

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

ENGROSSED

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

LLS NO. 13-0030.01 Julie Pelegrin x2700

HOUSE BILL 13-1021

HOUSE SPONSORSHIP

Fields,

SENATE SPONSORSHIP

Hudak,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO ENSURE THAT STUDENTS COMPLY WITH**
102 **COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, AND, IN**
103 **CONNECTION THEREWITH, [REDACTED] [REDACTED] 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
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, 22-33-108, **amend**
3 (5), (6), and (7) as follows:

4 **22-33-108. Judicial proceedings.** (5) (a) ~~As a last-resort~~
5 ~~approach for addressing the problem of truancy, to be used only after a~~
6 ~~school district has attempted other options for addressing truancy that~~
7 ~~employ best practices and research-based strategies to minimize the need~~
8 ~~for court action and the risk of detention orders against a child or parent,~~
9 ~~court proceedings shall be initiated to compel compliance with the~~
10 ~~compulsory attendance statute after the parent and the child have been~~
11 ~~given written notice by the attendance officer of the school district or of~~
12 ~~the state that proceedings will be initiated if the child does not comply~~
13 ~~with the provisions of this article.~~ IT IS THE INTENT OF THE GENERAL
14 ASSEMBLY THAT, IN ENFORCING THE COMPULSORY SCHOOL ATTENDANCE
15 REQUIREMENTS OF THIS ARTICLE, A SCHOOL DISTRICT SHALL EMPLOY BEST
16 PRACTICES AND RESEARCH-BASED STRATEGIES TO MINIMIZE THE NEED FOR
17 COURT ACTION AND THE RISK THAT A COURT WILL ISSUE DETENTION
18 ORDERS AGAINST A CHILD OR PARENT.

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

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

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

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

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

23 (III) THE CHILD'S PLAN AND THE EFFORTS OF THE CHILD, THE
24 CHILD'S PARENT, AND SCHOOL OR SCHOOL DISTRICT PERSONNEL TO
25 IMPLEMENT THE PLAN.

26 (6) ~~In the discretion of~~ The court before which a proceeding to
27 compel attendance is brought MAY ISSUE, IN ITS DISCRETION, an order ~~may~~

1 ~~be issued~~ against the child or the child's parent or both compelling the
2 child to attend school as provided by this article or compelling the parent
3 to take reasonable steps to assure the child's attendance. The order ~~may~~
4 ~~MUST~~ require the child ~~or~~ AND parent ~~or both~~ to follow an appropriate
5 ~~treatment plan that addresses problems affecting the child's school~~
6 ~~attendance and that ensures the child has an opportunity to obtain a~~
7 ~~quality education~~ TO COOPERATE WITH THE SCHOOL DISTRICT IN
8 COMPLYING WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO
9 SECTION 22-33-107 (3).

10 (7) (a) If the child does not comply with the valid court order
11 issued against the child or against both the parent and the child, the court
12 may order that an ~~investigation~~ ASSESSMENT FOR NEGLECT AS DESCRIBED
13 IN SECTION 19-3-102 (1), C.R.S., be conducted as provided in section
14 ~~19-2-510 (2)~~ 19-3-501, C.R.S. and IN ADDITION, the court may order the
15 child to show cause why he or she should not be held in contempt of
16 court.

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

24 ~~(b)~~ (c) IF THE COURT FINDS THAT THE CHILD HAS REFUSED TO
25 COMPLY WITH THE PLAN CREATED FOR THE CHILD PURSUANT TO SECTION
26 22-33-107 (3), the court may impose on the child as a sanction for
27 contempt of court a sentence ~~to incarceration to any~~ OF DETENTION FOR

1 NO MORE THAN FIVE DAYS IN A juvenile detention facility operated by or
2 under contract with the department of human services pursuant to section
3 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme
4 court.

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

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

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

18 (I) THE NUMBER OF CREDITS THAT THE STUDENT HAS EARNED
19 TOWARD HIGH SCHOOL GRADUATION AND THE NUMBER NEEDED TO
20 GRADUATE;

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

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

26 (b) BEFORE SITTING FOR THE GED, A STUDENT WHO IS ELIGIBLE
27 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL COMPLY

1 WITH ALL STATUTORY AND REGULATORY REQUIREMENTS IN REGARD TO
2 GED TESTING.

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

5 19-2-402. Juvenile detention services and facilities to be
6 provided by department of human services - education.

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

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

1 JUVENILES IN THE FACILITY IN A TIME FRAME THAT ALIGNS WITH THE
2 HOURLY REQUIREMENTS FOR ATTENDANCE SPECIFIED IN SECTION
3 22-33-104 (1), C.R.S.

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