

Appendix B



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**School Truancy: A Case Study of a Successful Truancy
Reduction Model in the Public Schools**

Lorenzo A. Trujillo
University of Colorado School of Law

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SCHOOL TRUANCY: A CASE STUDY OF A SUCCESSFUL TRUANCY REDUCTION MODEL IN THE PUBLIC SCHOOLS

By Lorenzo A. Trujillo*

I. Introduction

Unexcused school absenteeism, truancy, is not a new problem, but a historically present problem that has over the last decade received newfound attention as the lack of school attendance and its link with student delinquency has become more clearly identified. In 1993, "more than two-thirds of all school absences [nationwide] were non-illness-related" with absence rates reaching thirty percent each day in some communities.¹ In 2002, more than 70,000 students every day were out of school in Colorado alone.² These statistics have monumental social ramifications because truancy is often one of the first and best indicators of academic failure, suspension, expulsion, delinquency, and later adult crime.³

School attendance laws were first adopted by Massachusetts in 1852 as a way to curb child labor.⁴ By 1900, thirty-two states had compulsory school attendance laws, and by 1918 every state had some form of school attendance law.⁵ However, these laws were ineffective in that they were seldom enforced and relied on the "push out" method of school policy enforcement, rather than addressing the underlying issues of truancy and developing ways to keep students in school.

Truant youths are often absent from school for such a period of time that it is difficult if not impossible for them to catch up. "This leads to further disengagement from school, from teachers and ultimately can lead to serious anti-social behavior like juvenile delinquency."⁶ The traditional method for disciplining student delinquents is to exclude them. This "push out" method sends a message to struggling students that they are not wanted, ultimately forcing a

* Lorenzo A. Trujillo, is the Assistant Dean of Students and Professional Programs and Professor-Attendant at the University of Colorado School of Law—(303) 492-6682; lorenzo.trujillo@colorado.edu and is Of Counsel in the Law Firm of Cage Williams Abelman, P.C.—(303) 295-0202. Trujillo was formerly legal counsel to the District Attendance Office in Adams County School District 14. The author wishes to thank and acknowledge the work of his research assistant, Siddhartha H. Rathod, for his assistance in the preparation of this article. He also wishes to acknowledge the efforts to make the Truancy Reduction Program a success by the judicial officers and court staff of the 17th Judicial District, Adams County District Attorney, and the administration and truancy office staff in Adams County School District 14.

¹ Doug Rohrman, *Combating Truancy in Our Schools - A Community Effort*, NAT'L ASS'N OF SECONDARY SCH. PRINCIPALS BULL., Jan. 1993, at 40, 40.

² Ramona Gonzales, Kinette Richards & Marilyn Harmacek, *Youth Out of School: Linking Absence to Delinquency*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Sept. 2002, at 1, 2.

³ See generally Janna Heilbrunn & Ken Seeley, *Saving Money Saving Youth: The Financial Impact of Keeping Kids in School*, THE COLO. FOUNDATION FOR FAMILIES AND CHILD., Oct. 2003, at 1.

⁴ Seymour Moskowitz, *Malignant Indifference: The Wages Of Contemporary Child Labor In The United States*, 57 OKLA. L. REV. 465, 516 (2004).

⁵ Adriana Lleras-Muney, *Were Compulsory Attendance and Child Labor Laws Effective? An Analysis from 1915 to 1939*, 45 J. L & ECON. 401, 403 (2002).

⁶ Gonzales ET AL., *supra* note 2, at 2.

student's situation from bad to worse.⁷ "Sending a student home for not coming to school provides little or no intervention to the underlying causes of the absences and is counterproductive to the educational process."⁸ The "push-out" method was furthered in the 1980s, as state and federal drug enforcement policies increased, favoring the adoption of zero tolerance policies that punished all acts of delinquency severely, no matter how minor the offense.⁹

The importance of school attendance to achievement, engagement, and educational success has been neglected in most education reform and prevention initiatives. School discipline, zero tolerance, and school safety concerns have combined to produce strategies that are counterproductive by pushing the problem out of the school and into the community.¹⁰

Today, school districts around the nation are tackling the truancy problem by working jointly with courts, law enforcement, social service agencies, and parents to identify students at the first signs of unexcused absenteeism and ensuring that all individuals are involved in prevention, planning, and implementation of a truancy plan. This article examines one such program in Colorado by providing an overview of truancy and juvenile crime, examining Colorado's School Attendance Law of 1963, and concluding with an examination of Adams County School District 14's successful truancy reduction model. The underlying philosophy of this model is that the American way of life is predicated upon an educated citizenry. Without an educated citizenry our American form of democratic government will struggle to survive. Our citizens must be capable of making informed decisions in voting and self-determination.

II. Truancy and Juvenile Crime

A. The Truancy Problem Defined

Truancy has been identified as one of the ten major problems in United States schools.¹¹ The problem of truancy has reached epidemic proportions with absenteeism reaching as high as thirty percent in some communities,¹² and more than 70,000 students out of school in Colorado each day.¹³ While some absences are health-related, many more are related to truancy, suspensions, or expulsions, with twenty percent of all school suspensions in Colorado resulting from truant behavior.¹⁴ In New York City's public school system 150,000 school students, approximately fifteen percent, are absent on any given day.¹⁵ The Los Angeles Unified School

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 15; see also Russ Skiba & Reece Peterson, *The Dark Side of Zero Tolerance: Can Punishment Lead to Safe Schools?*, PHI DELTA KAPPAN, 1999, at 1, 1.

¹⁰ Gonzales ET AL., *supra* note 2, at 23.

¹¹ Rohrman, *supra* note 1, at 40.

¹² *Id.*

¹³ Gonzales ET AL., *supra* note 2, at 2.

¹⁴ *Id.*

¹⁵ Eileen Garry, *Truancy: First Step to a Lifetime of Problems*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, 1997, at 1, 1 (it is unknown what percent of these students have a legitimate excuse for their absenteeism).

District reports that approximately ten percent, or 62,000, of its students are truant each day.¹⁶ During the 1994-95 school years, 66,440 chronic absenteeism complaints were investigated in Detroit, Michigan.¹⁷ The end result is that numerous youths are not in school, and as such, students are not receiving the education they need to succeed in life.

Truancy, often referred to as a "gateway crime,"¹⁸ has been linked to delinquent activity in youth and significant, negative behavior in adulthood, including an increased propensity toward violence.¹⁹ The September 2001 Juvenile Justice Bulletin states:

[A]dults who were frequently truant as teenagers are much more likely than those who were not to have poor health and mental health, lower paying jobs, an increased chance of living in poverty, more reliance on welfare support, children who exhibit problem behaviors, and an increased likelihood of incarceration.²⁰

Truancy is also a strong predictor of juvenile problems, including delinquent activity, social isolation, gang involvement, educational failure, substance abuse, delinquency, teen pregnancy, and school dropout.²¹ In addition, high truancy rates have been linked to daytime burglary and vandalism.²² In Tacoma, Washington, police reported that one-third of all burglaries and one-fifth of all aggravated assaults, occurring between 8 a.m. and 1 p.m. on weekdays, were committed by juveniles.²³ In Van Nuys, California shoplifting arrests decreased by sixty percent after police conducted a three-week truancy sweep.²⁴ In St. Paul, Minnesota purse snatching fell almost fifty percent after police began picking up truant youths and taking them to a new school attendance center.²⁵ In Minneapolis, daytime crime fell sixty-eight percent after police started citing truant youths.²⁶ In Colorado, the statistics are equally problematic:

¹⁶ Beth Shuster, *L.A. School Truancy Exact a Growing Social Price*, L.A. TIMES, Jun. 28, 1995, at A12 (62,000 students are out of school each day with only half providing a written excuse).

