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LLS NO. 13-0101.01 Julie Pelegrin x2700 **INTERIM COMMITTEE BILL**

Educational Success Task Force

SHORT TITLE: "Compulsory School Attendance Measures"

A BILL FOR AN ACT

CONCERNING MEASURES TO ENSURE THAT STUDENTS COMPLY WITH COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, AND, IN CONNECTION THEREWITH, REQUIRING SCHOOLS TO ADDRESS HABITUAL TRUANCY THROUGH A MULTI-DISCIPLINARY PLAN, LIMITING THE LENGTH OF DETENTION THAT A COURT MAY IMPOSE TO ENFORCE COMPULSORY SCHOOL ATTENDANCE, ALLOWING STUDENTS WHO ARE UNDER JUVENILE COURT JURISDICTION TO OBTAIN A GED, AND SPECIFYING MINIMUM REQUIREMENTS FOR EDUCATION SERVICES PROVIDED IN JUVENILE DETENTION FACILITIES.

Bill Summary

Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(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 applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

Educational Success Task Force. The bill requires each school district to monitor student attendance and identify each student who has a significant number of excused and unexcused absences and each student who is habitually truant. A student is habitually truant if he or she has 4 absences in one month or 10 absences in a school year. Under current law, an excused absence was not included in calculating whether a student is habitually truant. But under the bill, every absence is included.

If a student has a significant number of absences, but is not habitually truant, the school district must use best practices and research-based strategies to improve the student's attendance. If a student is habitually truant, the school district must work with other appropriate agencies and, if possible, the student's parent to create a multi-disciplinary plan to improve the student's school attendance.

A school district may initiate court proceedings to enforce school attendance requirements only if implementation of the student's multi-disciplinary plan is unsuccessful. If the court issues an order to compel attendance, the order must also require the parent and student to cooperate in implementing the multi-disciplinary 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 sit for the GED; a student who is 16 years of age may sit for 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 under the jurisdiction of the juvenile court is eligible to sit for 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 must provide educational services to a juvenile detention facility must provide the services for a number of hours that is comparable to the compulsory school attendance requirements and must provide educational services that align with, and are designed to enable the juveniles to meet, the state model content standards.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-33-104, **amend**

(4) as follows:

22-33-104. Compulsory school attendance. (4) (a) The board of education shall adopt a written policy setting forth the district's attendance requirements. ~~Said policy shall provide for~~ AT A MINIMUM, THE ATTENDANCE POLICY MUST APPLY TO ELEMENTARY AND SECONDARY STUDENTS AND MUST INCLUDE:

(I) A DESCRIPTION OF WHAT CONSTITUTES AN excused ~~absences~~ ABSENCE, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section, AND WHAT CONSTITUTES AN UNEXCUSED ABSENCE;

(II) ~~An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.~~ THE PROCEDURES DESCRIBED IN SECTION 22-33-107 (3) THAT SCHOOL DISTRICT PERSONNEL MUST IMPLEMENT TO ADDRESS THE ATTENDANCE PROBLEMS OF CHILDREN WHO ARE HABITUALLY TRUANT, AS DEFINED IN SECTION 22-33-107 (3) (a) (I); AND

~~(b)~~ (III) ~~The attendance policy adopted pursuant to this subsection (4) shall specify~~ The maximum number of ~~unexcused~~ absences a child may incur, ~~before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108~~ NOT TO EXCEED FOUR ABSENCES IN A CALENDAR MONTH OR TEN ABSENCES IN A SCHOOL YEAR, BEFORE SCHOOL DISTRICT PERSONNEL MUST IMPLEMENT THE PROCEDURES DESCRIBED IN SECTION 22-33-107 (3). Calculation of the number of ~~unexcused~~ absences a child has incurred includes all ~~unexcused~~ absences occurring during any calendar year or during any school year.

~~(c)~~ (b) ~~On or before January 1, 2009,~~ The state board shall adopt

rules establishing a standardized calculation for counting EXCUSED AND unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the information to the department pursuant to section 22-33-107. EACH SCHOOL DISTRICT AND EACH PUBLIC SCHOOL SHALL APPLY THE STANDARD CALCULATION THAT THE STATE BOARD ADOPTS BY RULE PURSUANT TO THIS PARAGRAPH (b) TO CALCULATE THE MAXIMUM NUMBER OF ABSENCES ALLOWED PURSUANT TO SUBPARAGRAPH (III) OF PARAGRAPH (a) OF THIS SUBSECTION (4).

