

CHAPTER 286

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 15-184

BY SENATOR(S) Holbert, Crowder, Heath, Hill, Kerr, Merrifield, Todd;
 also REPRESENTATIVE(S) Fields, Arndt, Becker K., Brown, Hamner, Kagan, Lontine, Pabon, Primavera, Van Winkle, Young,
 Hullinghorst.

AN ACT**CONCERNING ENFORCEMENT OF COMPULSORY EDUCATION REQUIREMENTS.**

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

SECTION 1. In Colorado Revised Statutes, **add** 13-5-145 as follows:

13-5-145. Truancy detention reduction policy - legislative declaration.

(1) THE GENERAL ASSEMBLY FINDS THAT:

(a) IMPOSING A SENTENCE OF DETENTION ON A JUVENILE WHO VIOLATES A COURT ORDER TO ATTEND SCHOOL DOES NOT IMPROVE THE LIKELIHOOD THAT THE JUVENILE WILL ATTEND SCHOOL AND DOES NOT ADDRESS THE UNDERLYING CAUSES OF THE JUVENILE'S TRUANCY;

(b) THE BEST METHODS TO ADDRESS TRUANCY AND ITS UNDERLYING CAUSES AND THE RESOURCES NEEDED TO IMPLEMENT THOSE METHODS ARE DIFFERENT IN EACH COMMUNITY;

(c) SINCE 2014, THE JUVENILE COURTS IN MANY JUDICIAL DISTRICTS AROUND THE STATE HAVE SUCCESSFULLY REDUCED THE USE OF DETENTION FOR JUVENILES WHO ARE TRUANT BY IMPLEMENTING PILOT PROJECTS THROUGH WHICH THE JUVENILE COURT IMPOSES REASONABLE SANCTIONS AND, WHERE POSSIBLE, PROVIDES INCENTIVES TO ATTEND SCHOOL, RESERVING DETENTION AS A SANCTION OF LAST RESORT; AND

(d) THESE PILOT PROJECTS NEED ADDITIONAL TIME TO PRODUCE MEANINGFUL DATA REGARDING THE EFFECTIVENESS OF THE ALTERNATE SANCTIONS AND INCENTIVES AND TO DETERMINE WHETHER THEY RESULT IN IMPROVED OUTCOMES

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

FOR JUVENILES AND THEIR FAMILIES.

(2) THE CHIEF JUDGE IN EACH JUDICIAL DISTRICT, OR HIS OR HER DESIGNEE, SHALL CONVENE A MEETING OF COMMUNITY STAKEHOLDERS TO CREATE A POLICY FOR ADDRESSING TRUANCY CASES THAT SEEKS ALTERNATIVES TO THE USE OF DETENTION AS A SANCTION FOR TRUANCY. COMMUNITY STAKEHOLDERS MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

- (a) PARENTS;
- (b) REPRESENTATIVES FROM SCHOOL DISTRICTS;
- (c) REPRESENTATIVES FROM COUNTY HUMAN SERVICES AND SOCIAL SERVICES DEPARTMENTS;
- (d) GUARDIANS AD LITEM;
- (e) COURT-APPOINTED SPECIAL ADVOCATES;
- (f) JUVENILE COURT JUDGES;
- (g) RESPONDENT COUNSEL;
- (h) REPRESENTATIVES FROM LAW ENFORCEMENT AGENCIES;
- (i) MENTAL HEALTH CARE PROVIDERS;
- (j) SUBSTANCE ABUSE TREATMENT PROVIDERS;
- (k) REPRESENTATIVES FROM THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY;
- (l) REPRESENTATIVES FROM THE STATE DEPARTMENT OF HUMAN SERVICES; AND
- (m) REPRESENTATIVES FROM THE DEPARTMENT OF EDUCATION.

(3) THE CHIEF JUDGE IN EACH JUDICIAL DISTRICT SHALL ADOPT A POLICY FOR ADDRESSING TRUANCY CASES NO LATER THAN MARCH 15, 2016. IN DEVELOPING THE POLICY FOR ADDRESSING TRUANCY CASES, THE CHIEF JUDGE AND THE COMMUNITY STAKEHOLDERS SHALL CONSIDER, AT A MINIMUM:

- (a) BEST PRACTICES FOR ADDRESSING TRUANCY THAT ARE USED IN OTHER JUDICIAL DISTRICTS AND IN OTHER STATES;
- (b) EVIDENCE-BASED PRACTICES TO ADDRESS AND REDUCE TRUANCY;
- (c) USING A WIDE ARRAY OF REASONABLE SANCTIONS AND REASONABLE INCENTIVES TO ADDRESS AND REDUCE TRUANCY;
- (d) USING DETENTION ONLY AS A LAST RESORT AFTER EXHAUSTING ALL OTHER REASONABLE SANCTIONS AND, WHEN IMPOSING DETENTION, APPROPRIATELY

REDUCING THE NUMBER OF DAYS SERVED; AND

(e) RESEARCH REGARDING THE EFFECT OF DETENTION ON JUVENILES.

(4) THE STATE COURT ADMINISTRATOR'S OFFICE SHALL REPORT TO THE JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN APRIL 15, 2016, REGARDING THE POLICY FOR ADDRESSING TRUANCY CASES ADOPTED BY EACH JUDICIAL DISTRICT.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: June 5, 2015