

**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

A BILL FOR AN ACT

101 **CONCERNING ENFORCEMENT OF COMPULSORY EDUCATION**
102 **REQUIREMENTS, AND, IN CONNECTION THEREWITH, MAKING AND**
103 **REDUCING APPROPRIATIONS.**

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/bills summaries>.)

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

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.*

requirements in the juvenile court; except that a school district may file 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** 22-33-107.7 as
3 follows:

4 **22-33-107.7. Administrative court proceedings.** (1) (a) IF A
5 STUDENT CONTINUES TO BE HABITUALLY TRUANT AFTER SCHOOL AND
6 SCHOOL DISTRICT PERSONNEL PURSUANT TO SECTION 22-33-107 (3) HAVE
7 CREATED AND IMPLEMENTED A PLAN IN COORDINATION WITH THE LOCAL
8 COMMUNITY SERVICES GROUP TO IMPROVE THE STUDENT'S SCHOOL
9 ATTENDANCE, THE SCHOOL DISTRICT MAY INITIATE PROCEEDINGS

1 THROUGH THE OFFICE OF ADMINISTRATIVE COURTS IN THE DEPARTMENT
2 OF PERSONNEL TO COMPEL THE STUDENT AND THE STUDENT'S PARENT TO
3 COMPLY WITH THE ATTENDANCE REQUIREMENTS OF THIS ARTICLE. AN
4 ADMINISTRATIVE LAW JUDGE ASSIGNED BY THE OFFICE OF
5 ADMINISTRATIVE COURTS HAS JURISDICTION TO HEAR PROCEEDINGS
6 BROUGHT PURSUANT TO THIS SECTION AND TO ISSUE ORDERS AS PROVIDED
7 IN THIS SECTION.

8 (b) BEFORE INITIATING PROCEEDINGS TO COMPEL COMPLIANCE
9 WITH THE ATTENDANCE REQUIREMENTS SPECIFIED IN THIS ARTICLE, THE
10 SCHOOL DISTRICT SHALL GIVE THE STUDENT AND THE STUDENT'S PARENT
11 WRITTEN NOTICE THAT THE SCHOOL DISTRICT WILL INITIATE PROCEEDINGS
12 IF THE STUDENT DOES NOT COMPLY WITH THE ATTENDANCE
13 REQUIREMENTS OF THIS ARTICLE. THE NOTICE MUST STATE THE
14 PROVISIONS OF THIS ARTICLE WITH WHICH COMPLIANCE IS REQUIRED AND
15 MUST STATE THAT THE SCHOOL DISTRICT WILL NOT INITIATE PROCEEDINGS
16 IF THE STUDENT COMPLIES WITH THE IDENTIFIED PROVISIONS BEFORE A
17 DATE SPECIFIED IN THE NOTICE, WHICH DATE MUST BE AT LEAST FIVE DAYS
18 AFTER THE DATE OF THE NOTICE. IF THE STUDENT DOES NOT COMPLY WITH
19 THE PROVISIONS BY THE DATE SPECIFIED, THE SCHOOL DISTRICT MAY
20 INITIATE THE PROCEEDINGS BY FILING A PETITION WITH THE OFFICE OF
21 ADMINISTRATIVE COURTS AND SERVING A SUMMONS ON THE STUDENT AND
22 THE STUDENT'S PARENT.

23 (c) IF A SCHOOL DISTRICT INITIATES PROCEEDINGS PURSUANT TO
24 THIS SECTION, THE SCHOOL DISTRICT, AT A MINIMUM, MUST SUBMIT TO THE
25 ADMINISTRATIVE LAW JUDGE EVIDENCE OF:

26 (I) THE STUDENT'S ATTENDANCE RECORD BEFORE AND AFTER THE
27 POINT AT WHICH THE SCHOOL DISTRICT IDENTIFIED THE STUDENT AS

1 HABITUALLY TRUANT;

2 (II) WHETHER THE STUDENT WAS IDENTIFIED AS CHRONICALLY
3 ABSENT AND, IF SO, THE STRATEGIES THE SCHOOL DISTRICT USED TO
4 IMPROVE THE STUDENT'S ATTENDANCE;

