

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 07-0502.01 Julie Pelegrin

SENATE BILL 07-050

SENATE SPONSORSHIP

Renfroe,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

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

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.*

SENATE
Amended 2nd Reading
February 5, 2007

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) A SCHOOL DISTRICT BOARD OF
6 EDUCATION MAY AUTHORIZE, BY RESOLUTION, ONE OR MORE EMPLOYEES
7 OF THE SCHOOL DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN
8 TRUANCY PROCEEDINGS IN ANY COURT OF COMPETENT JURISDICTION;
9 EXCEPT THAT THE AUTHORIZATION OF THE BOARD OF EDUCATION SHALL
10 NOT EXTEND TO REPRESENTATION OF THE SCHOOL DISTRICT BEFORE A
11 COURT OF APPEALS OR BEFORE THE COLORADO SUPREME COURT.

12 (b) A COURT MAY RELY ON THE WRITTEN RESOLUTION OF THE
13 SCHOOL DISTRICT BOARD OF EDUCATION THAT AUTHORIZES THE NAMED
14 EMPLOYEE TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY
15 PROCEEDINGS.

16 (c) AN AUTHORIZED EMPLOYEE WHO REPRESENTS A SCHOOL
17 DISTRICT IN TRUANCY PROCEEDINGS PURSUANT TO THE PROVISIONS OF
18 THIS SUBSECTION (7) SHALL NOT BE SUBJECT TO THE PROVISIONS OF
19 SECTION 12-5-112, C.R.S.

20 (d) A SCHOOL DISTRICT BOARD OF EDUCATION’S EXERCISE OF THE
21 OPTION AUTHORIZED BY THIS SECTION TO BE REPRESENTED IN TRUANCY
22 PROCEEDINGS BY AN EMPLOYEE SHALL NOT ALONE BE CONSTRUED TO
23 ESTABLISH PERSONAL LIABILITY OF THE REPRESENTING EMPLOYEE OR ANY
24 OTHER EMPLOYEE OR A SCHOOL DIRECTOR OF THE SCHOOL DISTRICT FOR
25 ACTION TAKEN BY THE SCHOOL DISTRICT.

26 **SECTION 2.** 13-1-127 (1), Colorado Revised Statutes, is

1 amended BY THE ADDITION OF THE FOLLOWING NEW
2 PARAGRAPHS to read:

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

6 (k) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
7 AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR
8 COLLEGE DISTRICT.

9 (l) "TRUANCY PROCEEDINGS" MEANS JUDICIAL PROCEEDINGS FOR
10 THE ENFORCEMENT OF THE "SCHOOL ATTENDANCE LAW OF 1963",
11 ARTICLE 33 OF TITLE 22, C.R.S., BROUGHT PURSUANT TO SECTION
12 22-33-108, C.R.S.

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

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
20 (7), C.R.S., AUTHORIZING ONE OR MORE EMPLOYEES OF THE SCHOOL
21 DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN JUDICIAL PROCEEDINGS
22 BROUGHT TO ENFORCE THE "SCHOOL ATTENDANCE LAW OF 1963",
23 ARTICLE 33 OF THIS TITLE.

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

26 **22-33-108. Judicial proceedings.** (4) It is the duty of the attorney
27 for the school district, AN EMPLOYEE AUTHORIZED BY THE LOCAL BOARD

1 OF EDUCATION PURSUANT TO SECTION 13-1-127 (7), C.R.S., TO REPRESENT
2 THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS, the attendance officer
3 designated by the local board of education, or the local board of education
4 to initiate, when appropriate, proceedings for the enforcement of the
5 compulsory attendance provisions of this article upon request by the
6 attendance officer of the district or of the state.

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