

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 13-0030.01 Julie Pelegrin x2700

HOUSE BILL 13-1021

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Hudak,

House Committees

Education
Appropriations

Senate Committees

Education

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENSURE THAT STUDENTS COMPLY WITH**
102 **COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, AND, IN**
103 **CONNECTION THEREWITH, LIMITING THE LENGTH OF**
104 **DETENTION THAT A COURT MAY IMPOSE TO ENFORCE**
105 **COMPULSORY SCHOOL ATTENDANCE, ALLOWING STUDENTS WHO**
106 **ARE UNDER JUVENILE COURT JURISDICTION TO OBTAIN A GED,**
107 **AND SPECIFYING MINIMUM REQUIREMENTS FOR EDUCATION**
108 **SERVICES PROVIDED IN JUVENILE DETENTION FACILITIES.**

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

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.*

HOUSE
3rd Reading Unamended
March 11, 2013

HOUSE
Amended 2nd Reading
March 8, 2013

applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)

The bill requires each school district to monitor student attendance and to identify:

- ! each student who is chronically absent. A student is chronically absent if he or she is absent, excused or unexcused, for 10 percent or more of the school year;
- ! each student who has a significant number of unexcused absences; and
- ! each student who is habitually truant. A student is habitually truant if he or she has 4 unexcused absences in one month or 10 unexcused absences in a school year.

If a student is chronically absent, the school district must implement best practices and research-based strategies to improve the student's attendance.

If a student is habitually truant, the school district shall contact the local collaborative management group, juvenile support services group, or other local community services group to coordinate the creation of a multidisciplinary plan to improve the student's school attendance.

A school district shall initiate court proceedings to enforce school attendance requirements but only if implementation of the student's multidisciplinary plan is unsuccessful. If a school district initiates court proceedings, it must submit evidence of the student's attendance record and the efforts made to improve the student's attendance. If the court issues an order to compel attendance, the order must also require the parent and student to cooperate in implementing the multidisciplinary plan. Under current law, the court may sentence the student to detention if the student does not comply with the valid court order. The bill limits the term of detention to no more than 5 days.

Under current law, a person who is 17 years of age or older may take the GED. A student who is 16 years of age may take the GED, but only if the student provides evidence that the GED is necessary for the student to participate in an educational or vocational program. Under the bill, a student who is 16 years of age and who is under the jurisdiction of the juvenile court may take the GED if the judicial officer or administrative hearing officer finds it is in the student's best interest to do so.

The bill clarifies that a school district that is required to provide educational services to a juvenile detention facility shall provide the services for a number of hours that is comparable to the compulsory school attendance requirements and shall provide educational services that align with, and are designed to enable the juveniles to meet, the state model content standards.

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

2 **SECTION 1. In Colorado Revised Statutes, 22-33-104, add (4)**

3 **(b.5) as follows:**

4 **22-33-104. Compulsory school attendance. (4) (b.5) EACH**
5 **BOARD OF EDUCATION IS ENCOURAGED TO ESTABLISH ATTENDANCE**
6 **PROCEDURES FOR IDENTIFYING STUDENTS WHO ARE CHRONICALLY ABSENT**
7 **AND TO IMPLEMENT BEST PRACTICES AND RESEARCH-BASED STRATEGIES**
8 **TO IMPROVE THE ATTENDANCE OF STUDENTS WHO ARE CHRONICALLY**
9 **ABSENT.**

10 **SECTION 2. In Colorado Revised Statutes, 22-33-107, amend**
11 **(3) (a), (3) (b) introductory portion; and add (3) (b) (I.5) as follows:**

12 **22-33-107. Enforcement of compulsory school attendance -**
13 **definitions. (3) (a) As used in this subsection (3): a**

14 **(I) "Child who is habitually truant" means a child who has**
15 **attained the age of six years on or before August 1 of the year in question**
16 **and is under the age of seventeen years ~~having~~ AND WHO HAS four**
17 **unexcused absences from public school in any one month or ten**
18 **unexcused absences from public school during any school year. Absences**
19 **due to suspension or expulsion of a child ~~shall be~~ ARE considered excused**
20 **absences for purposes of this subsection (3).**