¹⁷ Joan Richardson, *Searching for Answers to Student Absenteeism on the Trail of Truants Incorrect Addresses, Reluctant Responses Hamper the Quest*, DETROIT FREE PRESS, Feb. 7, 1996, § NWS, at 1A.

¹⁸ Steven Davies, *Truancy Program Targets Problems Before they Start*, KOCH CRIME INST., 1995, at 1, 1.

¹⁹ Allison Bell, Lee Rosen & Dionne Dynlacht, *Truancy Intervention*, THE J. OF RES. AND DEV. IN EDUC. 203, 205 (1994). *See generally* Barbara Kelly, Rolf Loeber & Mary DeLamarte, *Developmental Pathways in Boys' Disruptive and Delinquent Behavior*, JUV. JUST. BULL., Dec. 1997, at 1.

²⁰ Myriam Baker, Jane Sigmon & M. Elaine Nugent, *Truancy Reduction: Keeping Students in School*, JUV. JUST. BULL., Sept. 2001, at 1, 1; *see also* Bell ET AL., *supra* note 19, at 205-06; Sarah Ingersoll & Donni LeBoeuf, *Reaching Out to Youth Out of the Education Mainstream*, U.S. DEP'T OF JUST., OFF. OF JUST. PROGRAMS, OFF. OF JUV. JUST. & DELINQ. PREVENTION, Feb. 1997, at 1, 2; Rohrman, *supra* note 1, at 40-41. *See generally* JOY DRYFOOS, *ADOLESCENTS AT RISK: PREVALENCE AND PREVENTION*, (Oxford Univ. Press 1990).

²¹ Baker ET AL., *supra* note 20, at 2; *see also* Bell ET AL., *supra* note 19, at 205; Garry, *supra* note 15, at 1; Rohrman, *supra* note 1, at 40-41. *See generally* Dryfoos, *supra* note 20. (**need page number**)

²² Baker ET AL., *supra* note 20, at 2.

²³ *Id.*

²⁴ Garry, *supra* note 15, at 2.

²⁵ *Id.*

²⁶ *Manual to Combat Truancy*, U.S. DEP'T OF EDUC. & U.S. DEP'T OF JUST., Jul. 1996, at 1, 1.

- Over ninety percent of youth in detention for delinquent acts have a history of truancy.²⁷
- Seventy percent of suspended youth were chronically truant in the preceding six months.²⁸
- Nearly half of expelled students had been chronically truant in the previous year.²⁹
- Eighty percent of all dropouts were chronically truant in the previous year.³⁰

In light of these statistics, it is essential that states, school districts, and communities work together to combat the negative effects of truancy by implementing programs that address the problem and its causes.

B. Causes of Truancy

In order to understand the problem it is essential to understand the causes of truancy. The four primary causes are best grouped into four categories: (1) student demographics, (2) family characteristics, (3) student's personal and psychological factors, and (4) school climate.³¹

1. Student Demographics

While the literature is conflicting on whether truancy tends to be higher among males or whether the problem is equally divided between males and females, other student demographic factors are well established.³² Minority students are traditionally more likely to be chronically truant than Caucasian students.³³ While this note does not provide detailed explanations into the intricacies and contributing variables of these statistics, a 2002 Colorado Foundation for Families and Children ("CFFC") survey of chronically truant youths in Colorado found that sixteen percent of the youths in the sample were Caucasian, thirty percent were Hispanic/Latino(a), and twenty-two percent were Black (*See figure 2.1*).³⁴ In addition to minority status, "urban youths, low income families, children living with only one parent, children from large families, and children whose parents do not have high school degrees" are at a greater risk of being chronically truant.³⁵

²⁷ Gonzales ET AL., *supra* note 2, at 5.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

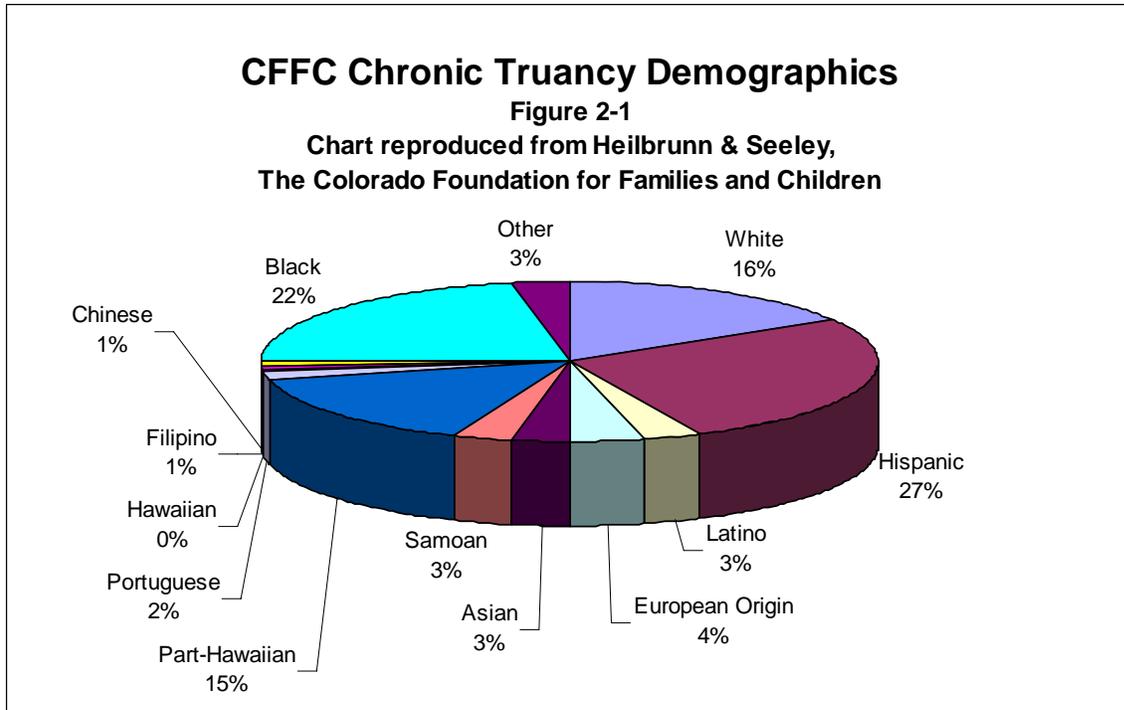
³¹ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell ET AL., *supra* note 19, at 204-05; Rachel Spaethe, *Survey of School Truancy Intervention and Prevention Strategies*, 9 KAN. J.L. & PUB. POL'Y 689, 691 (2000); Rohrman, *supra* note 1, at 41-43.