SECTION 2. In Colorado Revised Statutes, 22-33-107, **amend** (3) as follows:

22-33-107. Enforcement of compulsory school attendance. (3) (a) As used in this subsection (3), a child who is "habitually truant" means a child who has attained the age of six years on or before August 1 of the year in question and is under the age of seventeen years ~~having~~ AND WHO HAS four ~~unexcused~~ absences, WHETHER EXCUSED OR UNEXCUSED, from public school in any one month or ten ~~unexcused~~ absences, WHETHER EXCUSED OR UNEXCUSED, from public school during any school year. ~~Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of this subsection (3).~~

(b) The board of education of each school district shall adopt and implement policies and procedures concerning ELEMENTARY AND SECONDARY SCHOOL ATTENDANCE, INCLUDING BUT NOT LIMITED TO POLICIES AND PROCEDURES TO WORK WITH children who are habitually truant. AT A MINIMUM, EACH BOARD OF EDUCATION SHALL INCLUDE IN the policies and procedures ~~shall include provisions for the development of a plan~~ THE FOLLOWING REQUIREMENTS:

1 (I) EACH PUBLIC SCHOOL SHALL MONITOR THE ATTENDANCE OF
2 EACH CHILD ENROLLED IN THE SCHOOL TO IDENTIFY THOSE CHILDREN WHO
3 HAVE A SIGNIFICANT NUMBER OF EXCUSED AND UNEXCUSED ABSENCES
4 AND THOSE CHILDREN WHO ARE HABITUALLY TRUANT.
5 (II) EACH PUBLIC SCHOOL SHALL IMPLEMENT BEST PRACTICES AND
6 RESEARCH-BASED STRATEGIES TO IMPROVE THE ATTENDANCE OF EACH
7 CHILD WHO HAS A SIGNIFICANT NUMBER OF EXCUSED AND UNEXCUSED
8 ABSENCES BEFORE THE CHILD IS IDENTIFIED AS BEING HABITUALLY
9 TRUANT.
10 (III) AS SOON AS POSSIBLE AFTER IDENTIFYING A CHILD WHO IS
11 HABITUALLY TRUANT, SCHOOL OR DISTRICT PERSONNEL SHALL MAKE ALL
12 REASONABLE EFFORTS TO MEET WITH THE CHILD'S PARENT TO REVIEW AND
13 EVALUATE THE CHILD'S TRUANCY.
14 (IV) AS SOON AS POSSIBLE AFTER IDENTIFYING A CHILD WHO IS
15 HABITUALLY TRUANT, SCHOOL OR DISTRICT PERSONNEL SHALL WORK WITH
16 OTHER APPROPRIATE AGENCIES AND, IF POSSIBLE, THE CHILD'S PARENT TO
17 CREATE A MULTI-DISCIPLINARY PLAN TO IMPROVE THE CHILD'S SCHOOL
18 ATTENDANCE. THE DISTRICT OR SCHOOL PERSONNEL SHALL DEVELOP the
19 plan ~~shall be developed~~ with the goal of assisting the child to remain in
20 school ~~and, when practicable,~~ with the full participation of the child's
21 parent. ~~guardian, or legal custodian. Appropriate school personnel shall~~
22 ~~make all reasonable efforts to meet with the parent guardian, or legal~~
23 ~~custodian of the child to review and evaluate the reasons for the child's~~
24 ~~truancy.~~
25 (c) The policies and procedures REQUIRED IN PARAGRAPH (b) OF
26 THIS SUBSECTION (3) may also include, but need not be limited to, the
27 following:

(I) (Deleted by amendment, L. 96, p. 1808, § 4, effective July 1, 1996.)