21 **(II) "LOCAL COMMUNITY SERVICES GROUP" MEANS THE LOCAL**
22 **JUVENILE SERVICES PLANNING COMMITTEE CREATED PURSUANT TO**
23 **SECTION 19-2-211, C.R.S., THE LOCAL COLLABORATIVE MANAGEMENT**
24 **GROUP CREATED BY A MEMORANDUM OF UNDERSTANDING ENTERED INTO**
25 **PURSUANT TO SECTION 24-1.9-102, C.R.S., OR ANOTHER LOCAL GROUP OF**
26 **PUBLIC AGENCIES THAT COLLABORATE WITH THE SCHOOL DISTRICT TO**

1 IDENTIFY AND PROVIDE SUPPORT SERVICES FOR STUDENTS.

2 (b) The board of education of each school district shall adopt and
3 implement policies and procedures concerning children ELEMENTARY
4 AND SECONDARY SCHOOL ATTENDANCE, INCLUDING BUT NOT LIMITED TO
5 POLICIES AND PROCEDURES TO WORK WITH CHILDREN who are habitually
6 truant. The policies and procedures shall MUST include provisions for the
7 development of a plan. The plan shall MUST be developed with the goal
8 of assisting the child to remain in school and, when practicable, with the
9 full participation of the child's parent, guardian, or legal custodian.
10 Appropriate school personnel shall make all reasonable efforts to meet
11 with the parent, guardian, or legal custodian of the child to review and
12 evaluate the reasons for the child's truancy. THE APPROPRIATE SCHOOL
13 PERSONNEL ARE ENCOURAGED TO WORK WITH THE LOCAL COMMUNITY
14 SERVICES GROUP TO DEVELOP THE PLAN. The policies and procedures may
15 also include but need not be limited to the following:

16 (I.5) PROCEDURES TO MONITOR THE ATTENDANCE OF EACH CHILD
17 ENROLLED IN THE SCHOOL DISTRICT TO IDENTIFY EACH CHILD WHO HAS A
18 SIGNIFICANT NUMBER OF UNEXCUSED ABSENCES AND TO WORK WITH THE
19 LOCAL COMMUNITY SERVICE GROUP AND THE CHILD'S PARENT TO IDENTIFY
20 AND ADDRESS THE LIKELY ISSUES UNDERLYING THE CHILD'S TRUANCY,
21 INCLUDING ANY NONACADEMIC ISSUES;

22 **SECTION 3.** In Colorado Revised Statutes, 22-33-108, **amend**
23 **(5), (6), and (7) as follows:**

24 **22-33-108. Judicial proceedings.** (5) (a) ~~As a last-resort~~
25 ~~approach for addressing the problem of truancy, to be used only after a~~
26 ~~school district has attempted other options for addressing truancy that~~
27 ~~employ best practices and research-based strategies to minimize the need~~

1 ~~for court action and the risk of detention orders against a child or parent,~~
2 ~~court proceedings shall be initiated to compel compliance with the~~
3 ~~compulsory attendance statute after the parent and the child have been~~
4 ~~given written notice by the attendance officer of the school district or of~~
5 ~~the state that proceedings will be initiated if the child does not comply~~
6 ~~with the provisions of this article.~~ IT IS THE INTENT OF THE GENERAL
7 ASSEMBLY THAT, IN ENFORCING THE COMPULSORY SCHOOL ATTENDANCE
8 REQUIREMENTS OF THIS ARTICLE, A SCHOOL DISTRICT SHALL EMPLOY BEST
9 PRACTICES AND RESEARCH-BASED STRATEGIES TO MINIMIZE THE NEED FOR
10 COURT ACTION AND THE RISK THAT A COURT WILL ISSUE DETENTION
11 ORDERS AGAINST A CHILD OR PARENT.

12 (b) A SCHOOL DISTRICT SHALL INITIATE COURT PROCEEDINGS TO
13 COMPEL A CHILD AND THE CHILD'S PARENT TO COMPLY WITH THE
14 ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE BUT ONLY AS A
15 LAST-RESORT APPROACH TO ADDRESS THE CHILD'S TRUANCY AND ONLY IF
16 A CHILD CONTINUES TO BE HABITUALLY TRUANT AFTER SCHOOL OR
17 SCHOOL DISTRICT PERSONNEL HAVE CREATED AND IMPLEMENTED A PLAN
18 PURSUANT TO SECTION 22-33-107 (3) TO IMPROVE THE CHILD'S SCHOOL
19 ATTENDANCE.