³² Bell ET AL., *supra* note 19, at 203; *E.g.* Heilbrunn & Seeley, *supra* note 3, at 4; Gonzales ET AL., *supra* note 2, at 6.

³³ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Bell ET AL., *supra* note 19, at 204.

³⁴ Gonzales ET AL., *supra* note 2, at 6.

³⁵ Heilbrunn & Seeley, *supra* note 3, at 4.



2. Family Characteristics

While student demographics can help identify students more likely to be truant, one of the most significant factors affecting truancy are parental views on education.³⁶ Parental involvement in school and student homework has been shown to result in better attendance rates.³⁷ In contrast, students whose parent(s) believe that it is acceptable for their children to miss school in order to meet family needs, such as caring for a younger sibling or working to support the family income, have an obviously higher tendency of truancy.³⁸ Several studies have shown that "truants were more likely to come from single parent homes and have more siblings than non-truants."³⁹ Also, over ninety percent of truant children have reported a moderate to high level of stress existing in the home.⁴⁰

3. Personal and Psychological Factors

Students' personal and psychological traits have a significant influence on their daily decisions to attend school.⁴¹ Many truant students share several of the same personal and

³⁶ Spaethe, *supra* note 31, at 691; *see also* Bell ET AL., *supra* note 19, at 204; Patricia Jenkins, *School Delinquency and School Commitment*, SOC. OF EDUC., 1995, at 221, 223.

³⁷ Jenkins, *supra* note 36, at 225; *see also* Heilbrunn & Seeley, *supra* note 3, at 4.

³⁸ Spaethe, *supra* note 31, at 691; *see also* Bell ET AL., *supra* note 19, at 42.

³⁹ Amy Diebolt & Lisa Herlache, *The School Psychologist as a Consultant in Truancy Prevention*, ANN. MEETING OF THE NAT'L ASS'N OF SCH. PSYCHOL., March 21-23, 1991, at 1, 3, *microformed on* ERIC database, Fiche ED334487.

⁴⁰ Gonzales ET AL., *supra* note 2, at 6; *see also* Jane Corville-Smith, Bruce Ryan, Gerald Adams & Tom Dalicandro, *Distinguishing Absentee Students from Regular Attenders: The Combined Influence of Personal, Family, and School Factors*, J. OF YOUTH AND ADOLESCENCE 629, 631 (1998).

⁴¹ Heilbrunn & Seeley, *supra* note 3, at 4. *See generally* Neville King & Gail Bernstein, *School Refusal in Children and Adolescents: A Review of the Past Ten YEARS*, J. OF THE AM. ACAD. OF CHILD AND ADOLESCENT PSYCHIATRY 197 (2001).

psychological problems. Truant students tend to have lower self-esteem, fewer social skills, and may lack friends.⁴² In addition, a student's perceptions of school and how they feel in the classroom environment are significant determinants for children deciding whether to attend school.⁴³

4. School Climate

School climate, including attachment to teachers, the effect of specific truancy policies, and feelings of physical safety, has been shown to greatly affect a student's desire to attend school.⁴⁴ The connection between truancy and school climate is drawn when looking at the most common reasons for truancy, as reported by truant youths: (1) getting behind in schoolwork is often cited as a primary reason for truancy, as a child is less likely to attend class where he/she has missed several lessons and does not follow what is going on in the classroom, (2) boredom with irrelevant curriculum, (3) a school environment where students feel that no adults care about them or where it appears teachers do not want to be there, (4) disrespect or the appearance of disrespect from staff, and (5) simply feeling "uncomfortable" at school.⁴⁵ A student's feelings about school are known as "school attachment."⁴⁶ "When a student feels an attachment to school through a web of relationships with other students, teachers or a caring adult, it can help overcome many of the causes of truancy."⁴⁷ As such, truancy programs must encourage students to form good attendance habits by forming friendships between teachers and non-truant student attendees.⁴⁸ School discipline policies also have an effect on "school attachment."⁴⁹

[I]n general, students have the best attendance records in authoritative schools - those that make high demands and provide high levels of support - and the worst records in lenient schools - those that make a few demands and provide little support.⁵⁰

Finally, feelings of safety and well-being directly affect a student's decision to attend school. Bullying is an often-ignored cause of truancy.⁵¹ "Fear and anxieties about bullies can cause some children to avoid school, carry a weapon for protection, or even commit more violent activity."⁵² A study of over 17,000 Colorado middle and high school students in the Pikes Peak region showed that fear of harm and victimization were risk factors that had a significant correlation with truancy.⁵³ In addition, the study showed that students with high self-esteem, positive school attitudes, pro-social activities, and positive attitudes towards police officers were less likely to be truant.⁵⁴

⁴² Spaethe, *supra* note 31, at 691; *see also* Corville-Smith et. al., *supra* note 40, at 631; Rohrman, *supra* note 1, at 41, Diebolt & Herlache, *supra* note 39, at 3.

⁴³ Heilbrunn & Seeley, *supra* note 3, at 4; *see also* Corville-Smith et. al., *supra* note 40, at 631-32.

⁴⁴ *Id.*

⁴⁵ Gonzalez et. al., *supra* note 2, at 7.

⁴⁶ Heilbrunn & Seeley, *supra* note 3, at 4.

⁴⁷ *Id.*; Jenkins, *supra* note 36, at 222-23.

⁴⁸ Spaethe, *supra* note 31, at 690; *see also* Rohrman, *supra* note 1, at 41.

⁴⁹ Heilbrunn & Seeley, *supra* note 3, at 4.

⁵⁰ *Id.*; *see generally* Lisa Pellerin, *Urban Youth and Schooling: The Effect of School Climate on Student Disengagement and Dropout*, (Apr. 2000) (Paper presented at the Ann. Meeting of the Am. Educ. Res. Ass'n 1).

⁵¹ Spaethe, *supra* note 31, at 691.

⁵² Randy Wiler, *Bullies: A Serious Problem for Kids*, LEAWOOD POLICE DEP'T, 1999, at 1, 2.

⁵³ Richard Dukes & Judith Stein, *Effects of Assets and Deficits on the Social Control of At-risk Behavior Among Youth: A Structural Equations Approach*, YOUTH AND SOC'Y, 2001, at 337, 349.

⁵⁴ *Id.*

C. Cost of Truancy

Truancy affects the student, school, and community. The cost of truancy reduction programs is inconsequential compared to the societal cost of high school failure and juvenile delinquency. "School failure is so costly that there need only be minor success with truancy reduction programs in order to achieve a positive payback."⁵⁵ Truant students are far more likely not to graduate from high school and are thereby much more likely to become a burden on society, requiring taxpayer-supported welfare programs, such as income assistance, Medicaid, Food Stamps, and Women, Infants and Children.⁵⁶ High school dropouts are more than twice as likely to be in poverty, and two-and-a-half times more likely to be on welfare than a high school graduate.⁵⁷ Not only are truant youths less likely to graduate from school, but truancy has been established as a risk factor for substance abuse, delinquency, and teen pregnancy, resulting in increased tax dollars spent on additional police forces and social services.⁵⁸

Students with the highest truancy rates have the lowest academic achievement rates, and because truants are the youth most likely to drop out of school, they have high dropout rates as well. The consequences of dropping out of school are well documented. School dropouts have significantly fewer job prospects, make lower salaries, and are more often unemployed than youth who stay in school.⁵⁹

It is common sense that if a student is present in school, he/she will learn. If the student is absent from school, there is no opportunity to engage in academic learning, and the student will have low academic achievement rates.

