

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0395.01 Julie Pelegrin x2700

SENATE BILL 15-184

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Fields,

Senate Committees

Education
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENFORCEMENT OF COMPULSORY EDUCATION**
102 **REQUIREMENTS.**

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>.)

Under current law, a school district may file a petition in juvenile court to compel a student and a student's parents to comply with the statutory compulsory attendance requirements. The bill removes the juvenile court's jurisdiction over truancy petitions, except on appeal, and removes a school district's ability to enforce compulsory education requirements in the juvenile court; except that a school district may file

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.*

a contempt proceeding in juvenile court if a student or parent fails to comply with an order issued by an administrative law judge.

The bill gives jurisdiction over truancy cases to the office of administrative courts in the department of personnel. A school district may file a petition with an administrative law judge to compel a student and a student's parents to comply with the statutory compulsory attendance requirements. The administrative law judge may hold the hearing on the truancy petition in-person or by telephone or other electronic means, so long as the public has access to the hearing at the location at which school district personnel participate in the hearing. The administrative law judge has authority to issue an order compelling attendance, to order a dependency and neglect evaluation, and to impose specified sanctions to enforce the order. The administrative law judge does not have authority to sanction a student by ordering detention or to sanction a parent by ordering time in jail. A student or parent may appeal a decision of the administrative law judge to the juvenile court. The school district may file a contempt proceeding in the juvenile court if the student or parent fails or neglects to comply with a sanction that the administrative law judge orders.

If a student who is the subject of a truancy petition is or becomes the subject of a dependency and neglect proceeding or a juvenile petition, the administrative law judge must transfer the truancy petition to the appropriate juvenile court for consolidation with the dependency and neglect or juvenile proceeding.

The bill prohibits a juvenile detention facility from receiving a juvenile who violates a court order to attend school unless the juvenile is also adjudicated for committing a delinquent act.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-33-107.7 as
3 follows:

4 **22-33-107.7. Administrative court proceedings.** (1) (a) IF A
5 STUDENT CONTINUES TO BE HABITUALLY TRUANT AFTER SCHOOL AND
6 SCHOOL DISTRICT PERSONNEL PURSUANT TO SECTION 22-33-107 (3) HAVE
7 CREATED AND IMPLEMENTED A PLAN IN COORDINATION WITH THE LOCAL
8 COMMUNITY SERVICES GROUP TO IMPROVE THE STUDENT'S SCHOOL
9 ATTENDANCE, THE SCHOOL DISTRICT MAY INITIATE PROCEEDINGS
10 THROUGH THE OFFICE OF ADMINISTRATIVE COURTS IN THE DEPARTMENT

1 OF PERSONNEL TO COMPEL THE STUDENT AND THE STUDENT'S PARENT TO
2 COMPLY WITH THE ATTENDANCE REQUIREMENTS OF THIS ARTICLE. AN
3 ADMINISTRATIVE LAW JUDGE ASSIGNED BY THE OFFICE OF
4 ADMINISTRATIVE COURTS HAS JURISDICTION TO HEAR PROCEEDINGS
5 BROUGHT PURSUANT TO THIS SECTION AND TO ISSUE ORDERS AS PROVIDED
6 IN THIS SECTION.

7 (b) BEFORE INITIATING PROCEEDINGS TO COMPEL COMPLIANCE
8 WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE, THE
9 SCHOOL DISTRICT SHALL GIVE THE STUDENT AND THE STUDENT'S PARENT
10 WRITTEN NOTICE THAT THE SCHOOL DISTRICT WILL INITIATE PROCEEDINGS
11 IF THE STUDENT DOES NOT COMPLY WITH THE ATTENDANCE
12 REQUIREMENTS OF THIS ARTICLE. THE NOTICE MUST STATE THE
13 PROVISIONS OF THIS ARTICLE WITH WHICH COMPLIANCE IS REQUIRED AND
14 MUST STATE THAT THE SCHOOL DISTRICT WILL NOT INITIATE PROCEEDINGS
15 IF THE STUDENT COMPLIES WITH THE IDENTIFIED PROVISIONS BEFORE A
16 DATE SPECIFIED IN THE NOTICE, WHICH DATE MUST BE AT LEAST FIVE DAYS
17 AFTER THE DATE OF THE NOTICE. IF THE STUDENT DOES NOT COMPLY WITH
18 THE PROVISIONS BY THE DATE SPECIFIED, THE SCHOOL DISTRICT MAY
19 INITIATE THE PROCEEDINGS BY FILING A PETITION WITH THE OFFICE OF
20 ADMINISTRATIVE COURTS AND SERVING A SUMMONS ON THE STUDENT AND
21 THE STUDENT'S PARENT.