(II) Annually at the beginning of the school year and upon ~~any~~ enrollment AT ANY TIME during the school year, notifying the parent of each child enrolled in the public schools in writing of ~~such~~ THE parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of ~~such~~ THE obligations AND AWARENESS THAT SERVICES ARE AVAILABLE TO THE PARENT IF ISSUES ARISE WITH THE CHILD'S ATTENDANCE;

(III) Annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting ~~such~~ THE parent during the school day; and

(IV) Establishing a system of monitoring individual ~~unexcused~~ absences of children, which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify THE CHILD'S PARENT by telephone. ~~such parent. Any~~ A person who, in good faith, gives or fails to give notice pursuant to this subparagraph (IV) ~~shall be~~ IS immune from any liability, civil or criminal, ~~which~~ THAT might otherwise be incurred or imposed and ~~shall have~~ HAS the same immunity with respect to any judicial proceeding ~~which results~~ THAT MAY RESULT from ~~such~~ GIVING THE notice or ~~failure to give such~~ FAILING TO GIVE THE notice.

SECTION 3. In Colorado Revised Statutes, 22-33-108, **amend**

(5), (6), and (7) as follows:

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

(b) A SCHOOL DISTRICT MAY INITIATE COURT PROCEEDINGS TO COMPEL A CHILD AND THE CHILD'S PARENT TO COMPLY WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE ONLY AS A FINAL APPROACH TO ADDRESS THE CHILD'S TRUANCY AND ONLY IF A CHILD CONTINUES TO BE HABITUALLY TRUANT AFTER SCHOOL DISTRICT PERSONNEL HAVE CREATED AND IMPLEMENTED A MULTI-DISCIPLINARY PLAN PURSUANT TO SECTION 22-33-107 (3) TO IMPROVE THE CHILD'S SCHOOL ATTENDANCE.

(c) BEFORE INITIATING COURT PROCEEDINGS TO COMPEL COMPLIANCE WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE, THE SCHOOL DISTRICT SHALL GIVE THE CHILD AND THE CHILD'S

PARENT WRITTEN NOTICE THAT THE SCHOOL DISTRICT WILL INITIATE PROCEEDINGS IF THE CHILD DOES NOT COMPLY WITH THE ATTENDANCE REQUIREMENTS OF THIS ARTICLE. The school district may combine the notice and summons. If combined, the petition shall state the date on which THE SCHOOL DISTRICT WILL INITIATE proceedings, ~~will be initiated,~~ which date ~~shall~~ MUST not be less than five days ~~from~~ AFTER the date of the notice and summons. The notice ~~shall~~ MUST state the provisions of this article with which compliance is required and ~~shall~~ MUST state that the SCHOOL DISTRICT WILL NOT INITIATE proceedings ~~will not be brought~~ if the child complies with ~~that provision~~ THE IDENTIFIED PROVISIONS before the ~~filing of the proceeding~~ PROCEEDINGS ARE FILED.

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

(7) (a) If the child does not comply with the valid court order issued against the child or against both the parent and the child, the court may order that an ~~investigation~~ ASSESSMENT FOR EDUCATIONAL NEGLECT AS DESCRIBED IN SECTION 19-3-102 (1) (d), C.R.S., be conducted as provided in section ~~19-2-510 (2)~~ 19-3-501, C.R.S., ~~and~~ UNLESS THE

1 APPROPRIATE COUNTY DEPARTMENT OF SOCIAL SERVICES PARTICIPATED
2 IN CREATING THE CHILD'S MULTI-DISCIPLINARY PLAN PURSUANT TO
3 SECTION 22-33-107 (3). IN ADDITION, the court may order the child to
4 show cause why he or she should not be held in contempt of court.
5 (b) The court may ~~include as a sanction~~ IMPOSE SANCTIONS after
6 a finding of contempt ~~an appropriate treatment plan~~ that may include, but
7 need not be limited to, community service to be performed by the child,
8 supervised activities, participation in services for at-risk students, as
9 described by section 22-33-204, and other activities having goals that
10 shall ensure that the child has an opportunity to obtain a quality
11 education.
12 ~~(b)~~ (c) IF THE COURT FINDS THAT THE CHILD HAS REFUSED TO
13 COMPLY WITH THE MULTI-DISCIPLINARY PLAN CREATED FOR THE CHILD
14 PURSUANT TO SECTION 22-33-107 (3), the court may impose on the child
15 as a sanction for contempt of court a sentence ~~to incarceration to any~~ OF
16 DETENTION FOR NO MORE THAN FIVE DAYS IN A juvenile detention facility
17 operated by or under contract with the department of human services
18 pursuant to section 19-2-402, C.R.S., and any rules promulgated by the
19 Colorado supreme court.
20 **SECTION 4.** In Colorado Revised Statutes, **amend** 22-33-104.7
21 as follows:
22 **22-33-104.7. Eligibility for the general educational**
23 **development tests.** (1) ~~Any~~ A child WHO IS sixteen years of age AND
24 who submits written evidence of a need to take the GED to be eligible for
25 an educational or vocational program ~~shall be~~ IS eligible to sit for the
26 GED after complying with all statutory and regulatory requirements in
27 regard to GED testing.