In a more direct financial connection, school districts lose federal and state funds that are based on daily attendance figures.⁶⁰ Losses in funds can reach the hundreds of thousands in light of absenteeism being as high as thirty percent on any given day in some communities.⁶¹ The many correlative costs and impacts on school districts funds have been augmented since the implementation of the Colorado Student Assessment of Proficiency Tests (CSAP)⁶² and the rules and regulations associated with the federal No Child Left Behind Act.⁶³ These costs create an enormous financial burden on society. "One high school dropout can be expected to cost the public in excess of \$200,000 over the course of his or her life."⁶⁴

⁵⁵ Heilbrunn & Seeley, *supra* note 3, at 16.

⁵⁶ *Id.* at 3.

⁵⁷ Baker et. al., *supra* note 20, at 3 ("[A]ccording to a recent report from the Bureau of Labor Statistics (2001:2), '6.0 percent of works with a high school diploma were in poverty [in 1991], considerably lower than the proportion of those who had not completed high school (14.3 percent)'"); *see also* U.S. DEP'T OF EDUC. & U.S. DEP'T JUST., *supra* note 26, at 1.

⁵⁸ Gonzalez et. al., *supra* note 2, at 3; *see also* Garry, *supra* note 15, at 1; Bell et. al., *supra* note 19, at 205.

⁵⁹ Baker et. al., *supra* note 20, at 2-3 (citations omitted).

⁶⁰ COLO. REV. STAT. § 22-11-104(2)(c) (2004).

⁶¹ Rohrman, *supra* note 1, at 40.

⁶² COLO. REV. STAT. § 22-7-409 (2004).

⁶³ No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425.

⁶⁴ Heilbrunn & Seeley, *supra* note 3, at 10.

III. Colorado's School Attendance Law of 1963

The School Attendance Law of 1963, codified at C.R.S. § 22-33-104 (2004), requires that "every child who has attained the age of seven years and is under the age of sixteen years . . . shall attend public school . . ." The law further provides that it is the parents' responsibility to "ensure" attendance of their school age child.⁶⁵

The general assembly hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training.⁶⁶

Under the School Attendance Law, schools are also required to designate a District Attendance Officer ("DAO") whose duty is to enforce compulsory school attendance.⁶⁷ The DAO is responsible for "counsel[ing] with students and parents and investigat[ing] the causes of nonattendance . . ."⁶⁸ In Colorado, the legislature endorsed the importance of student attendance by identifying student attendance as a key factor in school accreditation.⁶⁹ Legislators, school personnel, and families all understand that if a child does not attend school, the child will not be exposed to adequate opportunities for learning and advancement.

IV. Truancy Reduction Program

A. Overview

From the mid-1990s, Colorado has undertaken significant efforts through legislation, school districts, and court efforts to address attendance in schools, realizing that "[m]aking school attendance a priority is sound fiscal and educational policy."⁷⁰ One of the most successful programs in Colorado is Adams County School District 14's model Truancy Reduction Program ("TRP"). In 1999, the community served by the Adams County School District 14 schools had a median income of \$20,000, a mobility rate of forty-one percent, with thirty-one percent of all students coming from Spanish-speaking households, and a forty-eight percent free and reduced lunch student population.⁷¹

TRP, started in 1999, provides students and families with a voluntary alternative to the court system for truant students. TRP was initiated after the successful passage of the 1996 referendum in Adams County School District 14 that provided funds for Keep Kids in School ("KKIS") projects. The KKIS Committee, composed of citizens and school district staff,

⁶⁵ COLO. REV. STAT. § 22-33-104(5)(a) (2004).

⁶⁶ *Id.*; COLO. REV. STAT. § 22-33-102 (2004) ("[Parent]' means the mother or father of a child or any other person having custody of a child.").

⁶⁷ COLO. REV. STAT. § 22-33-107(1) (2004).

⁶⁸ *Id.*

⁶⁹ COLO. REV. STAT. § 22-33-104(2)(c) (2004).

⁷⁰ Gonzalez et. al., *supra* note 2, at 23.

⁷¹ LORENZO TRUJILLO, A PRACTITIONER'S GUIDE FOR ATTENDANCE/TRUANCY PROCEDURES IN THE PUBLIC SCHOOLS IN COLORADO i, iv (2001).

identified high rates of student truancy as a major concern that negatively affected student achievement, dropout rates, the future welfare of students, the success of the school, and society, as a whole.⁷² Through the TRP, Adams County has identified effective strategies for addressing the root causes of truancy, intervening with chronic youths, and preventing truant behavior from evolving into juvenile delinquency and eventual adulthood problems. For example, strategies include: mandated before-and-after school tutoring, Saturday school, detention before and after school, group and peer counseling, green slip completion,⁷³ daily counselor monitoring of student homework completion, drug and alcohol testing, parents attending school with their child, and other such interventions addressing student issues and student progress. Education researchers give significant emphasis to the importance to providing students with extensive interventions to make them successful and keep them engaged in school as a professional learning community.⁷⁴

The goal of the project was and is to provide a tiered series of interventions to address student and family needs by identifying the reasons for truancy problems and attempting to resolve them before resorting to formal court proceedings.⁷⁵ However, if a student fails to attend school after multiple interventions from school personnel, the school is left with no choice but to engage the judicial system to address the problems and to strongly encourage students and parents to understand the seriousness of student school attendance. Without being able to resort to the judicial system, schools lack the power to enforce consequences that are meaningful and impress otherwise unimpressionable students and their parents.

Without a doubt, it has been our repeated experience in prosecuting these cases that when one child or their parent is jailed or fined for truancy, the whole community becomes more vigilant about student attendance. It is not often that incarceration or fines must be imposed. By far, the majority of cases resolve themselves with students returning to school. The following data provide an insight into the significant results of a quality truancy reduction effort by a school district.

B. Implementation

In Adams County School District 14 (ACSD 14), habitual truancy is defined, consistent with Colorado law, as any child over the age of seven and under the age of sixteen who obtains "four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year."⁷⁶ The success of the TRP lies in its early identification and interventions to address the underlying issues resulting in truancy. At the first sign of

⁷² Memorandum from Lorenzo Trujillo, to Dr. John Lange & Cindi Seidel, District Attendance Office Report for 2002-2003 1, 2 (Jun. 27, 2003) (on file with author).

⁷³ Students have teachers sign a green slip after every class and provide it to the counseling office at the end of the day showing class attendance. The counseling office sends the green slip to the parents for their signature of acknowledgment. This process provides a detailed record of a student's activities and presence throughout the day.