20 (c) BEFORE INITIATING COURT PROCEEDINGS TO COMPEL
21 COMPLIANCE WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS
22 ARTICLE, THE SCHOOL DISTRICT SHALL GIVE THE CHILD AND THE CHILD'S
23 PARENT WRITTEN NOTICE THAT THE SCHOOL DISTRICT WILL INITIATE
24 PROCEEDINGS IF THE CHILD DOES NOT COMPLY WITH THE ATTENDANCE
25 REQUIREMENTS OF THIS ARTICLE. The school district may combine the
26 notice and summons. If combined, the petition ~~shall~~ MUST state the date
27 on which THE SCHOOL DISTRICT WILL INITIATE proceedings, ~~will be~~

1 initiated, which date shall MUST not be less than five days from AFTER the
2 date of the notice and summons. The notice shall MUST state the
3 provisions of this article with which compliance is required and shall
4 MUST state that the SCHOOL DISTRICT WILL NOT INITIATE proceedings will
5 not be brought if the child complies with that provision THE IDENTIFIED
6 PROVISIONS before the filing of the proceeding PROCEEDINGS ARE FILED.

7 (d) IF A SCHOOL DISTRICT INITIATES COURT PROCEEDINGS
8 PURSUANT TO THIS SUBSECTION (5), THE SCHOOL DISTRICT, AT A MINIMUM,
9 MUST SUBMIT TO THE COURT EVIDENCE OF:

10 (I) THE CHILD'S ATTENDANCE RECORD PRIOR TO AND AFTER THE
11 POINT AT WHICH THE CHILD WAS IDENTIFIED AS HABITUALLY TRUANT;

12 (II) WHETHER THE CHILD WAS IDENTIFIED AS CHRONICALLY
13 ABSENT AND, IF SO, THE STRATEGIES THE SCHOOL DISTRICT USED TO
14 IMPROVE THE CHILD'S ATTENDANCE;

15 (III) THE INTERVENTIONS AND STRATEGIES USED TO IMPROVE THE
16 CHILD'S ATTENDANCE BEFORE SCHOOL OR SCHOOL DISTRICT PERSONNEL
17 CREATED THE CHILD'S PLAN DESCRIBED IN SECTION 22-33-107 (3); AND

18 (IV) THE CHILD'S PLAN AND THE EFFORTS OF THE CHILD, THE
19 CHILD'S PARENT, AND SCHOOL OR SCHOOL DISTRICT PERSONNEL TO
20 IMPLEMENT THE PLAN.

21 (6) ~~In the discretion of~~ The court before which a proceeding to
22 compel attendance is brought MAY ISSUE, IN ITS DISCRETION, an order may
23 be issued against the child or the child's parent or both compelling the
24 child to attend school as provided by this article or compelling the parent
25 to take reasonable steps to assure the child's attendance. The order may
26 MUST require the child or AND parent or both to follow an appropriate
27 treatment plan that addresses problems affecting the child's school

1 ~~attendance and that ensures the child has an opportunity to obtain a~~
2 ~~quality education~~ TO COOPERATE WITH THE SCHOOL DISTRICT IN
3 COMPLYING WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO
4 SECTION 22-33-107 (3).

5 (7) (a) If the child does not comply with the valid court order
6 issued against the child or against both the parent and the child, the court
7 may order that an ~~investigation~~ ASSESSMENT FOR NEGLECT AS DESCRIBED
8 IN SECTION 19-3-102 (1), C.R.S., be conducted as provided in section
9 ~~19-2-510 (2)~~ 19-3-501, C.R.S. and IN ADDITION, the court may order the
10 child to show cause why he or she should not be held in contempt of
11 court.

12 (b) The court may ~~include as a sanction~~ IMPOSE SANCTIONS after
13 a finding of contempt ~~an appropriate treatment plan~~ that may include, but
14 need not be limited to, community service to be performed by the child,
15 supervised activities, participation in services for at-risk students, as
16 described by section 22-33-204, and other activities having goals that
17 shall ensure that the child has an opportunity to obtain a quality
18 education.

19 ~~(b)~~ (c) IF THE COURT FINDS THAT THE CHILD HAS REFUSED TO
20 COMPLY WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO SECTION
21 22-33-107 (3), the court may impose on the child as a sanction for
22 contempt of court a sentence ~~to incarceration to any~~ OF DETENTION FOR
23 NO MORE THAN FIVE DAYS IN A juvenile detention facility operated by or
24 under contract with the department of human services pursuant to section
25 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme
26 court.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 22-33-104.7

1 as follows:

2 **22-33-104.7. Eligibility for the general educational**
3 **development tests.** (1) ~~Any child~~ A STUDENT WHO IS sixteen years of age
4 AND who submits written evidence of a need to take the GED to be
5 eligible for an educational or vocational program ~~shall be~~ IS eligible to sit
6 for the GED after complying with all statutory and regulatory
7 requirements in regard to GED testing.

