

## CHAPTER 28

---

**EDUCATION - PUBLIC SCHOOLS**


---

**SENATE BILL 07-016**

BY SENATOR(S) Tapia, Boyd, Fitz-Gerald, Groff, Isgar, Romer, Sandoval, Schwartz, Shaffer, Tochtrop, Tupa, Veiga, Windels, and Williams;  
 also REPRESENTATIVE(S) Butcher, Benefield, Borodkin, Buescher, Carroll M., Casso, Frangas, Gagliardi, Gallegos, Gibbs, Green, Hodge, Kerr A., Labuda, Levy, Madden, Merrifield, Mitchell V., Peniston, Pommer, Romanoff, Solano, Todd, Weissmann, and White.

**AN ACT****CONCERNING THE MINIMUM AGE FOR COMPULSORY EDUCATION.**

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

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

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

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

(5) (a) The general assembly hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and

---

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

parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training. Therefore, every parent of a child who has attained the age of ~~seven~~ SIX years ON OR BEFORE AUGUST 1 OF EACH YEAR and is under the age of seventeen years shall ensure that such child attends the public school in which such child is enrolled in compliance with this section.

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

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

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

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

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

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

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

**22-33-107. Enforcement of compulsory school attendance.** (3) (a) As used in this subsection (3), a child who is "habitually truant" means a child who has attained the age of ~~seven~~ SIX years ON OR BEFORE AUGUST 1 OF THE YEAR IN QUESTION and is under the age of seventeen years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year. Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of this subsection (3).

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

(2) However, if a referendum petition is filed against this act or an item, section, or part of this act during the 90-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, then the act, item, section, or part, shall not

take effect unless approved by the people at a biennial regular general election and shall take effect on the date specified in subsection (1) or on the date of the official declaration of the vote thereon by proclamation of the governor, whichever is later.

Approved: March 16, 2007