22 (c) IF A SCHOOL DISTRICT INITIATES PROCEEDINGS PURSUANT TO
23 THIS SECTION, THE SCHOOL DISTRICT, AT A MINIMUM, MUST SUBMIT TO THE
24 ADMINISTRATIVE LAW JUDGE EVIDENCE OF:

25 (I) THE STUDENT'S ATTENDANCE RECORD BEFORE AND AFTER THE
26 POINT AT WHICH THE SCHOOL DISTRICT IDENTIFIED THE STUDENT AS
27 HABITUALLY TRUANT;

1 (II) WHETHER THE STUDENT WAS IDENTIFIED AS CHRONICALLY
2 ABSENT AND, IF SO, THE STRATEGIES THE SCHOOL DISTRICT USED TO
3 IMPROVE THE STUDENT'S ATTENDANCE;

4 (III) THE INTERVENTIONS AND STRATEGIES THE SCHOOL DISTRICT
5 USED TO IMPROVE THE STUDENT'S ATTENDANCE BEFORE SCHOOL OR
6 SCHOOL DISTRICT PERSONNEL CREATED THE STUDENT'S PLAN DESCRIBED
7 IN SECTION 22-33-107 (3); AND

8 (IV) THE STUDENT'S PLAN AND THE EFFORTS OF THE STUDENT, THE
9 STUDENT'S PARENT, AND SCHOOL OR SCHOOL DISTRICT PERSONNEL TO
10 IMPLEMENT THE PLAN.

11 (2) (a) AN ADMINISTRATIVE LAW JUDGE BEFORE WHOM A
12 PROCEEDING TO COMPEL ATTENDANCE IS BROUGHT SHALL CONDUCT THE
13 PROCEEDING IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
14 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR APPLICABLE RULES
15 OF PROCEDURE OF THE OFFICE OF ADMINISTRATIVE COURTS AND MAY
16 CONDUCT THE PROCEEDING IN-PERSON OR BY TELEPHONE OR OTHER
17 ELECTRONIC MEANS SO LONG AS THE LOCATION AT WHICH SCHOOL
18 DISTRICT PERSONNEL PARTICIPATE IN THE PROCEEDING IS OPEN TO THE
19 PUBLIC. THE ADMINISTRATIVE LAW JUDGE MAY ISSUE, IN HIS OR HER
20 DISCRETION, AN ORDER AGAINST THE STUDENT OR THE STUDENT'S PARENT
21 OR BOTH COMPELLING THE STUDENT TO ATTEND SCHOOL AS PROVIDED BY
22 THIS ARTICLE OR COMPELLING THE PARENT TO TAKE REASONABLE STEPS
23 TO ASSURE THE STUDENT'S ATTENDANCE. THE ORDER MUST REQUIRE THE
24 STUDENT AND PARENT TO COOPERATE WITH THE SCHOOL DISTRICT IN
25 COMPLYING WITH THE PLAN CREATED FOR THE STUDENT PURSUANT TO
26 SECTION 22-33-107 (3).

