

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

February 4, 2013  
Date

Committee on Education.

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

HB13-1021 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

3 "SECTION 1. In Colorado Revised Statutes, 22-33-108, amend  
4 (5), (6), and (7) as follows:

5 **22-33-108. Judicial proceedings.** (5) (a) ~~As a last-resort~~  
6 ~~approach for addressing the problem of truancy, to be used only after a~~  
7 ~~school district has attempted other options for addressing truancy that~~  
8 ~~employ best practices and research-based strategies to minimize the need~~  
9 ~~for court action and the risk of detention orders against a child or parent,~~  
10 ~~court proceedings shall be initiated to compel compliance with the~~  
11 ~~compulsory attendance statute after the parent and the child have been~~  
12 ~~given written notice by the attendance officer of the school district or of~~  
13 ~~the state that proceedings will be initiated if the child does not comply~~  
14 ~~with the provisions of this article.~~ IT IS THE INTENT OF THE GENERAL  
15 ASSEMBLY THAT, IN ENFORCING THE COMPULSORY SCHOOL ATTENDANCE  
16 REQUIREMENTS OF THIS ARTICLE, A SCHOOL DISTRICT SHALL EMPLOY BEST  
17 PRACTICES AND RESEARCH-BASED STRATEGIES TO MINIMIZE THE NEED FOR  
18 COURT ACTION AND THE RISK THAT A COURT WILL ISSUE DETENTION  
19 ORDERS AGAINST A CHILD OR PARENT.

20 (b) A SCHOOL DISTRICT SHALL INITIATE COURT PROCEEDINGS TO  
21 COMPEL A CHILD AND THE CHILD'S PARENT TO COMPLY WITH THE  
22 ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE BUT ONLY AS A  
23 LAST-RESORT APPROACH TO ADDRESS THE CHILD'S TRUANCY AND ONLY IF

1 A CHILD CONTINUES TO BE HABITUALLY TRUANT AFTER SCHOOL OR  
2 SCHOOL DISTRICT PERSONNEL HAVE CREATED AND IMPLEMENTED A PLAN  
3 PURSUANT TO SECTION 22-33-107 (3) TO IMPROVE THE CHILD'S SCHOOL  
4 ATTENDANCE.

5 (c) BEFORE INITIATING COURT PROCEEDINGS TO COMPEL  
6 COMPLIANCE WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS  
7 ARTICLE, THE SCHOOL DISTRICT SHALL GIVE THE CHILD AND THE CHILD'S  
8 PARENT WRITTEN NOTICE THAT THE SCHOOL DISTRICT WILL INITIATE  
9 PROCEEDINGS IF THE CHILD DOES NOT COMPLY WITH THE ATTENDANCE  
10 REQUIREMENTS OF THIS ARTICLE. The school district may combine the  
11 notice and summons. If combined, the petition ~~shall~~ MUST state the date  
12 on which THE SCHOOL DISTRICT WILL INITIATE proceedings, ~~will be~~  
13 ~~initiated~~, which date ~~shall~~ MUST not be less than five days ~~from~~ AFTER the  
14 date of the notice and summons. The notice ~~shall~~ MUST state the  
15 provisions of this article with which compliance is required and ~~shall~~  
16 MUST state that the SCHOOL DISTRICT WILL NOT INITIATE proceedings ~~will~~  
17 ~~not be brought~~ if the child complies with ~~that provision~~ THE IDENTIFIED  
18 PROVISIONS before the ~~filing of the proceeding~~ PROCEEDINGS ARE FILED.

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

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

24 (II) THE INTERVENTIONS AND STRATEGIES USED TO IMPROVE THE  
25 CHILD'S ATTENDANCE BEFORE SCHOOL OR SCHOOL DISTRICT PERSONNEL  
26 CREATED THE CHILD'S PLAN DESCRIBED IN SECTION 22-33-107 (3); AND

27 (III) THE CHILD'S PLAN AND THE EFFORTS OF THE CHILD, THE  
28 CHILD'S PARENT, AND SCHOOL OR SCHOOL DISTRICT PERSONNEL TO  
29 IMPLEMENT THE PLAN.

