

CHAPTER 17

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**EDUCATION - PUBLIC SCHOOLS**

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**SENATE BILL 97-013**

BY SENATORS Pascoe and Matsunaka;  
also REPRESENTATIVES Dean, Bacon, Clarke, Gotlieb, Kreutz, Leyba, Mace, Tool, Udall, Veiga, S. Williams, and Zimmerman.

**AN ACT**

CONCERNING ENFORCEMENT OF COMPULSORY SCHOOL ATTENDANCE LAWS.

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

**SECTION 1.** 22-33-104, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**22-33-104. Compulsory school attendance.** (1.5) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION AND ANY OTHER PROVISION OF THIS ARTICLE RELATING TO COMPULSORY SCHOOL ATTENDANCE, THE COMPULSORY SCHOOL ATTENDANCE LAWS APPLY TO A SIX-YEAR-OLD CHILD WHO HAS BEEN ENROLLED IN A PUBLIC SCHOOL IN THE FIRST GRADE OR IN A HIGHER GRADE LEVEL. IN SUCH CIRCUMSTANCES, THE COURTS MAY ISSUE ORDERS TO COMPEL COMPLIANCE WITH THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS OF THIS ARTICLE. HOWEVER, THIS SUBSECTION (1.5) SHALL NOT APPLY TO A SIX-YEAR-OLD CHILD WHOSE PARENT OR LEGAL GUARDIAN CHOOSES TO WITHDRAW SUCH CHILD.

**SECTION 2.** 22-33-108 (6), (7), and (8), Colorado Revised Statutes, 1995 Repl. Vol., as amended, are amended to read:

**22-33-108. Judicial proceedings.** (6) In the discretion of the court before which a proceeding to compel attendance is brought, 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 REQUIRE THE CHILD OR 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

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

## OPPORTUNITY TO OBTAIN A QUALITY EDUCATION.

(7) If the child does not comply with the court order ISSUED AGAINST THE CHILD OR AGAINST BOTH THE PARENT AND THE CHILD, the court may order that an investigation be conducted as provided in section 19-2-510 (2), C.R.S., and the court may order the child to show cause why he or she should not be held in contempt of court. The court may include as a sanction after a finding of contempt an appropriate treatment plan that may include, but not be limited to, community service to be performed by the child, supervised activities, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education. The court may not impose any sanction of incarceration to a jail, lockup, other place used for the confinement of adult offenders, or any juvenile detention facility operated by or under contract with the department of human services.

(8) If the parent refuses or neglects to obey the order ISSUED AGAINST THE PARENT OR AGAINST BOTH THE PARENT AND THE CHILD, the court may order the parent to show cause why he OR SHE should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

**SECTION 3. Effective date.** This act shall take effect July 1, 1997.

**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: March 20, 1997