assembly hereby declares that two of the most  
24 important factors in ensuring a child's educational development are  
25 parental involvement and parental responsibility. The general assembly  
26 further declares that it is the obligation of every parent to ensure that  
27 every child under such parent's care and supervision receives adequate

1 education and training. Therefore, every parent of a child who has  
2 attained the age of ~~seven~~ SIX years and is under the age of ~~sixteen~~  
3 ~~SEVENTEEN~~ years shall ensure that such child attends the public school in  
4 which such child is enrolled in compliance with this section.

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

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

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

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

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

24 22-33-104.5. Home-based education - legislative declaration -  
25 definitions - guidelines. (3) The following guidelines shall apply to a  
26 nonpublic home-based educational program:

27 (e) Any parent establishing a nonpublic home-based educational

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

15

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

18 **22-33-107. Enforcement of compulsory school attendance.**

19 (3) (a) As used in this subsection (3), a child who is "habitually truant"  
20 means a child who has attained the age of ~~seven~~ SIX years and is under the  
21 age of ~~sixteen~~ SEVENTEEN years having four unexcused absences from  
22 public school in any one month or ten unexcused absences from public  
23 school during any school year. Absences due to suspension or expulsion  
24 of a child shall be considered excused absences for purposes of this  
25 subsection (3).

26

27 **SECTION 6.** 22-2-124 (2) (c) (I), Colorado Revised Statutes, is

1 amended to read:

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

5 (c) "Eligible adult" means a person who meets the following  
6 criteria:

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

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

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

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

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

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

1           **23-20-131. Free pupil from each county.** Each county is entitled  
2 to send one pupil under the age of ~~sixteen~~ SEVENTEEN years to said  
3 university, tuition free, said pupil to be selected by competitive  
4 examination before the county superintendent of such county and given  
5 to the highest scholarship.

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

8           **23-60-103. Definitions.** As used in this article, unless the context  
9 otherwise requires:

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

14           **SECTION 11. Effective date.** This act shall take effect July 1,  
15 2007.

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