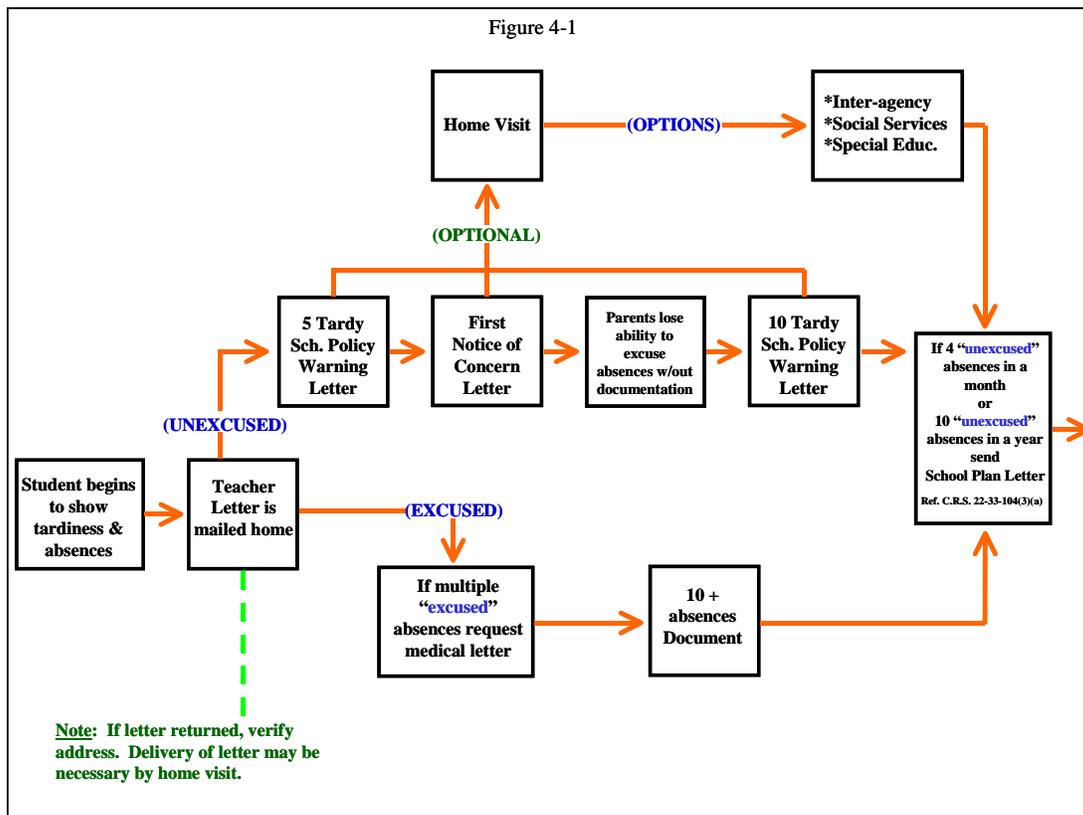
⁷⁴ See generally RICHARD DUFOUR & ROBERT EAKER, PROFESSIONAL LEARNING COMMUNITIES AT WORK: BEST PRACTICES FOR ENHANCING STUDENT ACHIEVEMENT (Nat'l Educ. Service 1998); ROBERT EAKER, RICHARD DUFOUR, & REBECCA DUFOUR, GETTING STARTED: RECURTURING SCHOOLS TO BECOME PROFESSIONAL LEARNING COMMUNITIES (Nat'l Educ. Service 2002).

⁷⁵ Trujillo, *supra* note 71, at iv.

⁷⁶ COLO. REV. STAT. § 22-33-107(3)(a) (2004).

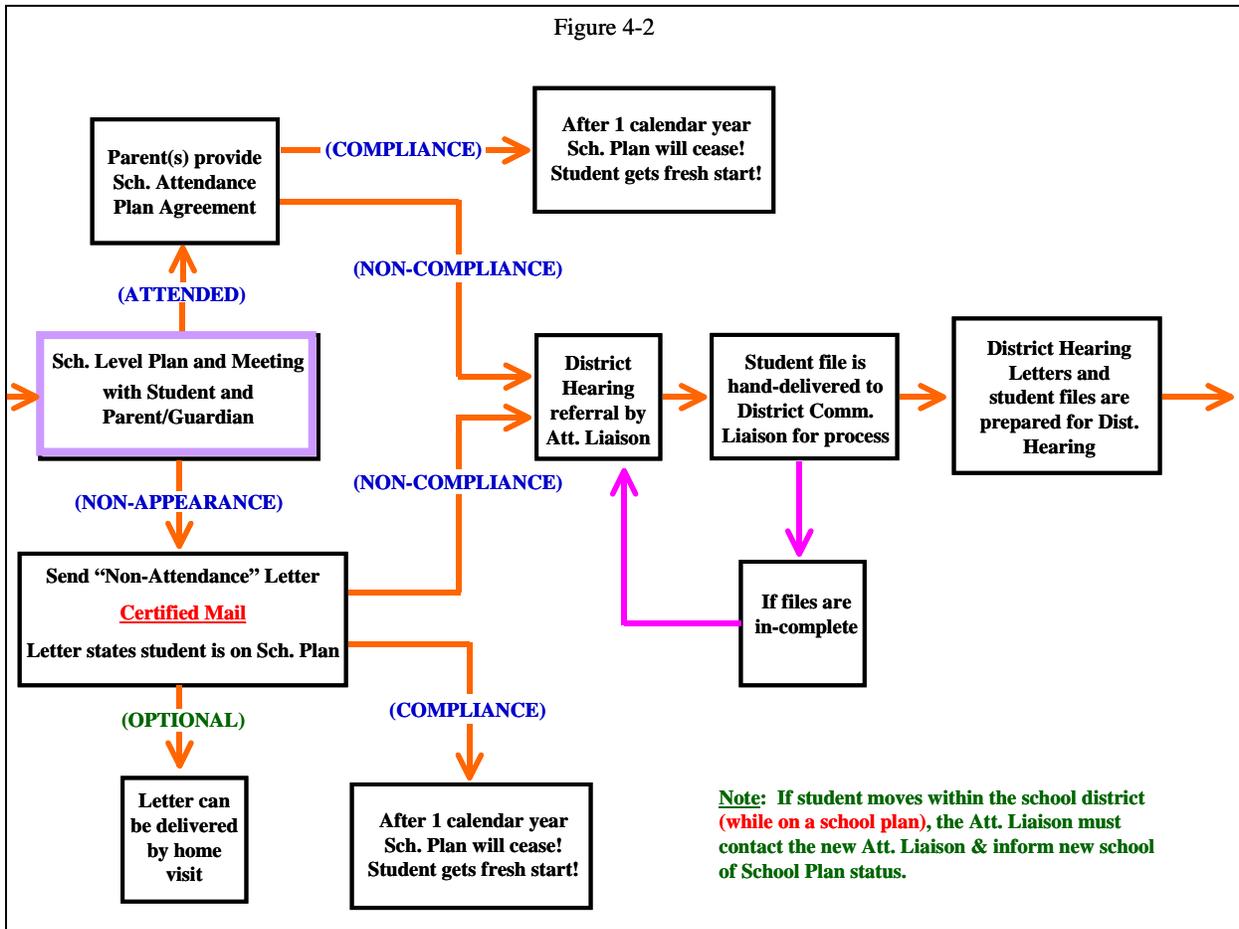
truancy, a teacher letter is mailed to the student's home. Simultaneously, at the local school level, an Attendance Liaison monitors student records to identify students who are habitually truant. Those students identified as habitually truant are placed on an Attendance Improvement Plan, prepared by the Attendance Liaisons, parents, and school staff and administration, and a letter of notice is sent to the student's home. The Attendance Improvement Plan provides a record of interventions and responsibilities of the school and of the student and family. The plan is agreed to and signed in a conference involving the student, parents, and school personnel. It also contains a release of confidential information for parents to sign to allow school personnel to work with other agencies in the community in an effort to meet a student's needs and to address potential issues with The Family Educational and Privacy Rights Act.⁷⁷