27 (b) AN ORDER THAT AN ADMINISTRATIVE LAW JUDGE ISSUES

1 PURSUANT TO THIS SUBSECTION (2) CONSTITUTES A FINAL AGENCY
2 DETERMINATION. A STUDENT OR THE STUDENT'S PARENT MAY APPEAL THE
3 ORDER BY FILING A PETITION FOR JUDICIAL REVIEW IN THE JUVENILE
4 COURT OF THE JUDICIAL DISTRICT IN WHICH THE JUVENILE RESIDES OR IS
5 PRESENT. THE STUDENT OR PARENT MUST FILE THE ACTION WITHIN
6 FOURTEEN DAYS AFTER THE ORDER IS EFFECTIVE. AFTER THE PETITION IS
7 FILED, THE JUVENILE COURT SHALL NOTIFY THE SCHOOL DISTRICT AND
8 SHALL HOLD A HEARING ON THE MATTER. THE JUVENILE COURT SHALL
9 CONDUCT THE JUDICIAL REVIEW HEARING PURSUANT TO RULE 106 (a) (4)
10 OF THE COLORADO RULES OF CIVIL PROCEDURE.

11 (3) (a) IF THE STUDENT DOES NOT COMPLY WITH THE VALID ORDER
12 ISSUED AGAINST THE STUDENT OR AGAINST BOTH THE PARENT AND THE
13 STUDENT, THE ADMINISTRATIVE LAW JUDGE MAY ORDER THAT AN
14 ASSESSMENT FOR NEGLECT AS DESCRIBED IN SECTION 19-3-102 (1), C.R.S.,
15 BE CONDUCTED AS PROVIDED IN SECTION 19-3-501, C.R.S. IN ADDITION,
16 THE ADMINISTRATIVE LAW JUDGE MAY ORDER THE STUDENT TO SHOW
17 CAUSE WHY HE OR SHE SHOULD NOT BE HELD IN CONTEMPT.

18 (b) THE ADMINISTRATIVE LAW JUDGE MAY IMPOSE SANCTIONS
19 AFTER A FINDING OF CONTEMPT THAT MAY INCLUDE, BUT NEED NOT BE
20 LIMITED TO, COMMUNITY SERVICE THAT THE STUDENT MUST PERFORM,
21 SUPERVISED ACTIVITIES, PARTICIPATION IN SERVICES FOR AT-RISK
22 STUDENTS, AS DESCRIBED BY SECTION 22-33-204, AND OTHER ACTIVITIES
23 THAT ARE DESIGNED TO ENSURE THAT THE STUDENT HAS AN OPPORTUNITY
24 TO OBTAIN A QUALITY EDUCATION. AN ADMINISTRATIVE LAW JUDGE
25 SHALL NOT SANCTION A STUDENT BY ORDERING ANY TERM OF DETENTION.

26 (4) IF THE PARENT REFUSES OR NEGLECTS TO OBEY THE ORDER
27 THAT THE ADMINISTRATIVE LAW JUDGE ISSUES AGAINST THE PARENT OR

1 AGAINST BOTH THE PARENT AND THE STUDENT, THE ADMINISTRATIVE LAW
2 JUDGE MAY ORDER THE PARENT TO SHOW CAUSE WHY HE OR SHE SHOULD
3 NOT BE HELD IN CONTEMPT, AND, IF THE PARENT FAILS TO SHOW CAUSE,
4 THE ADMINISTRATIVE LAW JUDGE MAY IMPOSE A FINE OF UP TO BUT NOT
5 MORE THAN TWENTY-FIVE DOLLARS PER DAY. THE PARENT SHALL PAY THE
6 FINE TO THE SCHOOL DISTRICT.

7 (5) IF A STUDENT OR PARENT REFUSES OR NEGLECTS TO COMPLY
8 WITH A CONTEMPT OF COURT SANCTION THAT THE ADMINISTRATIVE LAW
9 JUDGE IMPOSES, THE SCHOOL DISTRICT MAY PURSUE ENFORCEMENT BY
10 FILING A CONTEMPT PROCEEDING WITH THE JUVENILE COURT IN THE
11 JUDICIAL DISTRICT IN WHICH THE STUDENT RESIDES OR IS PRESENT.

