



DISABILITY LAW
COLORADO™

Protecting the rights of Coloradans of all ages since 1976

455 Sherman Street Suite 130
Denver, Colorado 80203
p 303.722.0300 | f 303.722.0720
Toll Free 1.800.288.1376/Voice/TTY

322 North 8th Street
Grand Junction, Colorado 81501
p 970.241.6371 | f 970.241.5324
Toll Free 1.800.531.2105/Voice/TTY

Vote YES! on HB18 - 1156

To Protect the Rights of Students with Disabilities

April 10, 2018

BACKGROUND AND WHO WE ARE - Disability Law Colorado ("DLC") is a Colorado nonprofit organization established to protect and promote the legal and human rights of persons with disabilities. It serves as the federally-mandated and state-designated Protection and Advocacy System for people with disabilities as authorized by the Developmental Disabilities Assistance and Bill of Rights Act of 2000, the Protection and Advocacy for Individuals with Mental Illness Act, and the Protection and Advocacy for Individuals Rights section of the Rehabilitation Act.

VOTE YES! - Disability Law Colorado strongly supports House Bill 18-1156 which states that a delinquent act does not include truancy or habitual truancy. In addition, we support the language that suggests more appropriate sanctions as alternatives to detention.

HOW THIS BILL AFFECTS STUDENTS WITH DISABILITIES - Disability Law Colorado believes that sentencing students to detention for truancy is detrimental to all students, but it undeniably has significant implications for students with disabilities. According to the "2013-2014 Civil Rights Data Collection: A First Look", a report released by the U.S. Department of Education in 2016, high school students with disabilities who are supported by Individualized Educational Programs, are 1.4 times more likely to be chronically absent from school as students without disabilities. Our organization has seen two issues resulting from truancy and detention for students with disabilities.

The first issue occurs prior to detention, when the student is just not able to make it to school. Truancy is often a symptom of a student's disability, and students who have anxiety, depression, sleep disorders, and behavioral issues that are associated with their disability may find it extremely difficult, if not impossible, to get to school. In the past, our organization has had to push the school districts to step in and provide the supports necessary to get these students out of the house and transported to school; in the meantime, the student and the student's parents are dealing with the threat of truancy. By eliminating the threat of detention and re-defining truancy so that it is no longer a delinquent act, parents and schools can focus on accessing education and getting the student to school with the appropriate supports.

The second issue occurs when students with disabilities who are truant and are in detention. These students have either been identified as having a disability or should have been identified as having a disability. Once these students are in detention, school districts continue to be obligated to provide the educational supports and evaluation tools

Position Statement on HB18 -1156
April 10, 2018
Page 2 of 2

necessary to serve students with disabilities. For example, many students with disabilities receive supports such as mental health services, medical supports, speech therapy, physical therapy, occupational therapy, and academic supports and modifications. These supports and services are provided by school districts and are necessary to provide access to a Free Appropriate Public Education ("FAPE"). Once a student with a disability is in a detention center, a school district is likely to be in violation of the IDEA and Section 504 of the Rehabilitation Act due to the lack of access to these services.

Because truancy has such a significant impact on students with disabilities, Disability Law Colorado strongly supports HB 18-1156.

Jennifer Levin, Esq.
jlevin@disabilitylawco.org (303) 722-0300