If the student returns to regular attendance of school, the matter is dismissed. However, if the student continues a pattern of non-attendance, the school-based Attendance Liaison reports and refers the matter to the District Attendance Office. The District Attendance Officer and the District Community Liaison review the student's file for thorough documentation and accuracy. The Community Liaison then determines if the student should be referred to a District Level Hearing. If not, the Community Liaison remands the matter back to the local school for further documentation, monitoring, and/or interventions. If the Community Liaison determines that the student and family should be scheduled for a District Level Hearing, the student's documents are transferred to the Court Liaison for scheduling of a hearing in front of the District Hearing Officer or InterAgency. (See Figure 4-1 and 4-2).



⁷⁷ 20 U.S.C. § 1232(g) (2004); 24 C.F.R. pt. 99 (2004).

Figure 4-2



The Court Liaison then reviews the student's file and sets the matter for an In-District Hearing before the District Attendance Officer and/or Inter Agency. The Court Liaison also prepares a bi-monthly hearing docket of In-District Hearings, works with InterAgency, notifies the schools of all developments, and prepares the hearing record. The Court Liaison works in collaboration with the Attendance Liaison and the District Hearing Officer to determine the intervention hearing, either InterAgency or In-District Hearing that is most appropriate under the circumstances for the child and his or her family.

C. Personnel

At first glance, the TRP would seem to require many personnel. However, in ACSD 14, this model is administered by one Court Liaison, who holds the position of District Attendance Officer, one Community Liaison, and a part-time legal secretary. There is a paraprofessional in each school who performs the duties of Attendance Liaison in conjunction with his or her duties as a secretarial and staff relief person. At the time this data was compiled, in-district legal counsel provided part-time counsel to the TRP. Currently, a contract attorney is employed as legal counsel for the TRP.

During the spring semester of 2005, student attorneys from the University of Colorado School of Law began assuming the role of legal counsel, for academic credit, to District Attendance Officers in schools in four of the Adams County school districts. Pursuant to Colorado law, a clinical professor from the Juvenile and Family Law Clinic oversees student attorney work. In this way, the public schools have been able to pursue truancy matters efficiently and effectively without the associated costs of legal counsel.⁷⁸ This program and how it operates is still in its pilot phase and is undergoing continuous development.

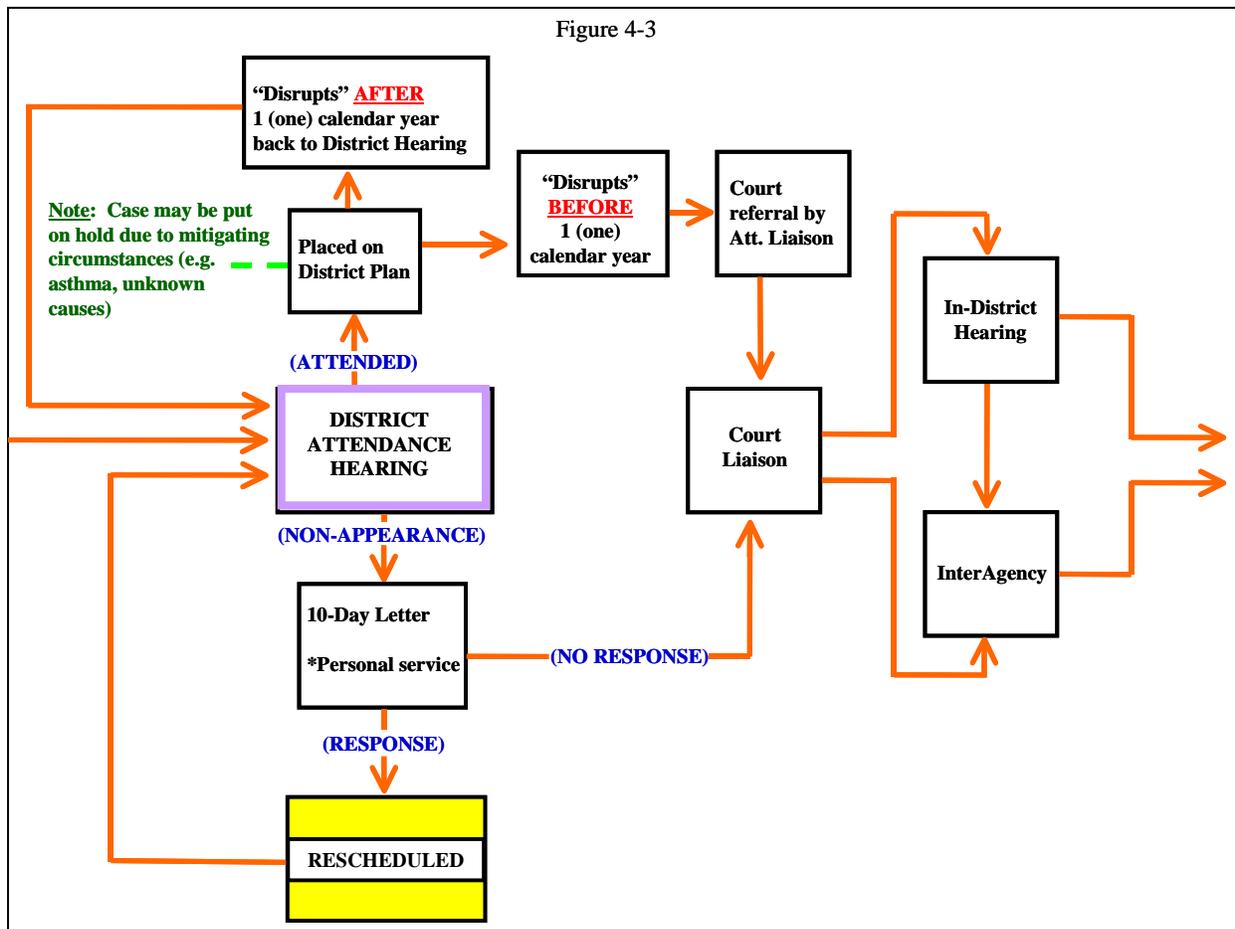
D. InterAgency and In-District Hearing

As noted above, a student and his or her family may be referred to an InterAgency Hearing or an In-District Hearing at the request of the family or through a referral by the Court Liaison. An In-District Hearing is convened when the matter at issue is primarily related to truancy without correlative issues of special needs, delinquency behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district. When such issues do exist, an InterAgency Hearing is convened to allow intervention from various school related agencies, rather than through school or court interventions alone.