12 (6) IF A STUDENT AGAINST WHOM A SCHOOL DISTRICT FILES A
13 TRUANCY PETITION PURSUANT TO THIS SECTION IS OR BECOMES THE
14 SUBJECT OF A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO
15 ARTICLE 3 OF TITLE 19, C.R.S., OR THE SUBJECT OF A PETITION IN JUVENILE
16 COURT PURSUANT TO ARTICLE 2 OF TITLE 19, C.R.S., WHILE THE TRUANCY
17 PETITION IS PENDING, THE ADMINISTRATIVE LAW JUDGE SHALL TRANSFER
18 THE TRUANCY PETITION TO THE JUVENILE COURT THAT HAS JURISDICTION
19 OVER THE DEPENDENCY AND NEGLECT OR JUVENILE PROCEEDING, AND THE
20 JUVENILE COURT JUDGE SHALL CONSOLIDATE THE TRUANCY PETITION
21 WITH THE DEPENDENCY AND NEGLECT OR JUVENILE PROCEEDING.

22 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
23 **with amendments,** 22-33-108 as follows:

24 **22-33-108. Judicial review - order of board of education.**

25 (1) (a) COURTS THAT HAVE JURISDICTION OVER JUVENILE MATTERS IN A
26 JUDICIAL DISTRICT HAVE ORIGINAL JURISDICTION TO REVIEW A DECISION
27 ISSUED BY A BOARD OF EDUCATION PURSUANT TO SECTION 22-33-105 TO

1 DENY ADMISSION TO OR EXPEL A STUDENT. A PROCEEDING TO REVIEW AN
2 ORDER OF A BOARD OF EDUCATION MUST BE COMMENCED IN THE JUDICIAL
3 DISTRICT IN WHICH THE STUDENT RESIDES OR IS PRESENT.

4 (b) WHEN PROCEEDINGS COMMENCE UNDER THIS SECTION IN A
5 JUDICIAL DISTRICT OTHER THAN THAT OF THE STUDENT'S RESIDENCE OR
6 WHEN THE STUDENT CHANGES HIS OR HER JUDICIAL DISTRICT OF
7 RESIDENCE AFTER A PROCEEDING UNDER THIS SECTION COMMENCES, THE
8 COURT IN WHICH PROCEEDINGS COMMENCED MAY, ON ITS OWN MOTION OR
9 ON THE MOTION OF ANY INTERESTED PARTY, TRANSFER THE CASE TO THE
10 COURT IN THE JUDICIAL DISTRICT WHERE THE STUDENT RESIDES.

11 (c) WHEN A COURT TRANSFERS VENUE PURSUANT TO PARAGRAPH
12 (b) OF THIS SUBSECTION (1), THE COURT SHALL TRANSMIT ALL DOCUMENTS
13 AND REPORTS, OR CERTIFIED COPIES THEREOF, TO THE RECEIVING COURT,
14 WHICH COURT SHALL PROCEED WITH THE CASE AS IF THE PETITION HAD
15 BEEN ORIGINALLY FILED IN THAT COURT.

16 (2) IF A STUDENT OR A STUDENT'S PARENT DESIRES COURT REVIEW
17 OF AN ORDER OF THE BOARD OF EDUCATION ISSUED PURSUANT TO SECTION
18 22-33-105, THE STUDENT OR THE PARENT MUST NOTIFY THE BOARD OF
19 EDUCATION IN WRITING WITHIN FIVE DAYS AFTER RECEIVING OFFICIAL
20 NOTICE OF THE BOARD OF EDUCATION'S ACTION. WHEN IT RECEIVES THE
21 NOTICE, THE BOARD OF EDUCATION SHALL ISSUE, OR CAUSE TO BE ISSUED,
22 TO THE STUDENT OR THE PARENT A STATEMENT OF THE REASONS FOR THE
23 BOARD'S ACTION. WITHIN TEN DAYS AFTER THE BOARD OF EDUCATION
24 ISSUES THE STATEMENT OF REASONS, THE STUDENT OR THE PARENT MAY
25 FILE WITH THE COURT A PETITION REQUESTING THAT THE ORDER OF THE
26 BOARD OF EDUCATION BE SET ASIDE. THE PETITION MUST INCLUDE A COPY
27 OF THE STATEMENT OF REASONS. THE COURT SHALL NOT COLLECT DOCKET

1 OR OTHER FEES IN CONNECTION WITH THIS PROCEEDING.

2 (3) AFTER THE PETITION IS FILED, THE COURT SHALL NOTIFY THE
3 BOARD OF EDUCATION AND SHALL HOLD A HEARING ON THE MATTER. THE
4 COURT SHALL CONDUCT JUDICIAL REVIEW OF A HEARING DECISION
5 PURSUANT TO RULE 106 (a) (4) OF THE COLORADO RULES OF CIVIL
6 PROCEDURE.

