

## CHAPTER 152

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 08-1336**

BY REPRESENTATIVE(S) Carroll T., Benefield, Borodkin, Butcher, Carroll M., Casso, Gagliardi, Gallegos, Green, Hodge, Jahn, Kerr A., Labuda, Madden, Marshall, Massey, Merrifield, Middleton, Peniston, Rice, Roberts, Stafford, Stephens, Summers, Todd, King, Romanoff, and Solano;  
also SENATOR(S) Spence, and Kopp.

**AN ACT**

**CONCERNING TRUANT STUDENTS IN THE KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATION SYSTEM, AND, IN CONNECTION THEREWITH, STANDARDIZING TRUANCY REPORTING AND EXPANDING THE RESOURCES AVAILABLE FOR SUPPORT SERVICES TO TRUANT STUDENTS.**

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

**SECTION 1.** 22-33-104 (4), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-33-104. Compulsory school attendance.** (4) (c) ON OR BEFORE JANUARY 1, 2009, THE STATE BOARD SHALL ADOPT RULES ESTABLISHING A STANDARDIZED CALCULATION FOR COUNTING UNEXCUSED ABSENCES OF STUDENTS, INCLUDING THE CIRCUMSTANCE IN WHICH A STUDENT IS ABSENT FOR PART OF A SCHOOL DAY, AND THE FORMAT FOR REPORTING THE INFORMATION TO THE DEPARTMENT PURSUANT TO SECTION 22-33-107.

**SECTION 2.** 22-33-107, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

**22-33-107. Enforcement of compulsory school attendance.** (4) ON OR BEFORE SEPTEMBER 15, 2010, AND ON OR BEFORE SEPTEMBER 15 EACH YEAR THEREAFTER, THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT OF EDUCATION THE NUMBER OF STUDENTS IDENTIFIED AS HABITUALLY TRUANT, AS DEFINED IN PARAGRAPH (a) OF SUBSECTION (3) OF THIS SECTION, FOR THE PRECEDING ACADEMIC YEAR. THE DEPARTMENT SHALL POST THIS INFORMATION FOR EACH SCHOOL DISTRICT ON ITS WEB SITE FOR THE PUBLIC TO ACCESS AND MAY POST ADDITIONAL INFORMATION REPORTED BY SCHOOL DISTRICTS RELATED TO

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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.*

TRUANCY.

(5) THE DEPARTMENT OF EDUCATION MAY POST ON ITS WEB SITE INFORMATION CONCERNING EFFECTIVE, RESEARCH-BASED, TRUANCY- AND DROPOUT-PREVENTION PROGRAMS FOR THE BENEFIT OF SCHOOL DISTRICTS.

**SECTION 3.** 22-33-202 (1), Colorado Revised Statutes, is amended to read:

**22-33-202. Identification of at-risk students.** (1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who ARE TRUANT, WHO have been or are likely to be declared habitually truant, or WHO are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing ~~said~~ THE services and may provide ~~said~~ THE services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

**SECTION 4.** 22-33-205 (1) (a) and (2) (b) (III), Colorado Revised Statutes, are amended to read:

**22-33-205. Services for expelled and at-risk students - grants - criteria.** (1) (a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services, AND OTHER SERVICES PROVIDED PURSUANT TO SECTION 22-33-204, to expelled students pursuant to section 22-33-203 (2), ~~and~~ to students at risk of expulsion AS IDENTIFIED PURSUANT TO SECTION 22-33-202 (1), AND TO TRUANT STUDENTS.

(2) (b) The state board shall determine which of the applying school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, and pilot schools shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

(III) The number of expelled, ~~or~~ at-risk, OR TRUANT students who are receiving educational services through the applicant under agreements entered into pursuant to the provisions of this part 2 during the school year preceding the year for which the grant is requested;

**SECTION 5. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the

general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: April 17, 2008