

## CHAPTER 58

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 11-1053**

BY REPRESENTATIVE(S) Solano, Massey, Duran, Gardner B., Labuda, Nikkel, Pabon, Ryden, Schafer S., Summers, Todd, Vigil;  
also SENATOR(S) Steadman, Boyd, Newell.

**AN ACT****CONCERNING COURT PROCEEDINGS INITIATED TO COMPEL A MINOR TO ATTEND SCHOOL.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly hereby finds and declares that:

(a) The best practice for addressing truancy is a graduated approach that includes early intervention; and

(b) Certain school districts and courts have worked cooperatively to design a continuum of approaches that have demonstrated success in reducing truant behavior.

(2) The general assembly further finds that the detention and incarceration of minors who have committed no offense other than truancy from school:

(a) Confines within the state juvenile justice system minors who have committed no criminal offenses and who may be physically and emotionally unprepared for the stress of this system; and

(b) Contributes to the case loads of the courts.

(3) The general assembly further finds that the power of the court to sanction minors for contempt, including sanctions of detention and incarceration, is an inherent power of the court that may not be abrogated by the legislature pursuant to article III of the state constitution.

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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.*

(4) Now, therefore, the general assembly hereby:

(a) Encourages courts to consider detention and incarceration as a last resort approach for addressing the problem of truancy;

(b) Encourages school districts to:

(I) Consider the initiation of judicial proceedings as a last resort approach for addressing the problem of truancy; and

(II) Explore options for addressing truancy that employ best practices and research-based strategies to minimize the need for court action and the risk of detention orders against a child or parent.

**SECTION 2.** 22-33-108 (5) and (7) (a), Colorado Revised Statutes, are amended to read:

**22-33-108. Judicial proceedings.** (5) AS A LAST-RESORT APPROACH FOR ADDRESSING THE PROBLEM OF TRUANCY, TO BE USED ONLY AFTER A SCHOOL DISTRICT HAS ATTEMPTED OTHER OPTIONS FOR ADDRESSING TRUANCY THAT EMPLOY BEST PRACTICES AND RESEARCH-BASED STRATEGIES TO MINIMIZE THE NEED FOR COURT ACTION AND THE RISK OF DETENTION ORDERS AGAINST A CHILD OR PARENT, court proceedings shall be initiated to compel compliance with the compulsory attendance statute after the parent and the child have been given written notice by the attendance officer of the school district or of the state that proceedings will be initiated if the child does not comply with the provisions of this article. The school district may combine the notice and summons. If combined, the petition shall state the date on which proceedings will be initiated, which date shall not be less than five days from the date of the notice and summons. The notice shall state the provisions of this article with which compliance is required and shall state that the proceedings will not be brought if the child complies with that provision before the filing of the proceeding.

(7) (a) If the child does not comply with the valid 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 NEED not be limited to, community service to be performed by the child, supervised activities, PARTICIPATION IN SERVICES FOR AT-RISK STUDENTS, AS DESCRIBED BY SECTION 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

**SECTION 3. 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 25, 2011