

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 07-0502.01 Julie Pelegrin

**SENATE BILL 07-050**

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**SENATE SPONSORSHIP**

**Renfroe,**

**HOUSE SPONSORSHIP**

**(None),**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AUTHORIZATION OF A SCHOOL DISTRICT EMPLOYEE TO**  
102 **REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

States that representation of a school district in truancy proceedings does not constitute the practice of law. Allows a school district board of education, by resolution, to authorize one or more employees of the school district to represent the school district in truancy proceedings.

Makes conforming amendments.

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.*

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

2           **SECTION 1.** 13-1-127, Colorado Revised Statutes, is amended  
3 BY THE ADDITION OF A NEW SUBSECTION to read:

4           **13-1-127. Entities - school districts - legislative declaration -**  
5 **representation.** (7) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND  
6 DETERMINES THAT:

7           (I) THE PRACTICE OF LAW SHOULD NOT INCLUDE THE  
8 REPRESENTATION OF A SCHOOL DISTRICT IN TRUANCY PROCEEDINGS BY AN  
9 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT. WHILE THE GENERAL  
10 ASSEMBLY RESPECTFULLY RECOGNIZES THE JURISDICTION OF THE  
11 COLORADO SUPREME COURT WITH RESPECT TO THE REGULATION OF THE  
12 PRACTICE OF LAW, IT HEREBY FINDS AND DECLARES THAT THE  
13 REPRESENTATION OF A SCHOOL DISTRICT IN TRUANCY PROCEEDINGS BY AN  
14 AUTHORIZED EMPLOYEE OF THE SCHOOL DISTRICT DOES NOT CONSTITUTE  
15 THE UNAUTHORIZED PRACTICE OF LAW.

16           (II) ALLOWING REPRESENTATION OF A SCHOOL DISTRICT BY AN  
17 AUTHORIZED EMPLOYEE IN TRUANCY PROCEEDINGS WILL NOT HAMPER THE  
18 ORDERLY AND PROPER DISPOSITION OF TRUANCY PROCEEDINGS AND MAY  
19 EXPEDITE AND FACILITATE THE DISPOSITION OF TRUANCY PROCEEDINGS;

20           (III) AN EMPLOYEE OF A SCHOOL DISTRICT WITH EXPERIENCE IN  
21 THE OPERATIONS OF THE SCHOOL DISTRICT AND KNOWLEDGE OF THE  
22 NECESSARY FACTS AND LAW CAN AFFORD A SCHOOL DISTRICT WITH  
23 REPRESENTATION THAT IS THE SUBSTANTIAL EQUIVALENT TO, AND MAY IN  
24 SOME CASES BE MORE EFFECTIVE THAN, THAT OF A LICENSED ATTORNEY;  
25 AND

26           (IV) THE PROTECTIONS AFFORDED BY THE RESTRICTIONS SET

1 FORTH BY THE COLORADO SUPREME COURT WITH RESPECT TO THE  
2 UNAUTHORIZED PRACTICE OF LAW ARE UNNECESSARY IN THE CONTEXT OF  
3 TRUANCY PROCEEDINGS BECAUSE THE GENERAL PUBLIC IS NOT LIKELY TO  
4 BE HARMED BY REPRESENTATION OF A SCHOOL DISTRICT BY AN  
5 AUTHORIZED EMPLOYEE IN TRUANCY PROCEEDINGS. FURTHER, THE  
6 GENERAL ASSEMBLY RESPECTFULLY RECOMMENDS THAT THE COLORADO  
7 SUPREME COURT ADOPT RULES THAT PERMIT AND REGULATE  
8 REPRESENTATION OF A SCHOOL DISTRICT BY AN AUTHORIZED EMPLOYEE  
9 IN TRUANCY PROCEEDINGS, IN WHICH EVENT THE GENERAL ASSEMBLY MAY  
10 CHOOSE TO REPEAL THIS SUBSECTION (7) IN DEFERENCE TO THE SUPREME  
11 COURT'S RULES.

