

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 2, 2011
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB11-1053 be amended as follows, and as so amended, be referred to the Committee on Judiciary with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 **"SECTION 1. Legislative declaration.** (1) The general
4 assembly hereby finds and declares that:

5 (a) The best practice for addressing truancy is a graduated
6 approach that includes early intervention; and

7 (b) Certain school districts and courts have worked cooperatively
8 to design a continuum of approaches that have demonstrated success in
9 reducing truant behavior.

10 (2) The general assembly further finds that the detention and
11 incarceration of minors who have committed no offense other than
12 truancy from school:

13 (a) Confines within the state juvenile justice system minors who
14 have committed no criminal offenses and who may be physically and
15 emotionally unprepared for the stress of this system; and

16 (b) Contributes to the case loads of the courts.

17 (3) The general assembly further finds that the power of the court
18 to sanction minors for contempt, including sanctions of detention and
19 incarceration, is an inherent power of the court that may not be abrogated
20 by the legislature pursuant to article III of the state constitution.

21 (4) Now, therefore, the general assembly hereby:

22 (a) Encourages courts to consider detention and incarceration as
23 a last resort approach for addressing the problem of truancy;

- 1 (b) Encourages school districts to:
2 (I) Consider the initiation of judicial proceedings as a last resort
3 approach for addressing the problem of truancy; and
4 (II) Explore options for addressing truancy that employ best
5 practices and research-based strategies to minimize the need for court
6 action and the risk of detention orders against a child or parent.

7 **SECTION 2.** 22-33-108 (5) and (7) (a), Colorado Revised
8 Statutes, are amended to read:

9 **22-33-108. Judicial proceedings.** (5) AS A LAST-RESORT
10 APPROACH FOR ADDRESSING THE PROBLEM OF TRUANCY, TO BE USED ONLY
11 AFTER A SCHOOL DISTRICT HAS ATTEMPTED OTHER OPTIONS FOR
12 ADDRESSING TRUANCY THAT EMPLOY BEST PRACTICES AND RESEARCH-
13 BASED STRATEGIES TO MINIMIZE THE NEED FOR COURT ACTION AND THE
14 RISK OF DETENTION ORDERS AGAINST A CHILD OR PARENT, court
15 proceedings shall be initiated to compel compliance with the compulsory
16 attendance statute after the parent and the child have been given written
17 notice by the attendance officer of the school district or of the state that
18 proceedings will be initiated if the child does not comply with the
19 provisions of this article. The school district may combine the notice and
20 summons. If combined, the petition shall state the date on which
21 proceedings will be initiated, which date shall not be less than five days
22 from the date of the notice and summons. The notice shall state the
23 provisions of this article with which compliance is required and shall state
24 that the proceedings will not be brought if the child complies with that
25 provision before the filing of the proceeding.

26 (7) (a) If the child does not comply with the valid court order
27 issued against the child or against both the parent and the child, the court
28 may order that an investigation be conducted as provided in section
29 19-2-510 (2), C.R.S., and the court may order the child to show cause
30 why he or she should not be held in contempt of court. The court may
31 include as a sanction after a finding of contempt an appropriate treatment
32 plan that may include, but NEED not be limited to, community service to
33 be performed by the child, supervised activities, PARTICIPATION IN
34 SERVICES FOR AT-RISK STUDENTS, AS DESCRIBED BY SECTION 22-33-204,
35 and other activities having goals that shall ensure that the child has an
36 opportunity to obtain a quality education.

37 **SECTION 3. Safety clause.** The general assembly hereby finds,
38 determines, and declares that this act is necessary for the immediate
39 preservation of the public peace, health, and safety."

** *** ** *** **

