

CHAPTER 129

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 94-072

BY SENATORS Ruddick and Tebedo;
also REPRESENTATIVES Schauer, Hagedorn, June, and Salaz.

AN ACT

CONCERNING THE SCHOOL ATTENDANCE LAW.

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

SECTION 1. 22-33-108, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-33-108. Judicial proceedings. (1.5) (a) ALL PROCEEDINGS BROUGHT UNDER THIS ARTICLE SHALL BE COMMENCED IN THE COUNTY IN WHICH THE CHILD RESIDES OR IS PRESENT.

(b) WHEN PROCEEDINGS COMMENCE UNDER THIS ARTICLE IN A COUNTY OTHER THAN THAT OF THE CHILD'S RESIDENCE OR WHEN THE CHILD CHANGES HIS OR HER COUNTY OF RESIDENCE AFTER A PROCEEDING UNDER THIS ARTICLE COMMENCES, THE COURT IN WHICH PROCEEDINGS COMMENCED MAY, ON ITS OWN MOTION OR ON THE MOTION OF ANY INTERESTED PARTY, TRANSFER THE CASE TO THE COURT IN THE COUNTY WHERE THE CHILD RESIDES.

(c) WHEN A COURT TRANSFERS VENUE PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (1.5), THE COURT SHALL TRANSMIT ALL DOCUMENTS AND REPORTS, OR CERTIFIED COPIES THEREOF, TO THE RECEIVING COURT, WHICH COURT SHALL PROCEED WITH THE CASE AS IF THE PETITION HAD BEEN ORIGINALLY FILED IN THAT COURT.

SECTION 2. 22-33-104.5 (3) (b), the introductory portion to 22-33-104.5 (6) (b), and 22-33-104.5 (6) (b) (II) and (6) (b) (V), Colorado Revised Statutes, 1988 Repl. Vol., as amended, are amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions -

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

guidelines. (3) The following guidelines shall apply to a non-public home-based educational program:

(b) A child who is participating in a non-public home-based educational program shall not be subject to compulsory school attendance as provided in this article; EXCEPT THAT ANY CHILD WHO IS HABITUALLY TRUANT, AS DEFINED IN SECTION 22-33-107 (3), AT ANY TIME DURING THE LAST SIX MONTHS THAT THE CHILD ATTENDED SCHOOL BEFORE PROPOSED ENROLLMENT IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM MAY NOT BE ENROLLED IN THE PROGRAM UNLESS THE CHILD'S PARENTS FIRST SUBMIT A WRITTEN DESCRIPTION OF THE CURRICULA TO BE USED IN THE PROGRAM ALONG WITH THE WRITTEN NOTIFICATION OF ESTABLISHMENT OF THE PROGRAM REQUIRED IN PARAGRAPH (e) OF SUBSECTION (2) OF THIS SECTION TO THE SUPERINTENDENT OF THE CHILD'S SCHOOL DISTRICT OF RESIDENCE.

(6) (b) For purposes of this subsection (6), a child who is participating in a non-public home-based educational program may participate in any interscholastic activity, including, but not limited to, athletics, music, speech, and other related activities, ~~in the child's local school district of residence~~ provided the child:

(II) (A) Meets all of the public school district's eligibility requirements for participation in the interscholastic activity, except for class attendance requirements of the school district or any recognized association of schools organizing and controlling the interscholastic activities, IF THE CHILD ELECTS TO PARTICIPATE IN AN INTERSCHOLASTIC ACTIVITY THROUGH A PUBLIC SCHOOL;

(B) MEETS ALL ELIGIBILITY REQUIREMENTS ESTABLISHED BY A PRIVATE SCHOOL IN THE INTERSCHOLASTIC ACTIVITY, IF THE CHILD ELECTS TO PARTICIPATE IN AN EXTRACURRICULAR OR INTERSCHOLASTIC ACTIVITY THROUGH A PRIVATE SCHOOL.

(V) Resides within the attendance boundaries of the PUBLIC OR PRIVATE school with which the child participates.

SECTION 3. 22-33-104 (4), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

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 excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section; except that paragraph (d) of said subsection (2), relating to suspension and expulsion, shall be considered an unexcused absence for purposes of the attendance policy. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence, including, but not limited to, the imposition of academic penalty for classes missed while unexcused.

(b) 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. 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.

SECTION 4. 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: April 19, 1994