8 (2) (a) A STUDENT WHO IS SIXTEEN YEARS OF AGE AND WHO IS
9 SUBJECT TO THE JURISDICTION OF THE JUVENILE COURT IS ELIGIBLE TO SIT
10 FOR THE GED IF THE JUDICIAL OFFICER OR ADMINISTRATIVE HEARING
11 OFFICER WHO HAS RESPONSIBILITY FOR THE STUDENT'S CASE FINDS THAT
12 SITTING FOR THE GED IS IN THE STUDENT'S BEST INTERESTS BASED ON:

13 (I) THE NUMBER OF CREDITS THAT THE STUDENT HAS EARNED
14 TOWARD HIGH SCHOOL GRADUATION AND THE NUMBER NEEDED TO
15 GRADUATE;

16 (II) THE OUTCOME OF PREVIOUS CREDIT RECOVERY AND SCHOOL
17 REENGAGEMENT PLANS, IF ANY, CREATED FOR THE STUDENT BY THE
18 SCHOOL IN WHICH THE STUDENT WAS MOST RECENTLY ENROLLED; AND

19 (III) THE DESIRES OF THE STUDENT AND THE STUDENT'S PARENT
20 CONCERNING RETURNING TO SCHOOL OR SITTING FOR THE GED.

21 (b) BEFORE SITTING FOR THE GED, A STUDENT WHO IS ELIGIBLE
22 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL COMPLY
23 WITH ALL STATUTORY AND REGULATORY REQUIREMENTS IN REGARD TO
24 GED TESTING.

25 **SECTION 5.** In Colorado Revised Statutes, 19-2-402, **amend** (3)
26 (a) as follows:

27 **19-2-402. Juvenile detention services and facilities to be**

1 **provided by department of human services - education.**

2 (3) (a) (I) JUVENILES IN A JUVENILE DETENTION FACILITY ARE EXEMPT
3 FROM COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO
4 SECTION 22-33-104 (2) (f), C.R.S. HOWEVER, IT IS THE INTENT OF THE
5 GENERAL ASSEMBLY THAT THE JUVENILE DETENTION FACILITY AND
6 SCHOOL DISTRICT IN WHICH THE FACILITY IS LOCATED COOPERATE TO
7 ENSURE THAT EACH JUVENILE WHO IS IN DETENTION IS OFFERED
8 EDUCATIONAL SERVICES AT THE GRADE LEVEL IDENTIFIED FOR THE
9 JUVENILE IN A TIME FRAME THAT ALIGNS WITH THE HOURLY
10 REQUIREMENTS FOR ATTENDANCE SPECIFIED IN SECTION 22-33-104 (1),
11 C.R.S.

12 (II) The school boards of the school districts that a juvenile
13 detention facility serves or in which the juvenile detention facility is
14 located, when requested by the judge of the juvenile court, shall furnish
15 teachers and any books or equipment needed ~~for the proper education of~~
16 ~~such juveniles as may be present in the juvenile detention facility~~ TO
17 PROVIDE EDUCATIONAL SERVICES THAT ALIGN WITH, AND ARE DESIGNED
18 TO ASSIST EACH JUVENILE IN ACHIEVING, THE STATEWIDE MODEL CONTENT
19 STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005, C.R.S., FOR
20 EACH JUVENILE'S IDENTIFIED GRADE LEVEL. THE SCHOOL DISTRICTS AND
21 THE PERSONNEL AT THE DETENTION FACILITY SHALL COOPERATE TO
22 ENSURE THAT THE EDUCATIONAL SERVICES ARE AVAILABLE TO THE
23 JUVENILES IN THE FACILITY IN A TIME FRAME THAT ALIGNS WITH THE
24 HOURLY REQUIREMENTS FOR ATTENDANCE SPECIFIED IN SECTION
25 22-33-104 (1), C.R.S.

26 **SECTION 6. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly (August
2 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
3 referendum petition is filed pursuant to section 1 (3) of article V of the
4 state constitution against this act or an item, section, or part of this act
5 within such period, then the act, item, section, or part will not take effect
6 unless approved by the people at the general election to be held in
7 November 2014 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.