5 (III) THE INTERVENTIONS AND STRATEGIES THE SCHOOL DISTRICT
6 USED TO IMPROVE THE STUDENT'S ATTENDANCE BEFORE SCHOOL OR
7 SCHOOL DISTRICT PERSONNEL CREATED THE STUDENT'S PLAN DESCRIBED
8 IN SECTION 22-33-107 (3); AND

9 (IV) THE STUDENT'S PLAN AND THE EFFORTS OF THE STUDENT, THE
10 STUDENT'S PARENT, AND SCHOOL OR SCHOOL DISTRICT PERSONNEL TO
11 IMPLEMENT THE PLAN.

12 (2) (a) AN ADMINISTRATIVE LAW JUDGE BEFORE WHOM A
13 PROCEEDING TO COMPEL ATTENDANCE IS BROUGHT SHALL CONDUCT THE
14 PROCEEDING IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
15 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., OR APPLICABLE RULES
16 OF PROCEDURE OF THE OFFICE OF ADMINISTRATIVE COURTS AND MAY
17 CONDUCT THE PROCEEDING IN-PERSON OR BY TELEPHONE OR OTHER
18 ELECTRONIC MEANS SO LONG AS THE LOCATION AT WHICH SCHOOL
19 DISTRICT PERSONNEL PARTICIPATE IN THE PROCEEDING IS OPEN TO THE
20 PUBLIC. THE ADMINISTRATIVE LAW JUDGE MAY ISSUE, IN HIS OR HER
21 DISCRETION, AN ORDER AGAINST THE STUDENT OR THE STUDENT'S PARENT
22 OR BOTH COMPELLING THE STUDENT TO ATTEND SCHOOL AS PROVIDED BY
23 THIS ARTICLE OR COMPELLING THE PARENT TO TAKE REASONABLE STEPS
24 TO ASSURE THE STUDENT'S ATTENDANCE. THE ORDER MUST REQUIRE THE
25 STUDENT AND PARENT TO COOPERATE WITH THE SCHOOL DISTRICT IN
26 COMPLYING WITH THE PLAN CREATED FOR THE STUDENT PURSUANT TO
27 SECTION 22-33-107 (3).

1 (b) AN ORDER THAT AN ADMINISTRATIVE LAW JUDGE ISSUES
2 PURSUANT TO THIS SUBSECTION (2) CONSTITUTES A FINAL AGENCY
3 DETERMINATION. A STUDENT OR THE STUDENT'S PARENT MAY APPEAL THE
4 ORDER BY FILING A PETITION FOR JUDICIAL REVIEW IN THE JUVENILE
5 COURT OF THE JUDICIAL DISTRICT IN WHICH THE JUVENILE RESIDES OR IS
6 PRESENT. THE STUDENT OR PARENT MUST FILE THE ACTION WITHIN
7 FOURTEEN DAYS AFTER THE ORDER IS EFFECTIVE. AFTER THE PETITION IS
8 FILED, THE JUVENILE COURT SHALL NOTIFY THE SCHOOL DISTRICT AND
9 SHALL HOLD A HEARING ON THE MATTER. THE JUVENILE COURT SHALL
10 CONDUCT THE JUDICIAL REVIEW HEARING PURSUANT TO RULE 106 (a) (4)
11 OF THE COLORADO RULES OF CIVIL PROCEDURE.

12 (3) (a) IF THE STUDENT DOES NOT COMPLY WITH THE VALID ORDER
13 ISSUED AGAINST THE STUDENT OR AGAINST BOTH THE PARENT AND THE
14 STUDENT, THE ADMINISTRATIVE LAW JUDGE MAY ORDER THAT AN
15 ASSESSMENT FOR NEGLECT AS DESCRIBED IN SECTION 19-3-102 (1), C.R.S.,
16 BE CONDUCTED AS PROVIDED IN SECTION 19-3-501, C.R.S. IN ADDITION,
17 THE ADMINISTRATIVE LAW JUDGE MAY ORDER THE STUDENT TO SHOW
18 CAUSE WHY HE OR SHE SHOULD NOT BE HELD IN CONTEMPT.

19 (b) THE ADMINISTRATIVE LAW JUDGE MAY IMPOSE SANCTIONS
20 AFTER A FINDING OF CONTEMPT THAT MAY INCLUDE, BUT NEED NOT BE
21 LIMITED TO, COMMUNITY SERVICE THAT THE STUDENT MUST PERFORM,
22 SUPERVISED ACTIVITIES, PARTICIPATION IN SERVICES FOR AT-RISK
23 STUDENTS, AS DESCRIBED BY SECTION 22-33-204, AND OTHER ACTIVITIES
24 THAT ARE DESIGNED TO ENSURE THAT THE STUDENT HAS AN OPPORTUNITY
25 TO OBTAIN A QUALITY EDUCATION. AN ADMINISTRATIVE LAW JUDGE
26 SHALL NOT SANCTION A STUDENT BY ORDERING ANY TERM OF DETENTION.

27 (4) IF THE PARENT REFUSES OR NEGLECTS TO OBEY THE ORDER

1 THAT THE ADMINISTRATIVE LAW JUDGE ISSUES AGAINST THE PARENT OR
2 AGAINST BOTH THE PARENT AND THE STUDENT, THE ADMINISTRATIVE LAW
3 JUDGE MAY ORDER THE PARENT TO SHOW CAUSE WHY HE OR SHE SHOULD
4 NOT BE HELD IN CONTEMPT, AND, IF THE PARENT FAILS TO SHOW CAUSE,
5 THE ADMINISTRATIVE LAW JUDGE MAY IMPOSE A FINE OF UP TO BUT NOT
6 MORE THAN TWENTY-FIVE DOLLARS PER DAY. THE PARENT SHALL PAY THE
7 FINE TO THE SCHOOL DISTRICT.

8 (5) IF A STUDENT OR PARENT REFUSES OR NEGLECTS TO COMPLY
9 WITH A CONTEMPT OF COURT SANCTION THAT THE ADMINISTRATIVE LAW
10 JUDGE IMPOSES, THE SCHOOL DISTRICT MAY PURSUE ENFORCEMENT BY
11 FILING A CONTEMPT PROCEEDING WITH THE JUVENILE COURT IN THE
12 JUDICIAL DISTRICT IN WHICH THE STUDENT RESIDES OR IS PRESENT.

13 (6) IF A STUDENT AGAINST WHOM A SCHOOL DISTRICT FILES A
14 TRUANCY PETITION PURSUANT TO THIS SECTION IS OR BECOMES THE
15 SUBJECT OF A DEPENDENCY AND NEGLECT PROCEEDING PURSUANT TO
16 ARTICLE 3 OF TITLE 19, C.R.S., OR THE SUBJECT OF A PETITION IN JUVENILE
17 COURT PURSUANT TO ARTICLE 2 OF TITLE 19, C.R.S., WHILE THE TRUANCY
18 PETITION IS PENDING, THE ADMINISTRATIVE LAW JUDGE SHALL TRANSFER
19 THE TRUANCY PETITION TO THE JUVENILE COURT THAT HAS JURISDICTION
20 OVER THE DEPENDENCY AND NEGLECT OR JUVENILE PROCEEDING, AND THE
21 JUVENILE COURT JUDGE SHALL CONSOLIDATE THE TRUANCY PETITION
22 WITH THE DEPENDENCY AND NEGLECT OR JUVENILE PROCEEDING.

23 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
24 **with amendments,** 22-33-108 as follows:

25 **22-33-108. Judicial review - order of board of education.**

26 (1) (a) COURTS THAT HAVE JURISDICTION OVER JUVENILE MATTERS IN A
27 JUDICIAL DISTRICT HAVE ORIGINAL JURISDICTION TO REVIEW A DECISION

1 ISSUED BY A BOARD OF EDUCATION PURSUANT TO SECTION 22-33-105 TO
2 DENY ADMISSION TO OR EXPEL A STUDENT. A PROCEEDING TO REVIEW AN
3 ORDER OF A BOARD OF EDUCATION MUST BE COMMENCED IN THE JUDICIAL
4 DISTRICT IN WHICH THE STUDENT RESIDES OR IS PRESENT.

5 (b) WHEN PROCEEDINGS COMMENCE UNDER THIS SECTION IN A
6 JUDICIAL DISTRICT OTHER THAN THAT OF THE STUDENT'S RESIDENCE OR
7 WHEN THE STUDENT CHANGES HIS OR HER JUDICIAL DISTRICT OF
8 RESIDENCE AFTER A PROCEEDING UNDER THIS SECTION COMMENCES, THE
9 COURT IN WHICH PROCEEDINGS COMMENCED MAY, ON ITS OWN MOTION OR
10 ON THE MOTION OF ANY INTERESTED PARTY, TRANSFER THE CASE TO THE
11 COURT IN THE JUDICIAL DISTRICT WHERE THE STUDENT RESIDES.

12 (c) WHEN A COURT TRANSFERS VENUE PURSUANT TO PARAGRAPH
13 (b) OF THIS SUBSECTION (1), THE COURT SHALL TRANSMIT ALL DOCUMENTS
14 AND REPORTS, OR CERTIFIED COPIES THEREOF, TO THE RECEIVING COURT,
15 WHICH COURT SHALL PROCEED WITH THE CASE AS IF THE PETITION HAD
16 BEEN ORIGINALLY FILED IN THAT COURT.

17 (2) IF A STUDENT OR A STUDENT'S PARENT DESIRES COURT REVIEW
18 OF AN ORDER OF THE BOARD OF EDUCATION ISSUED PURSUANT TO SECTION
19 22-33-105, THE STUDENT OR THE PARENT MUST NOTIFY THE BOARD OF
20 EDUCATION IN WRITING WITHIN FIVE DAYS AFTER RECEIVING OFFICIAL
21 NOTICE OF THE BOARD OF EDUCATION'S ACTION. WHEN IT RECEIVES THE
22 NOTICE, THE BOARD OF EDUCATION SHALL ISSUE, OR CAUSE TO BE ISSUED,
23 TO THE STUDENT OR THE PARENT A STATEMENT OF THE REASONS FOR THE
24 BOARD'S ACTION. WITHIN TEN DAYS AFTER THE BOARD OF EDUCATION
25 ISSUES THE STATEMENT OF REASONS, THE STUDENT OR THE PARENT MAY
26 FILE WITH THE COURT A PETITION REQUESTING THAT THE ORDER OF THE
27 BOARD OF EDUCATION BE SET ASIDE. THE PETITION MUST INCLUDE A COPY

1 OF THE STATEMENT OF REASONS. THE COURT SHALL NOT COLLECT DOCKET
2 OR OTHER FEES IN CONNECTION WITH THIS PROCEEDING.

3 (3) AFTER THE PETITION IS FILED, THE COURT SHALL NOTIFY THE
4 BOARD OF EDUCATION AND SHALL HOLD A HEARING ON THE MATTER. THE
5 COURT SHALL CONDUCT JUDICIAL REVIEW OF A HEARING DECISION
6 PURSUANT TO RULE 106 (a) (4) OF THE COLORADO RULES OF CIVIL
7 PROCEDURE.

8 **SECTION 3.** In Colorado Revised Statutes, 24-30-1003, **amend**
9 (1) and (1.5) as follows:

10 **24-30-1003. Administrative law judges - appointment -**
11 **qualifications - standards of conduct.** (1) (a) The executive director of
12 the department of personnel may appoint such administrative law judges
13 except those employed pursuant to sections 24-50-103 (7) and 40-2-104,
14 C.R.S., as may be necessary to provide services to each state agency,
15 except the state personnel board and the public utilities commission,
16 entitled to use administrative law judges. Administrative law judges shall
17 be appointed in accordance with the provisions of section 13 of article
18 XII of the state constitution and the laws and rules governing the state
19 personnel system.

20 (b) AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO
21 THIS SECTION MAY PROVIDE SERVICES TO A SCHOOL DISTRICT AS PROVIDED
22 IN SECTION 22-33-107.7, C.R.S.

23 (1.5) The director of the office of administrative courts shall
24 appoint and assign administrative law judges to hear particular cases or
25 classes of cases that come before the office of administrative courts in a
26 manner that, in the discretion of such director, is necessary and
27 appropriate to provide services to each state agency OR TO A SCHOOL

1 DISTRICT PURSUANT TO SECTION 22-33-107.7, C.R.S.

2 **SECTION 4.** In Colorado Revised Statutes, 13-1-127, **amend** (1)
3 (l) and (7) (a) as follows:

4 **13-1-127. Entities - school districts - legislative declaration -**
5 **representation - definitions.** (1) As used in this section, unless the
6 context otherwise requires:

7 (l) "Truancy proceedings" means ~~judicial~~ proceedings BEFORE AN
8 ADMINISTRATIVE LAW JUDGE ASSIGNED BY THE OFFICE OF
9 ADMINISTRATIVE COURTS IN THE DEPARTMENT OF PERSONNEL for the
10 enforcement of the "School Attendance Law of 1963", article 33 of title
11 22, C.R.S., brought pursuant to ~~section 22-33-108~~ SECTION 22-33-107.7,
12 C.R.S.

13 (7) (a) A school district board of education may authorize, by
14 resolution, one or more employees of the school district to represent the
15 school district in truancy proceedings; ~~in any court of competent~~
16 ~~jurisdiction~~; except that the authorization of the board of education shall
17 not extend to representation of the school district before a court of
18 appeals or before the Colorado supreme court.

19 **SECTION 5.** In Colorado Revised Statutes, 13-91-103, **amend**
20 (4) as follows:

21 **13-91-103. Definitions.** As used in this article, unless the context
22 otherwise requires:

23 (4) "Guardian ad litem" or "GAL" means a person appointed by
24 a court to act in the best interests of a child involved in a proceeding
25 under title 19, C.R.S., or ~~the "School Attendance Law of 1963", set forth~~
26 ~~in article 33 of title 22~~ SECTION 22-33-108, C.R.S., and who, if appointed
27 to represent a child in a dependency or neglect proceeding pursuant to

1 article 3 of title 19, C.R.S., shall be an attorney-at-law licensed to practice
2 in Colorado.

3 **SECTION 6.** In Colorado Revised Statutes, 19-1-104, **amend** (1)
4 (k); and **add** (2.5) as follows:

5 **19-1-104. Jurisdiction.** (1) Except as otherwise provided by law,
6 the juvenile court shall have exclusive original jurisdiction in
7 proceedings:

8 (k) To make a determination concerning a petition filed pursuant
9 to ~~the "School Attendance Law of 1963", article 33 of title 22~~ SECTION
10 22-33-108, C.R.S., and to enforce any lawful order of court made
11 thereunder;

12 (2.5) (a) THE JUVENILE COURT HAS JURISDICTION IN PROCEEDINGS
13 CONCERNING A PETITION FILED PURSUANT TO SECTION 22-33-107.7,
14 C.R.S., TO COMPEL PUBLIC SCHOOL ATTENDANCE IF THE STUDENT WHO IS
15 THE SUBJECT OF THE PETITION IS WITHIN THE COURT'S JURISDICTION UNDER
16 PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION.

17 (b) THE JUVENILE COURT HAS JURISDICTION IN PROCEEDINGS FOR
18 JUDICIAL REVIEW OF AN ORDER ISSUED BY AN ADMINISTRATIVE LAW JUDGE
19 PURSUANT TO SECTION 22-33-107.7, C.R.S., AND FOR ENFORCEMENT OF
20 A CONTEMPT ORDER ISSUED BY AN ADMINISTRATIVE LAW JUDGE
21 PURSUANT TO SECTION 22-33-107.7, C.R.S.

22 **SECTION 7.** In Colorado Revised Statutes, 19-1-105, **amend** (2)
23 as follows:

24 **19-1-105. Right to counsel and jury trial.** (2) The right to
25 counsel shall be as provided in this title; except that, in all proceedings
26 under ~~the "School Attendance Law of 1963", article 33 of title 22~~
27 SECTION 22-33-108, C.R.S., the court may appoint counsel or a guardian

1 ad litem for the child, unless the child is already represented by counsel.
2 If the court finds that it is in the best interest and welfare of the child, the
3 court may appoint both counsel and a guardian ad litem. Nothing in this
4 title shall prevent the court from appointing counsel if it deems
5 representation by counsel necessary to protect the interests of the child or
6 other parties. ~~In addition, in all proceedings under the "School Attendance~~
7 ~~Law of 1963", article 33 of title 22, C.R.S., the court shall make available~~
8 ~~to the child's parent or guardian ad litem information concerning the~~
9 ~~truancy process.~~

10 **SECTION 8.** In Colorado Revised Statutes, 19-1-111, **amend** (2)
11 (b) as follows:

12 **19-1-111. Appointment of guardian ad litem.** (2) The court
13 may appoint a guardian ad litem in the following cases:

14 (b) For a child in proceedings under ~~the "School Attendance Law~~
15 ~~of 1963", article 33 of title 22~~ SECTION 22-33-108, C.R.S., when the court
16 finds that the appointment is necessary due to exceptional and
17 extraordinary circumstances;

18 **SECTION 9.** In Colorado Revised Statutes, 19-1-303, **amend** (2)
19 (c) as follows:

20 **19-1-303. General provisions - delinquency and dependency**
21 **and neglect cases - exchange of information - civil penalty.**

22 (2) (c) Notwithstanding any other provision of law to the contrary, a
23 criminal justice agency investigating a criminal matter ~~or a matter under~~
24 ~~the "School Attendance Law of 1963", part 1 of article 33 of title 22,~~
25 ~~C.R.S.,~~ concerning a child may seek disciplinary and truancy information
26 from the principal of a school, or the principal's designee, at which the
27 child is or will be enrolled as a student and, if the student is enrolled in a

1 public school, from the superintendent of the school district in which the
2 student is enrolled, or such superintendent's designee. Upon written
3 certification by the criminal justice agency that the information will not
4 be disclosed to any other party, except as specifically authorized or
5 required by law, without the prior written consent of the child's parent,
6 either the principal of the school in which the child is enrolled, or such
7 principal's designee, or, if the student is enrolled in a public school, the
8 superintendent of the school district in which the student is enrolled, or
9 such superintendent's designee, shall provide the child's attendance and
10 disciplinary records to the requesting criminal justice agency. The
11 criminal justice agency receiving such information shall use it only for the
12 performance of its legal duties and responsibilities and shall maintain the
13 confidentiality of the information received.

14 **SECTION 10.** In Colorado Revised Statutes, 22-32-110, **amend**
15 (1) (mm) as follows:

16 **22-32-110. Board of education - specific powers.** (1) In addition
17 to any other power granted to a board of education of a school district by
18 law, each board of education of a school district shall have the following
19 specific powers, to be exercised in its judgment:

20 (mm) To adopt a resolution, as provided in section 13-1-127 (7),
21 C.R.S., authorizing one or more employees of the school district to
22 represent the school district in ~~judicial~~ proceedings brought to enforce the
23 "School Attendance Law of 1963", article 33 of this title.

24 **SECTION 11.** In Colorado Revised Statutes, 22-33-104, **amend**
25 (4) (b) as follows:

26 **22-33-104. Compulsory school attendance.** (4) (b) The
27 attendance policy adopted pursuant to this subsection (4) shall specify the

1 maximum number of unexcused absences a child may incur before the
2 attorney for the school district, the attendance officer, or the local board
3 of education may initiate ~~judicial~~ proceedings pursuant to ~~section~~
4 ~~22-33-108~~ SECTION 22-33-107.7. Calculation of the number of unexcused
5 absences a child has incurred includes all unexcused absences occurring
6 during any calendar year or during any school year.

7 **SECTION 12.** In Colorado Revised Statutes, 22-33-205, **amend**
8 (3) and (4) as follows:

9 **22-33-205. Services for expelled and at-risk students - grants**
10 **- criteria.** (3) The state board shall annually award at least forty-five
11 percent of any moneys appropriated for the program to applicants that
12 provide educational services to students from more than one school
13 district and at least one-half of any increase in the appropriation for the
14 program for the 2009-10 fiscal year to applicants that provide services
15 and supports that are designed to reduce the number of truancy cases
16 requiring ADMINISTRATIVE LAW court involvement and that also reflect
17 the best interests of students and families. ~~The services and supports shall~~
18 ~~include, but need not be limited to, alternatives to guardian ad litem~~
19 ~~representation in truancy proceedings.~~

20 (4) The department of education is authorized to retain up to one
21 percent of any moneys appropriated for the program for the purpose of
22 annually evaluating the program. The department of education is
23 authorized and encouraged to retain up to an additional two percent of
24 any moneys appropriated for the program for the purpose of partnering
25 with organizations or agencies that provide services and supports that are
26 designed to reduce the number of truancy cases requiring ~~court~~
27 ~~involvement~~ ENFORCEMENT PROCEEDINGS PURSUANT TO SECTION

1 22-33-107.7 and that also reflect the best interests of students and
2 families. ~~The services and supports shall include, but need not be limited~~
3 ~~to, alternatives to guardian ad litem representation in truancy proceedings.~~
4 On or before January 1, 2006, and on or before January 1 each year
5 thereafter, the department of education shall report to the education
6 committees of the house of representatives and the senate, or any
7 successor committees, the evaluation findings on the outcomes and the
8 effectiveness of the program related to school attendance, attachment, and
9 achievement. The report shall also include specific information on the
10 efficacy of services and supports that provide alternatives to ~~court~~
11 ~~involvement and guardian ad litem representation in truancy proceedings~~
12 FILED PURSUANT TO SECTION 22-33-107.7.

13 **SECTION 13.** In Colorado Revised Statutes, 19-2-402, **add** (1)
14 (c) as follows:

15 **19-2-402. Juvenile detention services and facilities to be**
16 **provided by department of human services - education.** (1) (c) A
17 DETENTION FACILITY OPERATED BY OR UNDER CONTRACT WITH THE
18 DEPARTMENT OF HUMAN SERVICES SHALL NOT RECEIVE OR PROVIDE CARE
19 FOR A JUVENILE WHO VIOLATES AN ORDER OF AN ADMINISTRATIVE LAW
20 JUDGE OR A COURT ORDER TO ATTEND SCHOOL AS REQUIRED UNDER THE
21 "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF TITLE 22, C.R.S.,
22 UNLESS THE JUVENILE IS ALSO FOUND GUILTY OF AND ADJUDICATED
23 PURSUANT TO THIS ARTICLE AND REMAINS UNDER THE JURISDICTION OF
24 THE JUVENILE COURT FOR COMMITTING A DELINQUENT ACT.

25 **SECTION 14. Appropriation - adjustments to 2015 long bill.**
26 **(1) For the 2015-16 state fiscal year, \$337,154 is appropriated to the**
27 **department of personnel for use by the office of administrative courts.**

1 This appropriation is from user fees from non-state agencies. To
2 implement this act, the department may use this appropriation as follows:

3 (a) \$315,973 for personal services, which amount is based on an
4 assumption that the department will require an additional 3.5 FTE; and

5 (b) \$21,181 for operating expenses and capital outlay costs.

6 (2) To implement this act, the general fund appropriation made in
7 the annual general appropriation act for the 2015-16 state fiscal year to
8 the judicial department for trial court programs is decreased by \$176,965,
9 and the related FTE is decreased by 1.8 FTE.

10 **SECTION 15. Act subject to petition - effective date.** This act
11 takes effect at 12:01 a.m. on the day following the expiration of the
12 ninety-day period after final adjournment of the general assembly (August
13 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
14 referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within such period, then the act, item, section, or part will not take effect
17 unless approved by the people at the general election to be held in
18 November 2016 and, in such case, will take effect on the date of the
19 official declaration of the vote thereon by the governor.