1 (2) (a) A CHILD WHO IS SUBJECT TO THE JURISDICTION OF THE
2 JUVENILE COURT IS ELIGIBLE TO SIT FOR THE GED IF THE JUDICIAL OFFICER
3 OR ADMINISTRATIVE HEARING OFFICER WHO HAS RESPONSIBILITY FOR THE
4 CHILD'S CASE FINDS THAT SITTING FOR THE GED IS IN THE CHILD'S BEST
5 INTERESTS BASED ON:
6 (I) THE NUMBER OF CREDITS THAT THE CHILD HAS EARNED
7 TOWARD HIGH SCHOOL GRADUATION AND THE NUMBER NEEDED TO
8 GRADUATE;
9 (II) THE OUTCOME OF PREVIOUS CREDIT RECOVERY AND SCHOOL
10 REENGAGEMENT PLANS, IF ANY, CREATED FOR THE CHILD BY THE SCHOOL
11 IN WHICH THE CHILD WAS MOST RECENTLY ENROLLED; AND
12 (III) THE DESIRES OF THE CHILD AND THE CHILD'S PARENT
13 CONCERNING RETURNING TO SCHOOL OR SITTING FOR THE GED.
14 (b) PRIOR TO SITTING FOR THE GED, A CHILD WHO IS ELIGIBLE
15 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL COMPLY
16 WITH ALL STATUTORY AND REGULATORY REQUIREMENTS IN REGARD TO
17 GED TESTING.
18 **SECTION 5.** In Colorado Revised Statutes, 19-2-402, **amend** (3)
19 (a) as follows:
20 **19-2-402. Juvenile detention services and facilities to be**
21 **provided by department of human services - education.**
22 (3) (a) (I) JUVENILES, WHILE THEY ARE PRESENT IN A JUVENILE
23 DETENTION FACILITY, ARE EXEMPT FROM COMPULSORY SCHOOL
24 ATTENDANCE REQUIREMENTS PURSUANT TO SECTION 22-33-104 (2) (f),
25 C.R.S. HOWEVER, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT,
26 WHILE IN DETENTION, THESE JUVENILES COMPLY WITH THE HOURLY
27 REQUIREMENTS FOR ATTENDANCE SPECIFIED IN SECTION 22-33-104 (1),

1 C.R.S., AND RECEIVE A LEVEL OF EDUCATIONAL SERVICES THAT IS
2 COMPARABLE TO WHAT THEY WOULD RECEIVE IF ATTENDING A PUBLIC
3 SCHOOL.
4 (II) The school boards of the school districts that a juvenile
5 detention facility serves or in which the juvenile detention facility is
6 located ~~when requested by the judge of the juvenile court,~~ shall furnish
7 teachers and any books or equipment needed for the proper education of
8 ~~such juveniles as may be~~ THE JUVENILES WHO ARE present in the juvenile
9 detention facility. THE SCHOOL DISTRICTS SHALL ENSURE THAT
10 EDUCATION SERVICES ARE AVAILABLE FOR A SUFFICIENT NUMBER OF
11 HOURS PER DAY TO ENABLE A JUVENILE TO COMPLY WITH THE SCHOOL
12 ATTENDANCE REQUIREMENTS SPECIFIED IN SECTION 22-33-104 (1) (a),
13 C.R.S., AND THAT THE EDUCATIONAL CONTENT PROVIDED ALIGNS WITH,
14 AND IS DESIGNED TO ASSIST A JUVENILE IN ACHIEVING, THE STATEWIDE
15 MODEL CONTENT STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005,
16 C.R.S.
17 <{***Do you prefer a safety clause or a conditional 90-day effective date***
18 ***clause?***}>