30 (6) ~~In the discretion of~~ The court before which a proceeding to  
31 compel attendance is brought MAY ISSUE, IN ITS DISCRETION, an order ~~may~~  
32 ~~be issued~~ against the child or the child's parent or both compelling the  
33 child to attend school as provided by this article or compelling the parent  
34 to take reasonable steps to assure the child's attendance. The order ~~may~~  
35 MUST require the child ~~or~~ AND parent ~~or both to follow an appropriate~~  
36 ~~treatment plan that addresses problems affecting the child's school~~  
37 ~~attendance and that ensures the child has an opportunity to obtain a~~  
38 ~~quality education~~ TO COOPERATE WITH THE SCHOOL DISTRICT IN  
39 COMPLYING WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO  
40 SECTION 22-33-107 (3).

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

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

15 ~~(b)~~ (c) IF THE COURT FINDS THAT THE CHILD HAS REFUSED TO  
16 COMPLY WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO SECTION  
17 22-33-107 (3), the court may impose on the child as a sanction for  
18 contempt of court a sentence ~~to incarceration to any~~ OF DETENTION FOR  
19 NO MORE THAN FIVE DAYS IN A juvenile detention facility operated by or  
20 under contract with the department of human services pursuant to section  
21 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme  
22 court.

23 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-33-104.7  
24 as follows:

25 **22-33-104.7. Eligibility for the general educational**  
26 **development tests.** (1) ~~Any child~~ A STUDENT WHO IS sixteen years of age  
27 AND who submits written evidence of a need to take the GED to be  
28 eligible for an educational or vocational program ~~shall be~~ IS eligible to sit  
29 for the GED after complying with all statutory and regulatory  
30 requirements in regard to GED testing.

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

36 (I) THE NUMBER OF CREDITS THAT THE STUDENT HAS EARNED  
37 TOWARD HIGH SCHOOL GRADUATION AND THE NUMBER NEEDED TO  
38 GRADUATE;

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

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

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

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

9 **19-2-402. Juvenile detention services and facilities to be**  
10 **provided by department of human services - education.**

11 (3) (a) (I) JUVENILES IN A JUVENILE DETENTION FACILITY ARE EXEMPT  
12 FROM COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS PURSUANT TO  
13 SECTION 22-33-104 (2) (f), C.R.S. HOWEVER, IT IS THE INTENT OF THE  
14 GENERAL ASSEMBLY THAT, WHILE IN DETENTION, JUVENILES COMPLY WITH  
15 THE HOURLY REQUIREMENTS FOR ATTENDANCE SPECIFIED IN SECTION  
16 22-33-104 (1), C.R.S., AND RECEIVE A LEVEL OF EDUCATIONAL SERVICES  
17 THAT IS COMPARABLE TO WHAT THEY WOULD RECEIVE IF ATTENDING A  
18 PUBLIC SCHOOL.

19 (II) The school boards of the school districts that a juvenile  
20 detention facility serves or in which the juvenile detention facility is  
21 located ~~when requested by the judge of the juvenile court,~~ shall furnish  
22 teachers and any books or equipment needed for the proper education of  
23 ~~such juveniles as may be present~~ THE JUVENILES WHO ARE in the juvenile  
24 detention facility. THE SCHOOL DISTRICTS SHALL ENSURE THAT  
25 EDUCATION SERVICES ARE AVAILABLE FOR A SUFFICIENT NUMBER OF  
26 HOURS PER DAY TO ENABLE A JUVENILE TO COMPLY WITH THE SCHOOL  
27 ATTENDANCE REQUIREMENTS SPECIFIED IN SECTION 22-33-104 (1) (a),  
28 C.R.S., AND THAT THE EDUCATIONAL CONTENT PROVIDED ALIGNS WITH,  
29 AND IS DESIGNED TO ASSIST A JUVENILE IN ACHIEVING, THE STATEWIDE  
30 MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005,  
31 C.R.S.

32 **SECTION 4. Act subject to petition - effective date.** This act  
33 takes effect at 12:01 a.m. on the day following the expiration of the  
34 ninety-day period after final adjournment of the general assembly (August  
35 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
36 referendum petition is filed pursuant to section 1 (3) of article V of the  
37 state constitution against this act or an item, section, or part of this act  
38 within such period, then the act, item, section, or part will not take effect  
39 unless approved by the people at the general election to be held in  
40 November 2014 and, in such case, will take effect on the date of the  
41 official declaration of the vote thereon by the governor."

- 1 Page 1, line 103, strike "**REQUIRING SCHOOLS TO ADDRESS**".
- 2 Page 1, strike line 104.

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