

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

PREAMENDED

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

LLS NO. 15-0395.01 Julie Pelegrin x2700

SENATE BILL 15-184

SENATE SPONSORSHIP

Holbert,

HOUSE SPONSORSHIP

Fields,

Senate Committees

Education
Finance
Appropriations

House Committees

Education

A BILL FOR AN ACT

101 **CONCERNING ENFORCEMENT OF COMPULSORY EDUCATION**
102 **REQUIREMENTS.**

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

Under current law, a school district may file a petition in juvenile court to compel a student and a student's parents to comply with the statutory compulsory attendance requirements. The bill removes the juvenile court's jurisdiction over truancy petitions, except on appeal, and removes a school district's ability to enforce compulsory education requirements in the juvenile court; except that a school district may file

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.

SENATE
3rd Reading Unamended
April 15, 2015

SENATE
Amended 2nd Reading
April 14, 2015

a contempt proceeding in juvenile court if a student or parent fails to comply with an order issued by an administrative law judge.

The bill gives jurisdiction over truancy cases to the office of administrative courts in the department of personnel. A school district may file a petition with an administrative law judge to compel a student and a student's parents to comply with the statutory compulsory attendance requirements. The administrative law judge may hold the hearing on the truancy petition in-person or by telephone or other electronic means, so long as the public has access to the hearing at the location at which school district personnel participate in the hearing. The administrative law judge has authority to issue an order compelling attendance, to order a dependency and neglect evaluation, and to impose specified sanctions to enforce the order. The administrative law judge does not have authority to sanction a student by ordering detention or to sanction a parent by ordering time in jail. A student or parent may appeal a decision of the administrative law judge to the juvenile court. The school district may file a contempt proceeding in the juvenile court if the student or parent fails or neglects to comply with a sanction that the administrative law judge orders.

If a student who is the subject of a truancy petition is or becomes the subject of a dependency and neglect proceeding or a juvenile petition, the administrative law judge must transfer the truancy petition to the appropriate juvenile court for consolidation with the dependency and neglect or juvenile proceeding.

The bill prohibits a juvenile detention facility from receiving a juvenile who violates a court order to attend school unless the juvenile is also adjudicated for committing a delinquent act.

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

2 **SECTION 1. In Colorado Revised Statutes, add 13-5-145 as**
3 **follows:**

4 **13-5-145. Truancy detention reduction policy - legislative**
5 **declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:**

6 **(a) IMPOSING A SENTENCE OF DETENTION ON A JUVENILE WHO**
7 **VIOLATES A COURT ORDER TO ATTEND SCHOOL DOES NOT IMPROVE THE**
8 **LIKELIHOOD THAT THE JUVENILE WILL ATTEND SCHOOL AND DOES NOT**
9 **ADDRESS THE UNDERLYING CAUSES OF THE JUVENILE'S TRUANCY;**

10 **(b) THE BEST METHODS TO ADDRESS TRUANCY AND ITS**

1 UNDERLYING CAUSES AND THE RESOURCES NEEDED TO IMPLEMENT THOSE
2 METHODS ARE DIFFERENT IN EACH COMMUNITY;

3 (c) SINCE 2014, THE JUVENILE COURTS IN MANY JUDICIAL
4 DISTRICTS AROUND THE STATE HAVE SUCCESSFULLY REDUCED THE USE OF
5 DETENTION FOR JUVENILES WHO ARE TRUANT BY IMPLEMENTING PILOT
6 PROJECTS THROUGH WHICH THE JUVENILE COURT IMPOSES REASONABLE
7 SANCTIONS AND, WHERE POSSIBLE, PROVIDES INCENTIVES TO ATTEND
8 SCHOOL, RESERVING DETENTION AS A SANCTION OF LAST RESORT; AND

9 (d) THESE PILOT PROJECTS NEED ADDITIONAL TIME TO PRODUCE
10 MEANINGFUL DATA REGARDING THE EFFECTIVENESS OF THE ALTERNATE
11 SANCTIONS AND INCENTIVES AND TO DETERMINE WHETHER THEY RESULT
12 IN IMPROVED OUTCOMES FOR JUVENILES AND THEIR FAMILIES.

13 (2) THE CHIEF JUDGE IN EACH JUDICIAL DISTRICT, OR HIS OR HER
14 DESIGNEE, SHALL CONVENE A MEETING OF COMMUNITY STAKEHOLDERS TO
15 CREATE A POLICY FOR ADDRESSING TRUANCY CASES THAT SEEKS
16 ALTERNATIVES TO THE USE OF DETENTION AS A SANCTION FOR TRUANCY.
17 COMMUNITY STAKEHOLDERS MAY INCLUDE, BUT NEED NOT BE LIMITED
18 TO:

19 (a) PARENTS;

20 (b) REPRESENTATIVES FROM SCHOOL DISTRICTS;

21 (c) REPRESENTATIVES FROM COUNTY HUMAN SERVICES AND
22 SOCIAL SERVICES DEPARTMENTS;

23 (d) GUARDIANS AD LITEM;

24 (e) COURT-APPOINTED SPECIAL ADVOCATES;

25 (f) JUVENILE COURT JUDGES;

26 (g) RESPONDENT COUNSEL;

27 (h) REPRESENTATIVES FROM LAW ENFORCEMENT AGENCIES;

- 1 (i) MENTAL HEALTH CARE PROVIDERS;
- 2 (j) SUBSTANCE ABUSE TREATMENT PROVIDERS;
- 3 (k) REPRESENTATIVES FROM THE DIVISION OF CRIMINAL JUSTICE
4 IN THE DEPARTMENT OF PUBLIC SAFETY;
- 5 (l) REPRESENTATIVES FROM THE STATE DEPARTMENT OF HUMAN
6 SERVICES; AND
- 7 (m) REPRESENTATIVES FROM THE DEPARTMENT OF EDUCATION.
- 8 (3) THE CHIEF JUDGE IN EACH JUDICIAL DISTRICT SHALL ADOPT A
9 POLICY FOR ADDRESSING TRUANCY CASES NO LATER THAN MARCH 15,
10 2016. IN DEVELOPING THE POLICY FOR ADDRESSING TRUANCY CASES, THE
11 CHIEF JUDGE AND THE COMMUNITY STAKEHOLDERS SHALL CONSIDER, AT
12 A MINIMUM:
- 13 (a) BEST PRACTICES FOR ADDRESSING TRUANCY THAT ARE USED
14 IN OTHER JUDICIAL DISTRICTS AND IN OTHER STATES;
- 15 (b) EVIDENCE-BASED PRACTICES TO ADDRESS AND REDUCE
16 TRUANCY;
- 17 (c) USING A WIDE ARRAY OF REASONABLE SANCTIONS AND
18 REASONABLE INCENTIVES TO ADDRESS AND REDUCE TRUANCY;
- 19 (d) USING DETENTION ONLY AS A LAST RESORT AFTER EXHAUSTING
20 ALL OTHER REASONABLE SANCTIONS AND, WHEN IMPOSING DETENTION,
21 APPROPRIATELY REDUCING THE NUMBER OF DAYS SERVED; AND
- 22 (e) RESEARCH REGARDING THE EFFECT OF DETENTION ON
23 JUVENILES.
- 24 (4) THE STATE COURT ADMINISTRATOR'S OFFICE SHALL REPORT TO
25 THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
26 SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN APRIL 15,
27 2016, REGARDING THE POLICY FOR ADDRESSING TRUANCY CASES ADOPTED

1 BY EACH JUDICIAL DISTRICT.

2 **SECTION 2. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2016 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.