

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 12-0586.01 Julie Pelegrin x2700

**SENATE BILL 12-036**

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**SENATE SPONSORSHIP**

**Mitchell,**

**HOUSE SPONSORSHIP**

**Holbert,**

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**Senate Committees**  
Education

**House Committees**  
Education

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**A BILL FOR AN ACT**

101 **CONCERNING PARENTAL CONSENT FOR THE COLLECTION OF**  
102 **INFORMATION FROM STUDENTS IN SCHOOLS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Current law prohibits an employee of a school or school district (employee) from requiring a student to participate in a survey, analysis, or evaluation (document) that addresses or requests certain information unless the student's parent provides written consent for the student's participation. The bill adds assessments to the documents for which

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  
3rd Reading Unamended  
February 16, 2012

SENATE  
Amended 2nd Reading  
February 15, 2012

parental consent is required. In addition to the existing list of information, the employee must obtain parental consent if the document requests a social security number or information concerning the student's or parent's religious beliefs or practices. For a parent's consent to be valid, the employee must make a written copy of the document available for inspection at convenient locations and times.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-1-123, **amend** (5)  
3 (a), (5) (b), (5) (c), and (9); and **add** (5) (g) as follows:

4           **22-1-123. Protection of student data - parental or legal**  
5 **guardian consent for surveys.** (5) (a) A school district shall comply  
6 with 20 U.S.C. sec. 1232h. A school or school district employee who  
7 requires **OR REQUESTS STUDENTS' VOLUNTARY** participation in a survey,  
8 ASSESSMENT, analysis, or evaluation in a public school's curriculum or  
9 other official school activity shall obtain the written consent of a student's  
10 parent or legal guardian ~~prior to~~ BEFORE GIVING the student ~~being given~~  
11 any survey, ASSESSMENT, analysis, or evaluation intended to reveal  
12 information, whether the information is personally identifiable or not,  
13 concerning the student or the student's parent's or legal guardian's:

- 14           (I) Political affiliations;
- 15           (II) Mental and psychological conditions potentially embarrassing  
16 to the student or the student's family;
- 17           (III) Sexual behavior and attitudes;
- 18           (IV) Illegal, anti-social, self-incriminating, or demeaning  
19 behavior;
- 20           (V) Critical appraisals of individuals with whom a student has  
21 close family relationships;
- 22           (VI) Legally recognized privileged or analogous relationships,

1 such as those of lawyers, physicians, and members of the clergy; ~~or~~

2 (VII) Income, except as required by law;

3 (VIII) SOCIAL SECURITY NUMBER; OR

4 (IX) RELIGIOUS PRACTICES, AFFILIATIONS, OR BELIEFS.

5 (b) The requirement of written consent pursuant to this subsection

6 (5) ~~shall apply~~ APPLIES throughout a public school's curriculum and other

7 school activities; EXCEPT THAT THE REQUIREMENT OF WRITTEN CONSENT

8 DOES NOT APPLY TO A STUDENT'S PARTICIPATION IN AN ASSESSMENT

9 ADMINISTERED PURSUANT TO SECTION 22-7-407 OR 22-7-409 OR PART 10

10 OF ARTICLE 7 OF THIS TITLE. IN IMPLEMENTING THIS SUBSECTION (5), THE

11 SCHOOL OR SCHOOL DISTRICT AND EMPLOYEES SHALL ENSURE THAT THEIR

12 FIRST RESPONSIBILITY IS TO STUDENTS AND THEIR PARENTS AND SHALL

13 ALLOW ONLY MINIMAL USE OF STUDENTS' ACADEMIC TIME BY

14 INSTITUTIONS, AGENCIES, OR ORGANIZATIONS OUTSIDE THE SCHOOL OR

15 SCHOOL DISTRICT TO GATHER INFORMATION FROM STUDENTS.

16 (c) Written consent pursuant to this subsection (5) is valid only if

17 THE SCHOOL DISTRICT HAS GIVEN a parent or legal guardian ~~has first been~~

18 ~~given~~ written notice of the survey, ASSESSMENT, analysis, or evaluation,

19 ~~by the school district~~ HAS MADE A COPY OF THE DOCUMENT AVAILABLE

20 FOR VIEWING AT CONVENIENT LOCATIONS AND TIMES, and has ~~been~~

21 ~~afforded~~ GIVEN THE PARENT OR LEGAL GUARDIAN at least two weeks, after

22 receipt of ~~such~~ THE WRITTEN notice, to obtain written information

23 concerning:

24 (I) Records or information that may be examined and requested

25 in the survey, analysis, or evaluation;

26 (II) The means by which the records or information shall be

27 examined reviewed, or disseminated;

- 1 (III) The means by which the information is to be obtained;  
2 (IV) The purposes for which the records or information is needed;  
3 (V) The entities or persons, regardless of affiliation, who will  
4 have access to the information; and  
5 (VI) A method by which a parent or legal guardian of a student  
6 can grant or deny permission to access or examine the records or  
7 information.

8 (g) NOTHING IN THIS SUBSECTION (5) LIMITS THE ABILITY OF A  
9 SCHOOL DISTRICT TO ADMINISTER A THREAT ASSESSMENT.

10 (9) A school district shall, at the beginning of each academic year,  
11 provide:

12 (a) To a parent or legal guardian of each student in the school  
13 district written notice of the rights contained in this section; AND

14 (b) TO EACH PRINCIPAL, TEACHER, AND COUNSELOR THAT THE  
15 SCHOOL DISTRICT EMPLOYS WRITTEN NOTICE OF THE REQUIREMENTS  
16 SPECIFIED IN THIS SECTION FOR OBTAINING PARENTAL PERMISSION BEFORE  
17 GIVING A STUDENT A SURVEY, ASSESSMENT, ANALYSIS, OR EVALUATION  
18 INTENDED TO REVEAL THE INFORMATION SPECIFIED IN PARAGRAPH (a) OF  
19 SUBSECTION (5) OF THIS SECTION.

20 **SECTION 2. Act subject to petition - effective date.** This act  
21 takes effect at 12:01 a.m. on the day following the expiration of the  
22 ninety-day period after final adjournment of the general assembly (August  
23 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
24 referendum petition is filed pursuant to section 1 (3) of article V of the  
25 state constitution against this act or an item, section, or part of this act  
26 within such period, then the act, item, section, or part will not take effect  
27 unless approved by the people at the general election to be held in

- 1 November 2012 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.