

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 12-036

BY SENATOR(S) Mitchell, Cadman, Foster, Grantham, Harvey, Jahn, King S., Lambert, Neville, Scheffel;
also REPRESENTATIVE(S) Holbert, Barker, Beezley, Brown, Joshi, Ramirez, Scott, Stephens, Summers.

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

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

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

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

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

(I) Political affiliations;

(II) Mental and psychological conditions potentially embarrassing to the student or the student's family;

(III) Sexual behavior and attitudes;

(IV) Illegal, anti-social, self-incriminating, or demeaning behavior;

(V) Critical appraisals of individuals with whom a student has close family relationships;

(VI) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and members of the clergy; ~~or~~

(VII) Income, except as required by law;

(VIII) SOCIAL SECURITY NUMBER; OR

(IX) RELIGIOUS PRACTICES, AFFILIATIONS, OR BELIEFS.

(b) The requirement of written consent pursuant to this subsection (5) ~~shall apply~~ APPLIES throughout a public school's curriculum and other school activities; EXCEPT THAT THE REQUIREMENT OF WRITTEN CONSENT DOES NOT APPLY TO A STUDENT'S PARTICIPATION IN AN ASSESSMENT ADMINISTERED PURSUANT TO SECTION 22-7-407 OR 22-7-409 OR PART 10 OF ARTICLE 7 OF THIS TITLE. IN IMPLEMENTING THIS SUBSECTION (5), THE SCHOOL OR SCHOOL DISTRICT AND EMPLOYEES SHALL ENSURE THAT THEIR FIRST RESPONSIBILITY IS TO STUDENTS AND THEIR PARENTS AND SHALL ALLOW ONLY MINIMAL USE OF STUDENTS' ACADEMIC TIME BY INSTITUTIONS, AGENCIES, OR ORGANIZATIONS OUTSIDE THE SCHOOL OR SCHOOL DISTRICT TO GATHER INFORMATION FROM STUDENTS.

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

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

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

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

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

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

(VI) A method by which a parent or legal guardian of a student can grant or deny permission to access or examine the records or information.

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

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2012 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO