

CHAPTER 45

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 07-050

BY SENATOR(S) Renfroe, Kopp, Penry, Schultheis, Spence, Taylor, and Ward;
also REPRESENTATIVE(S) Summers, Gardner C., Kerr J., Labuda, and Todd.

AN ACT

CONCERNING AUTHORIZATION OF A SCHOOL DISTRICT EMPLOYEE TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS.

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

SECTION 1. 13-1-127, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-1-127. Entities - school districts - legislative declaration - representation.

(7) (a) A SCHOOL DISTRICT BOARD OF EDUCATION MAY AUTHORIZE, BY RESOLUTION, ONE OR MORE EMPLOYEES OF THE SCHOOL DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS IN ANY COURT OF COMPETENT JURISDICTION; EXCEPT THAT THE AUTHORIZATION OF THE BOARD OF EDUCATION SHALL NOT EXTEND TO REPRESENTATION OF THE SCHOOL DISTRICT BEFORE A COURT OF APPEALS OR BEFORE THE COLORADO SUPREME COURT.

(b) A COURT MAY RELY ON THE WRITTEN RESOLUTION OF THE SCHOOL DISTRICT BOARD OF EDUCATION THAT AUTHORIZES THE NAMED EMPLOYEE TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS.

(c) AN AUTHORIZED EMPLOYEE WHO REPRESENTS A SCHOOL DISTRICT IN TRUANCY PROCEEDINGS PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (7) SHALL NOT BE SUBJECT TO THE PROVISIONS OF SECTION 12-5-112, C.R.S.

(d) A SCHOOL DISTRICT BOARD OF EDUCATION'S EXERCISE OF THE OPTION AUTHORIZED BY THIS SECTION TO BE REPRESENTED IN TRUANCY PROCEEDINGS BY AN EMPLOYEE SHALL NOT ALONE BE CONSTRUED TO ESTABLISH PERSONAL LIABILITY OF THE REPRESENTING EMPLOYEE OR ANY OTHER EMPLOYEE OR A SCHOOL DIRECTOR OF THE SCHOOL DISTRICT FOR ACTION TAKEN BY THE SCHOOL DISTRICT.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

SECTION 2. 13-1-127 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS to read:

13-1-127. Entities - school districts - legislative declaration - representation.

(1) As used in this section, unless the context otherwise requires:

(k) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED AND EXISTING PURSUANT TO LAW BUT DOES NOT INCLUDE A JUNIOR COLLEGE DISTRICT.

(l) "TRUANCY PROCEEDINGS" MEANS JUDICIAL PROCEEDINGS FOR THE ENFORCEMENT OF THE "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF TITLE 22, C.R.S., BROUGHT PURSUANT TO SECTION 22-33-108, C.R.S.

SECTION 3. 22-32-110 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

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

(mm) TO ADOPT A RESOLUTION, AS PROVIDED IN SECTION 13-1-127 (7), C.R.S., AUTHORIZING ONE OR MORE EMPLOYEES OF THE SCHOOL DISTRICT TO REPRESENT THE SCHOOL DISTRICT IN JUDICIAL PROCEEDINGS BROUGHT TO ENFORCE THE "SCHOOL ATTENDANCE LAW OF 1963", ARTICLE 33 OF THIS TITLE.

SECTION 4. 22-33-108 (4), Colorado Revised Statutes, is amended to read:

22-33-108. Judicial proceedings. (4) It is the duty of the attorney for the school district, AN EMPLOYEE AUTHORIZED BY THE LOCAL BOARD OF EDUCATION PURSUANT TO SECTION 13-1-127 (7), C.R.S., TO REPRESENT THE SCHOOL DISTRICT IN TRUANCY PROCEEDINGS, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 22, 2007