At an In-District Hearing, the student and family are fully advised of the consequences of truancy by an In-District Hearing Officer and jointly prepare an attendance contract, specifying interventions to avert further truancy. If the student continues to be truant, the student may be sent directly to the district court. Alternatively, a student may be sent to an InterAgency Hearing, if truancy continues and the student is identified, by the In-District Hearing Officer, as a special needs student, has delinquent behaviors of a criminal nature, or mental health issues that are beyond the scope of the school district.

At an InterAgency Hearing the student, family, the Special Education Coordinator for the school district, and a panel of professionals from the school, social services, mental health, diversion, probation, School Resource Officer, and other school-related agencies, jointly prepare an attendance contract specifying interventions to avert further truancy and to address other correlative issues. Interventions may include individual and/or family counseling, advocacy for parents, resource identification for families, procuring insurance or medical services, day treatment, tutoring, Saturday classes, Social Services assistance, parenting classes, or drug and alcohol assessments and treatment. (*See figure 4-3*).

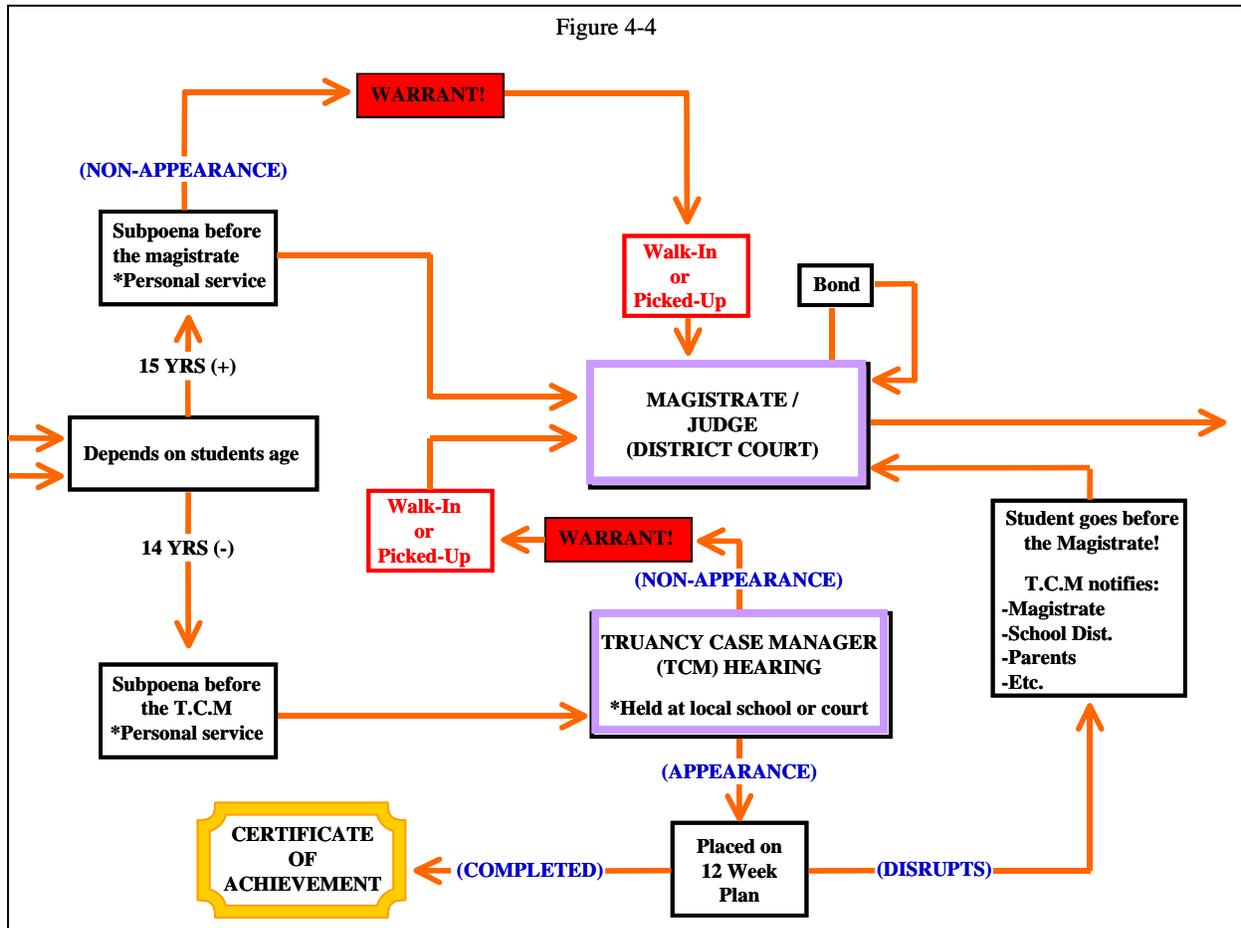
⁷⁸ COLO. R. CIV. P. 226; COLO. REV. STAT. § 12-5-116.2 (2004).



E. Hearing Before a Magistrate or Judge

Students, fourteen years of age or younger, who continue a pattern of truancy after an InterAgency Hearing or after an In-District Hearing are referred to the Truancy Case Manager (TCM) to address issues and concerns and to avert further legal action. "The [Truancy] [C]ase [M]anager is a family advocate whose goal is to provide families the support they need to get their children to school."⁷⁹ If students are fifteen years of age or older, the case is direct-filed for prosecution in court proceedings. Students referred to the TCM are placed on a twelve-week plan. If the student complies with the plan, the matter is dismissed. The TCM provides a heightened daily monitoring of the student's attendance with periodic conferences with parents and the student. The TCM also, as a result of a Colorado Department of Education grant, may provide needy students with school supplies, materials and even clothing, if necessary. If the student disrupts and does not comply with the twelve-week plan, the student is referred back to the District Attendance Officer/Attorney of the school district for prosecution in court. In preparation for court, the TCM prepares a report to the court detailing the TCM's case evaluation. A copy of this report is provided to the school district in anticipation of a direct filing in front of a magistrate or judge. (See Figure 4-4).

⁷⁹ Heilbrunn & Seeley, *supra* note 3, at 6.