7 **SECTION 3.** In Colorado Revised Statutes, 24-30-1003, **amend**
8 (1) and (1.5) as follows:

9 **24-30-1003. Administrative law judges - appointment -**
10 **qualifications - standards of conduct.** (1) (a) The executive director of
11 the department of personnel may appoint such administrative law judges
12 except those employed pursuant to sections 24-50-103 (7) and 40-2-104,
13 C.R.S., as may be necessary to provide services to each state agency,
14 except the state personnel board and the public utilities commission,
15 entitled to use administrative law judges. Administrative law judges shall
16 be appointed in accordance with the provisions of section 13 of article
17 XII of the state constitution and the laws and rules governing the state
18 personnel system.

19 (b) AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO
20 THIS SECTION MAY PROVIDE SERVICES TO A SCHOOL DISTRICT AS PROVIDED
21 IN SECTION 22-33-107.7, C.R.S.

22 (1.5) The director of the office of administrative courts shall
23 appoint and assign administrative law judges to hear particular cases or
24 classes of cases that come before the office of administrative courts in a
25 manner that, in the discretion of such director, is necessary and
26 appropriate to provide services to each state agency OR TO A SCHOOL
27 DISTRICT PURSUANT TO SECTION 22-33-107.7, C.R.S.

1 **SECTION 4.** In Colorado Revised Statutes, 13-1-127, **amend** (1)
2 (l) and (7) (a) as follows:

3 **13-1-127. Entities - school districts - legislative declaration -**
4 **representation - definitions.** (1) As used in this section, unless the
5 context otherwise requires:

6 (1) "Truancy proceedings" means ~~judicial~~ proceedings BEFORE AN
7 ADMINISTRATIVE LAW JUDGE ASSIGNED BY THE OFFICE OF
8 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL for the
9 enforcement of the "School Attendance Law of 1963", article 33 of title
10 22, C.R.S., brought pursuant to ~~section 22-33-108~~ SECTION 22-33-107.7,
11 C.R.S.

12 (7) (a) A school district board of education may authorize, by
13 resolution, one or more employees of the school district to represent the
14 school district in truancy proceedings; ~~in any court of competent~~
15 ~~jurisdiction~~; except that the authorization of the board of education shall
16 not extend to representation of the school district before a court of
17 appeals or before the Colorado supreme court.

18 **SECTION 5.** In Colorado Revised Statutes, 13-91-103, **amend**
19 (4) as follows:

20 **13-91-103. Definitions.** As used in this article, unless the context
21 otherwise requires:

22 (4) "Guardian ad litem" or "GAL" means a person appointed by
23 a court to act in the best interests of a child involved in a proceeding
24 under title 19, C.R.S., or ~~the "School Attendance Law of 1963", set forth~~
25 ~~in article 33 of title 22~~ SECTION 22-33-108, C.R.S., and who, if appointed
26 to represent a child in a dependency or neglect proceeding pursuant to
27 article 3 of title 19, C.R.S., shall be an attorney-at-law licensed to practice

1 in Colorado.

2 **SECTION 6.** In Colorado Revised Statutes, 19-1-104, **amend** (1)
3 (k); and **add** (2.5) as follows:

4 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
5 the juvenile court shall have exclusive original jurisdiction in
6 proceedings:

7 (k) To make a determination concerning a petition filed pursuant
8 to ~~the "School Attendance Law of 1963", article 33 of title 22~~ SECTION
9 22-33-108, C.R.S., and to enforce any lawful order of court made
10 thereunder;

11 (2.5) (a) THE JUVENILE COURT HAS JURISDICTION IN PROCEEDINGS
12 CONCERNING A PETITION FILED PURSUANT TO SECTION 22-33-107.7,
13 C.R.S., TO COMPEL PUBLIC SCHOOL ATTENDANCE IF THE STUDENT WHO IS
14 THE SUBJECT OF THE PETITION IS WITHIN THE COURT'S JURISDICTION UNDER
15 PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION.

