

## CHAPTER 27

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 93-1032**

BY REPRESENTATIVES Dyer, Anderson, Armstrong, Coffman, Entz, Epps, Foster, R. Hernandez, Martin, May, and Owen;  
also SENATORS Owens, Johnson, Roberts, Schroeder, Trujillo, Wattenberg, and Wells.

**AN ACT****CONCERNING THE REQUIREMENT THAT CERTAIN INFORMATION REGARDING SECONDARY SCHOOL STUDENTS BE RELEASED TO RECRUITING OFFICERS OF ANY BRANCH OF THE UNITED STATES ARMED FORCES.**

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

**SECTION 1.** 24-72-204 (3) (d), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**24-72-204. Allowance or denial of inspection - grounds procedure - appeal.**  
(3) (d) Notwithstanding the provisions of subparagraph (VI) of paragraph (a) of this subsection (3), under policies adopted by the local board of education, the names, ~~and~~ addresses, AND HOME TELEPHONE NUMBERS of students in any secondary school ~~may~~ SHALL be released to a recruiting officer for any branch of the United States armed forces who requests such information, SUBJECT TO THE FOLLOWING: ~~unless the student requests in writing that said information not be released~~

(I) EACH LOCAL BOARD OF EDUCATION SHALL ADOPT ONE OF THE FOLLOWING POLICIES TO GOVERN THE RELEASE OF THE NAMES, ADDRESSES, AND HOME TELEPHONE NUMBERS OF SECONDARY SCHOOL STUDENTS TO MILITARY RECRUITING OFFICERS:

(A) A POLICY THAT SUCH INFORMATION SHALL BE RELEASED TO RECRUITING OFFICERS UNLESS A STUDENT SUBMITS A REQUEST, IN WRITING, THAT SUCH INFORMATION NOT BE RELEASED; OR

(B) A POLICY THAT SUCH INFORMATION SHALL BE RELEASED TO RECRUITING OFFICERS, BUT ONLY IF A STUDENT NOTIFIES THE LOCAL BOARD OF EDUCATION THAT SUCH INFORMATION MAY BE RELEASED. UNDER THIS POLICY, THE LOCAL BOARD SHALL INFORM SECONDARY STUDENTS OF THEIR OBLIGATION TO NOTIFY THE BOARD

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

SHOULD THEY DESIRE THAT SUCH INFORMATION BE RELEASED.

(II) IN THE EVENT THAT THE LOCAL BOARD OF EDUCATION FAILS TO ADOPT EITHER OF THE POLICIES IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (d), THE POLICY SET FORTH IN SUB-SUBPARAGRAPH (A) OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (d) SHALL BE APPLICABLE.

(III) THE LOCAL BOARD OF EDUCATION SHALL COMPLY WITH ANY APPLICABLE PROVISIONS OF THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974" (FERPA), 20 U.S.C. SECTION 1232g, AND THE FEDERAL REGULATIONS CITED THEREUNDER RELATING TO THE RELEASE OF STUDENT INFORMATION BY EDUCATIONAL INSTITUTIONS THAT RECEIVE FEDERAL FUNDS.

(IV) ACTUAL EXPENSES INCURRED IN FURNISHING THIS INFORMATION SHALL BE PAID FOR BY THE REQUESTING SERVICE.

(V) The recruiting officer shall use the data released for the purpose of providing information to students regarding military service and shall not use it for any other purpose or release such data to any person or organization other than individuals within the recruiting services of the armed forces.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 1993