12 (b) A SCHOOL DISTRICT BOARD OF EDUCATION MAY AUTHORIZE, BY  
13 RESOLUTION, ONE OR MORE EMPLOYEES OF THE SCHOOL DISTRICT TO  
14 REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS IN ANY  
15 COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE AUTHORIZATION  
16 OF THE BOARD OF EDUCATION SHALL NOT EXTEND TO REPRESENTATION OF  
17 THE SCHOOL DISTRICT BEFORE A COURT OF APPEALS OR BEFORE THE  
18 COLORADO SUPREME COURT.

19 (c) A COURT MAY RELY ON THE WRITTEN RESOLUTION OF THE  
20 SCHOOL DISTRICT BOARD OF EDUCATION THAT AUTHORIZES THE NAMED  
21 EMPLOYEE TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY  
22 PROCEEDINGS.

23 (d) AN AUTHORIZED EMPLOYEE WHO REPRESENTS A SCHOOL  
24 DISTRICT IN TRUANCY PROCEEDINGS PURSUANT TO THE PROVISIONS OF  
25 THIS SUBSECTION (7) SHALL NOT BE SUBJECT TO THE PROVISIONS OF  
26 SECTION 12-5-112, C.R.S.

27 (e) A SCHOOL DISTRICT BOARD OF EDUCATION'S EXERCISE OF THE

1 OPTION AUTHORIZED BY THIS SECTION TO BE REPRESENTED IN TRUANCY  
2 PROCEEDINGS BY AN EMPLOYEE SHALL NOT ALONE BE CONSTRUED TO  
3 ESTABLISH PERSONAL LIABILITY OF THE REPRESENTING EMPLOYEE OR ANY  
4 OTHER EMPLOYEE OR A SCHOOL DIRECTOR OF THE SCHOOL DISTRICT FOR  
5 ACTION TAKEN BY THE SCHOOL DISTRICT.

6 **SECTION 2.** 13-1-127 (1), Colorado Revised Statutes, is  
7 amended BY THE ADDITION OF THE FOLLOWING NEW  
8 PARAGRAPHS to read:

9 **13-1-127. Entities - school districts - legislative declaration -**  
10 **representation.** (1) As used in this section, unless the context otherwise  
11 requires:

12 (k) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED  
13 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR  
14 COLLEGE DISTRICT.

15 (l) "TRUANCY PROCEEDINGS" MEANS JUDICIAL PROCEEDINGS FOR  
16 THE ENFORCEMENT OF THE "SCHOOL ATTENDANCE LAW OF 1963",  
17 ARTICLE 33 OF TITLE 22, C.R.S., BROUGHT PURSUANT TO SECTION  
18 22-33-108, C.R.S.

19 **SECTION 3.** 22-32-110 (1), Colorado Revised Statutes, is  
20 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

21 **22-32-110. Board of education - specific powers.** (1) In addition  
22 to any other power granted to a board of education of a school district by  
23 law, each board of education of a school district shall have the following  
24 specific powers, to be exercised in its judgment:

25 (mm) TO ADOPT A RESOLUTION, AS PROVIDED IN SECTION 13-1-127  
26 (7), C.R.S., AUTHORIZING ONE OR MORE EMPLOYEES OF THE SCHOOL  
27 DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN JUDICIAL PROCEEDINGS

1 BROUGHT TO ENFORCE THE "SCHOOL ATTENDANCE LAW OF 1963",  
2 ARTICLE 33 OF THIS TITLE.

3 **SECTION 4.** 22-33-108 (4), Colorado Revised Statutes, is  
4 amended to read:

5 **22-33-108. Judicial proceedings.** (4) It is the duty of the attorney  
6 for the school district, AN EMPLOYEE AUTHORIZED BY THE LOCAL BOARD  
7 OF EDUCATION PURSUANT TO SECTION 13-1-127 (7), C.R.S., TO REPRESENT  
8 THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS, the attendance officer  
9 designated by the local board of education, or the local board of education  
10 to initiate, when appropriate, proceedings for the enforcement of the  
11 compulsory attendance provisions of this article upon request by the  
12 attendance officer of the district or of the state.

13 **SECTION 5. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, and safety.