16 (b) THE JUVENILE COURT HAS JURISDICTION IN PROCEEDINGS FOR
17 JUDICIAL REVIEW OF AN ORDER ISSUED BY AN ADMINISTRATIVE LAW JUDGE
18 PURSUANT TO SECTION 22-33-107.7, C.R.S., AND FOR ENFORCEMENT OF
19 A CONTEMPT ORDER ISSUED BY AN ADMINISTRATIVE LAW JUDGE
20 PURSUANT TO SECTION 22-33-107.7, C.R.S.

21 **SECTION 7.** In Colorado Revised Statutes, 19-1-105, **amend** (2)
22 as follows:

23 **19-1-105. Right to counsel and jury trial.** (2) The right to
24 counsel shall be as provided in this title; except that, in all proceedings
25 under ~~the "School Attendance Law of 1963", article 33 of title 22~~
26 SECTION 22-33-108, C.R.S., the court may appoint counsel or a guardian
27 ad litem for the child, unless the child is already represented by counsel.

1 If the court finds that it is in the best interest and welfare of the child, the
2 court may appoint both counsel and a guardian ad litem. Nothing in this
3 title shall prevent the court from appointing counsel if it deems
4 representation by counsel necessary to protect the interests of the child or
5 other parties. ~~In addition, in all proceedings under the "School Attendance~~
6 ~~Law of 1963", article 33 of title 22, C.R.S., the court shall make available~~
7 ~~to the child's parent or guardian ad litem information concerning the~~
8 ~~truancy process.~~

9 **SECTION 8.** In Colorado Revised Statutes, 19-1-111, **amend** (2)
10 (b) as follows:

11 **19-1-111. Appointment of guardian ad litem.** (2) The court
12 may appoint a guardian ad litem in the following cases:

13 (b) For a child in proceedings under ~~the "School Attendance Law~~
14 ~~of 1963", article 33 of title 22~~ SECTION 22-33-108, C.R.S., when the court
15 finds that the appointment is necessary due to exceptional and
16 extraordinary circumstances;

17 **SECTION 9.** In Colorado Revised Statutes, 19-1-303, **amend** (2)
18 (c) as follows:

19 **19-1-303. General provisions - delinquency and dependency**
20 **and neglect cases - exchange of information - civil penalty.**

21 (2) (c) Notwithstanding any other provision of law to the contrary, a
22 criminal justice agency investigating a criminal matter ~~or a matter under~~
23 ~~the "School Attendance Law of 1963", part 1 of article 33 of title 22,~~
24 ~~C.R.S.,~~ concerning a child may seek disciplinary and truancy information
25 from the principal of a school, or the principal's designee, at which the
26 child is or will be enrolled as a student and, if the student is enrolled in a
27 public school, from the superintendent of the school district in which the

1 student is enrolled, or such superintendent's designee. Upon written
2 certification by the criminal justice agency that the information will not
3 be disclosed to any other party, except as specifically authorized or
4 required by law, without the prior written consent of the child's parent,
5 either the principal of the school in which the child is enrolled, or such
6 principal's designee, or, if the student is enrolled in a public school, the
7 superintendent of the school district in which the student is enrolled, or
8 such superintendent's designee, shall provide the child's attendance and
9 disciplinary records to the requesting criminal justice agency. The
10 criminal justice agency receiving such information shall use it only for the
11 performance of its legal duties and responsibilities and shall maintain the
12 confidentiality of the information received.

13 **SECTION 10.** In Colorado Revised Statutes, 22-32-110, **amend**
14 (1) (mm) as follows:

15 **22-32-110. Board of education - specific powers.** (1) In addition
16 to any other power granted to a board of education of a school district by
17 law, each board of education of a school district shall have the following
18 specific powers, to be exercised in its judgment:

19 (mm) To adopt a resolution, as provided in section 13-1-127 (7),
20 C.R.S., authorizing one or more employees of the school district to
21 represent the school district in ~~judicial~~ proceedings brought to enforce the
22 "School Attendance Law of 1963", article 33 of this title.

