

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 17-1044.01 Brita Darling x2241

HOUSE BILL 17-1301

HOUSE SPONSORSHIP

Michaelson Jenet, Exum

SENATE SPONSORSHIP

Holbert and Fields,

House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

101 **CONCERNING PROTECTING A STUDENT'S ACCESS TO SCHOOL RECORDS**
102 **NECESSARY FOR ENROLLMENT IN ANOTHER EDUCATIONAL**
103 **INSTITUTION DESPITE OUTSTANDING PAYMENTS DUE TO THE**
104 **SCHOOL.**

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://leg.colorado.gov>.)

The bill removes the authority of a board of education of a school district, a charter school, an institute charter school, and a school operated by a board of cooperative services (local education provider) to withhold

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
2nd Reading Unamended
April 28, 2017

HOUSE
3rd Reading Unamended
April 21, 2017

HOUSE
Amended 2nd Reading
April 20, 2017

records required for enrollment in another school or institution of higher education or a student's grades, transcripts, or diploma for failure to pay any fine or fee assessed by the local education provider, to return or replace textbooks or library resources, or to return other school property. The local education provider shall make reasonable efforts to obtain payment of an assessed fee or fine or payment for lost or damaged textbooks, library resources, or other school property.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-32-110, **amend**
3 (1)(jj) as follows:

4 **22-32-110. Board of education - specific powers.** (1) In addition
5 to any other power granted to a board of education of a school district by
6 law, each board of education of a school district shall have the following
7 specific powers, to be exercised in its judgment:

8 (jj) To require the PAYMENT OF ANY FINE OR FEE ASSESSED
9 PURSUANT TO LAW, THE RETURN OR replacement of ~~damaged~~ textbooks
10 or library resources, ~~or the return of loaned textbooks or library resources~~
11 ~~by withholding~~ OR THE RETURN OR REPLACEMENT OF OTHER SCHOOL
12 PROPERTY. A SCHOOL DISTRICT SHALL NOT WITHHOLD, AND SHALL ENSURE
13 THAT A SCHOOL OF THE SCHOOL DISTRICT DOES NOT WITHHOLD, RECORDS
14 REQUIRED FOR ENROLLMENT IN ANOTHER SCHOOL OR INSTITUTION OF
15 HIGHER EDUCATION OR the diploma, transcript, or grades of any student
16 who fails to PAY ANY ASSESSED FINE OR FEE, TO return or replace ~~any such~~
17 textbooks or library resources, OR TO RETURN OR REPLACE ANY SCHOOL
18 PROPERTY at the completion of any semester or school year. The school
19 district shall make a reasonable effort to obtain PAYMENT OF ANY
20 ASSESSED FINE OR FEE, payment for lost or damaged textbooks or library
21 resources, AND PAYMENT FOR LOST OR DAMAGED SCHOOL PROPERTY. If
22 the school district determines that a student is unable to pay, the school

1 district may obtain payment through other methods, including but not
2 limited to payment plans or service within the school in which the student
3 is enrolled. ~~The school district may also refuse to allow any student who~~
4 ~~completes graduation or continuation requirements to participate in any~~
5 ~~graduation or continuation ceremony if the student has failed to return or~~
6 ~~replace any such textbooks or library resources prior to the date of the~~
7 ~~graduation or continuation ceremony~~ NOTHING IN THIS SUBSECTION (1)(jj)
8 LIMITS THE AUTHORITY OF A SCHOOL DISTRICT TO COLLECT DEBT.

9 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-104, **add**
10 (12) as follows:

11 **22-30.5-104. Charter school - requirements - authority - rules.**

12 (12) PURSUANT TO THE PROVISIONS OF SECTION 22-32-110 (1)(jj), A
13 CHARTER SCHOOL SHALL NOT WITHHOLD RECORDS REQUIRED FOR
14 ENROLLMENT IN ANOTHER SCHOOL OR INSTITUTION OF HIGHER EDUCATION
15 OR THE DIPLOMA, TRANSCRIPT, OR GRADES OF ANY STUDENT FOR FAILURE
16 TO PAY A FINE OR FEE OR TO RETURN OR REPLACE SCHOOL PROPERTY.

17 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-507, **add**
18 (13) as follows:

19 **22-30.5-507. Institute charter school - requirements -**

20 **authority - rules.** (13) PURSUANT TO THE PROVISIONS OF SECTION
21 22-32-110 (1)(jj), AN INSTITUTE CHARTER SCHOOL SHALL NOT WITHHOLD
22 RECORDS REQUIRED FOR ENROLLMENT IN ANOTHER SCHOOL OR
23 INSTITUTION OF HIGHER EDUCATION OR THE DIPLOMA, TRANSCRIPT, OR
24 GRADES OF ANY STUDENT FOR FAILURE TO PAY A FINE OR FEE OR TO
25 RETURN OR REPLACE SCHOOL PROPERTY.

26 **SECTION 4.** In Colorado Revised Statutes, 22-5-108, **amend**
27 (1)(a) as follows:

1 **22-5-108. Powers of board of cooperative services.** (1) In
2 addition to any other powers granted by law, the board of cooperative
3 services shall have the following specific powers, to be exercised in its
4 judgment:

5 (a) Those powers set forth for boards of education in section
6 22-32-110 (1)(b) to (1)(k), (1)(n) to (1)(q), (1)(s) to (1)(w), (1)(y), ~~and~~
7 (1)(aa) to (1)(ee), AND (1)(jj), and in sections 22-32-113, 22-32-114,
8 22-32-116 to 22-32-118, 22-32-120 to 22-32-122, and 22-32-124;

9 **SECTION 5. Act subject to petition - effective date.** This act
10 takes effect at 12:01 a.m. on the day following the expiration of the
11 ninety-day period after final adjournment of the general assembly (August
12 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a
13 referendum petition is filed pursuant to section 1 (3) of article V of the
14 state constitution against this act or an item, section, or part of this act
15 within such period, then the act, item, section, or part will not take effect
16 unless approved by the people at the general election to be held in
17 November 2018 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.