

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 12-0586.01 Julie Pelegrin x2700

SENATE BILL 12-036

SENATE SPONSORSHIP

Mitchell,

HOUSE SPONSORSHIP

Holbert,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

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

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.

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), and (5) (c) 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 participation in a survey, ASSESSMENT, analysis, or evaluation in
8 a public school's curriculum or other official school activity shall obtain
9 the written consent of a student's parent or legal guardian ~~prior to~~ BEFORE
10 GIVING the student ~~being given~~ any survey, ASSESSMENT, analysis, or
11 evaluation intended to reveal information, whether the information is
12 personally identifiable or not, concerning the student or the student's
13 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.

11 (c) Written consent pursuant to this subsection (5) is valid only if
12 THE SCHOOL DISTRICT HAS GIVEN a parent or legal guardian ~~has first been~~
13 ~~given~~ written notice of the survey, ASSESSMENT, analysis, or evaluation,
14 ~~by the school district~~ HAS MADE A COPY OF THE DOCUMENT AVAILABLE
15 FOR VIEWING AT CONVENIENT LOCATIONS AND TIMES, and has ~~been~~
16 ~~afforded~~ GIVEN THE PARENT OR LEGAL GUARDIAN at least two weeks, after
17 receipt of ~~such~~ THE WRITTEN notice, to obtain written information
18 concerning:

19 (I) Records or information that may be examined and requested
20 in the survey, analysis, or evaluation;

21 (II) The means by which the records or information shall be
22 examined reviewed, or disseminated;

23 (III) The means by which the information is to be obtained;

24 (IV) The purposes for which the records or information is needed;

25 (V) The entities or persons, regardless of affiliation, who will
26 have access to the information; and

27 (VI) A method by which a parent or legal guardian of a student

1 can grant or deny permission to access or examine the records or
2 information.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2012 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.