23 **SECTION 11.** In Colorado Revised Statutes, 22-33-104, **amend**
24 (4) (b) as follows:

25 **22-33-104. Compulsory school attendance.** (4) (b) The
26 attendance policy adopted pursuant to this subsection (4) shall specify the
27 maximum number of unexcused absences a child may incur before the

1 attorney for the school district, the attendance officer, or the local board
2 of education may initiate ~~judicial~~ proceedings pursuant to ~~section~~
3 ~~22-33-108~~ SECTION 22-33-107.7. Calculation of the number of unexcused
4 absences a child has incurred includes all unexcused absences occurring
5 during any calendar year or during any school year.

6 **SECTION 12.** In Colorado Revised Statutes, 22-33-205, **amend**
7 (3) and (4) as follows:

8 **22-33-205. Services for expelled and at-risk students - grants**
9 **- criteria.** (3) The state board shall annually award at least forty-five
10 percent of any moneys appropriated for the program to applicants that
11 provide educational services to students from more than one school
12 district and at least one-half of any increase in the appropriation for the
13 program for the 2009-10 fiscal year to applicants that provide services
14 and supports that are designed to reduce the number of truancy cases
15 requiring ADMINISTRATIVE LAW court involvement and that also reflect
16 the best interests of students and families. ~~The services and supports shall~~
17 ~~include, but need not be limited to, alternatives to guardian ad litem~~
18 ~~representation in truancy proceedings.~~

19 (4) The department of education is authorized to retain up to one
20 percent of any moneys appropriated for the program for the purpose of
21 annually evaluating the program. The department of education is
22 authorized and encouraged to retain up to an additional two percent of
23 any moneys appropriated for the program for the purpose of partnering
24 with organizations or agencies that provide services and supports that are
25 designed to reduce the number of truancy cases requiring ~~court~~
26 ~~involvement~~ ENFORCEMENT PROCEEDINGS PURSUANT TO SECTION
27 22-33-107.7 and that also reflect the best interests of students and

1 families. ~~The services and supports shall include, but need not be limited~~
2 ~~to, alternatives to guardian ad litem representation in truancy proceedings.~~
3 On or before January 1, 2006, and on or before January 1 each year
4 thereafter, the department of education shall report to the education
5 committees of the house of representatives and the senate, or any
6 successor committees, the evaluation findings on the outcomes and the
7 effectiveness of the program related to school attendance, attachment, and
8 achievement. The report shall also include specific information on the
9 efficacy of services and supports that provide alternatives to ~~court~~
10 ~~involvement and guardian ad litem representation in truancy proceedings~~
11 FILED PURSUANT TO SECTION 22-33-107.7.

12 **SECTION 13.** In Colorado Revised Statutes, 19-2-402, **add** (1)
13 (c) as follows:

14 **19-2-402. Juvenile detention services and facilities to be**
15 **provided by department of human services - education.** (1) (c) A
16 DETENTION FACILITY OPERATED BY OR UNDER CONTRACT WITH THE
17 DEPARTMENT OF HUMAN SERVICES SHALL NOT RECEIVE OR PROVIDE CARE
18 FOR A JUVENILE WHO VIOLATES AN ORDER OF AN ADMINISTRATIVE LAW
19 JUDGE OR A COURT ORDER TO ATTEND SCHOOL AS REQUIRED UNDER THE
20 "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF TITLE 22, C.R.S.,
21 UNLESS THE JUVENILE IS ALSO FOUND GUILTY OF AND ADJUDICATED
22 PURSUANT TO THIS ARTICLE AND REMAINS UNDER THE JURISDICTION OF
23 THE JUVENILE COURT FOR COMMITTING A DELINQUENT ACT.

24 **SECTION 14. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly (August
27 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the
2 state constitution against this act or an item, section, or part of this act
3 within such period, then the act, item, section, or part will not take effect
4 unless approved by the people at the general election to be held in
5 November 2016 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.