

**First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 07-0210.01 Richard Sweetman

SENATE BILL 07-016

SENATE SPONSORSHIP

Tapia,

HOUSE SPONSORSHIP

Butcher,

Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING THE MINIMUM AGE FOR COMPULSORY EDUCATION.**

Bill Summary

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

Effective July 1, 2008, lowers the minimum age of compulsory school attendance from 7 to 6 years of age. Specifies that a parent who educates his or her child through a non-public home-based education program is not required to establish the program until the child is 7 years of age.

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
February 26, 2007

SENATE
3rd Reading Unamended
February 5, 2007

SENATE
Amended 2nd Reading
February 2, 2007

1 **SECTION 1.** The introductory portion to 22-33-104 (1) (a) and
2 22-33-104 (5) (a), Colorado Revised Statutes, as they will become
3 effective July 1, 2007, are amended, and the said 22-33-104 (1) is further
4 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

5 **22-33-104. Compulsory school attendance.** (1) (a) Except as
6 otherwise provided in subsection (2) of this section, every child who has
7 attained the age of ~~seven~~ SIX years ON OR BEFORE AUGUST 1 OF EACH
8 YEAR and is under the age of seventeen years, except as provided by this
9 section, shall attend public school for at least the following number of
10 hours during each school year:

11 (d) NOTHING IN THIS SECTION SHALL BE INTERPRETED TO REQUIRE
12 A CHILD WHO BEGINS ATTENDING PRESCHOOL OR KINDERGARTEN AT FIVE
13 OR SIX YEARS OF AGE TO ADVANCE TO FIRST GRADE IN THE FOLLOWING
14 SCHOOL YEAR. A PARENT OF A CHILD WHO BEGAN ATTENDING PRESCHOOL
15 OR KINDERGARTEN AT FIVE OR SIX YEARS OF AGE MAY NOTIFY THE CHILD'S
16 SCHOOL OF THE PARENT'S WISH THAT THE CHILD NOT ADVANCE TO FIRST
17 GRADE IN THE FOLLOWING SCHOOL YEAR, AND A SCHOOL THAT RECEIVES
18 SUCH NOTICE SHALL NOT ADVANCE THE CHILD TO FIRST GRADE IN THE
19 FOLLOWING SCHOOL YEAR.

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 ~~seven~~ SIX years ON OR BEFORE AUGUST 1 OF EACH
27 YEAR and is under the age of seventeen years shall ensure that such child

1 attends the public school in which such child is enrolled in compliance
2 with this section.

3 **SECTION 2.** 22-33-104.5 (3) (e), Colorado Revised Statutes, as
4 it will become effective July 1, 2007, is amended to read:

5 **22-33-104.5. Home-based education - legislative declaration -**
6 **definitions - guidelines.** (3) The following guidelines shall apply to a
7 nonpublic home-based educational program:

8 (e) Any parent establishing a nonpublic home-based educational
9 program shall provide written notification of the establishment of said
10 program to a school district within the state fourteen days prior to the
11 establishment of said program and each year thereafter if the program is
12 maintained. The parent in charge and in control of a nonpublic
13 home-based educational program shall certify, in writing, only a
14 statement containing the name, age, place of residence, and number of
15 hours of attendance of each child enrolled in said program.
16 Notwithstanding the provisions of section 22-33-104 (1), a parent who
17 intends to establish a nonpublic home-based educational program is not
18 required to establish nor to:

19 (I) Provide written notification of ~~said~~ THE program to a school
20 district within the state until the parent's child is ~~seven~~ SIX years of age;

21 (II) ~~nor is the parent required to~~ ESTABLISH THE PROGRAM UNTIL
22 THE PARENT'S CHILD IS SEVEN YEARS OF AGE; OR

23 (III) Continue the program or provide the notification after the
24 child is sixteen years of age.

25 **SECTION 3.** 22-33-107 (3) (a), Colorado Revised Statutes, as it
26 will become effective July 1, 2007, is amended to read:

27 **22-33-107. Enforcement of compulsory school attendance.**

1 (3) (a) As used in this subsection (3), a child who is "habitually truant"
2 means a child who has attained the age of ~~seven~~ SIX years ON OR BEFORE
3 AUGUST 1 OF THE YEAR IN QUESTION and is under the age of seventeen
4 years having four unexcused absences from public school in any one
5 month or ten unexcused absences from public school during any school
6 year. Absences due to suspension or expulsion of a child shall be
7 considered excused absences for purposes of this subsection (3).

8 **SECTION 4. Effective date.** (1) This act shall take effect July
9 1, 2008.

10 (2) However, if a referendum petition is filed against this act or
11 an item, section, or part of this act during the 90-day period after final
12 adjournment of the general assembly that is allowed for submitting a
13 referendum petition pursuant to article V, section 1 (3) of the state
14 constitution, then the act, item, section, or part, shall not take effect unless
15 approved by the people at a biennial regular general election and shall
16 take effect on the date specified in subsection (1) or on the date of the
17 official declaration of the vote thereon by proclamation of the governor,
18 whichever is later.