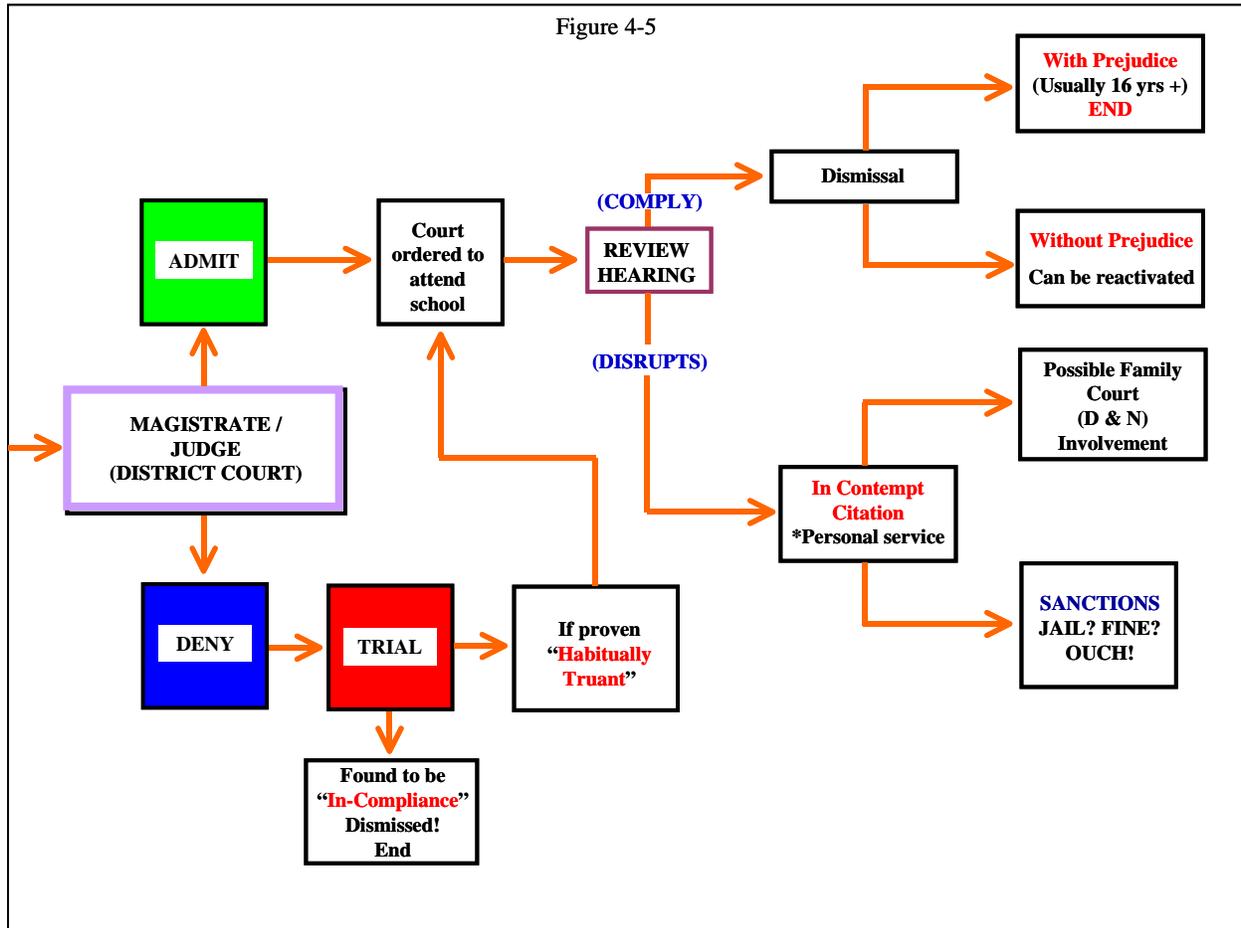


The District Attendance Officer/Attorney for the school district files the case with the district court and sets a date for the hearing and advisement of the students and family. The district court magistrate/judge hears the case. If the family and student deny the charges of habitual truancy, a trial is held. If the family and student are found not habitually truant and in compliance, the case is dismissed. If the court finds the student habitually truant, or the student and family admit the charges, the court orders the student to attend school.

A review hearing is then scheduled, at which time, if the student is complying with the Order to Compel School Attendance, the case is dismissed without prejudice or set for later review if there is reason to believe there is need for further monitoring of the student's progress and well-being. If the student does not comply with the Order to Compel School Attendance, the school district attorney may motion the court for a Contempt Citation. If the court grants the motion for contempt, a date for review and a hearing on the contempt citation is set to provide the student and family with an advisement. Notice must be given to the respondent a minimum of twenty days prior to the hearing.⁸⁰ At the hearing, the student and family may admit to contempt or the court will set a date for a Show Cause Hearing, at which time the school district must prove contempt beyond a reasonable doubt.

⁸⁰ COLO. R. CIV. P. 107(6)(c).

If contempt is admitted or proven, the court may impose sanctions, including a fine of up to twenty-five dollars per day of absence, up to six months in jail, removal of the student's driving privileges, community service, drug and alcohol testing and/or counseling, mental health evaluation, and any other sanction deemed appropriate by the court.⁸¹ (See Figure 4-5). These are serious consequences that may be imposed on the parents of students, as well as upon the students who are of an age to understand the implications of their behavior.



F. Cost

Truancy is a predictor of juvenile crime. In 2001, Adams County's cost of juvenile delinquency, including the cost of court operations, detention, residential treatment facilities, probation, and the money earmarked to provide alternatives to detention, totaled in excess of four and half million dollars.⁸² With an average cost per delinquent incident of \$3,853⁸³ and many individual youths offending multiple times, reducing truancy in even one child can be enough to make a truancy reduction program successful.

⁸¹ COLO. REV. STAT. § 22-33-108(8) (2004).

⁸² Heilbrunn & Seeley, *supra* note 3, at 11.

⁸³ *Id.*

Adams County's TRP cost \$48,943 in 2001. (See Figure 4-6). However, during the 2000-2001 academic years, thirty-eight students successfully completed the TRP. If all thirty-eight students eventually graduate from high school, the TRP "will have generated a savings of almost \$8 million, even if no juvenile delinquency is averted" (See Figure 4-6).⁸⁴ These data are for the students who were participants in the TRP at the Truancy Case Manager level, and do not include the much higher number of students who were identified at the school levels. If the number of students who participated in the local school district's truancy project interventions were included, the number of successes would be much higher. (See Figure 4-7).

Truancy Reduction Program Savings Table	
Potential Government Savings Generated in Adams County in 2000-2001	
Figure 4-6	
Chart reproduced from Heilbrunn & Seeley, The Colorado Foundation for Families and Children	
	Adams County
Total Program Cost	\$48,943
Number of Youths served	90
Per capita cost	\$544
Number of youths who successfully completed the project	38
Percent who successfully completed the project	42%
Per capita savings associated with high school graduation	\$208,371
Total potential savings if all youths who complete the project graduate from high school*	\$7,869,155
Breakeven success rate**	1 of 383 truants
Breakeven point for return on investment***	1 graduate every 4.2 years
* Equals "number of youths who successfully completed project" multiplied by "per capita savings associated with high school graduation" minus "total program cost".	
** The rate at which program participants must eventually graduate from high school in order for government savings to offset the program cost.	
*** The number of project participants who must eventually graduate from high school in order to offset the cost of the TRP. Additional graduates represent net government savings.	

G. Results

The TRP has had dramatic results since its inception. Truancy rates have been radically reduced in Adams County School District 14. The successful project has gained notable recognition and has been replicated in other parts of the state. For example, in the first year of the ACSD 14 TRP (1999-2000), 225 students in ACSD 14 were identified as habitually truant, and only ten cases were prosecuted at the level of Contempt of Court. District revenues generated from truancy project filings that resulted in increased per pupil counts amounted to a value totaling \$286,000 for the 1999-2000 school year and \$368,500 for the 2000-2001 school year.⁸⁵ Although revenue to support implementation of the TRP is a concern, the education of our youth is more important. To this end, the majority of cases were resolved and students returned to their classes. Elementary student daily attendance rates soared to 95.9% in 1999-

⁸⁴ *Id.* at 15.

⁸⁵ Trujillo, *supra* note 72, at 3.

2000. In the most recent year that data is available, 320 students were identified as being habitually truant and only sixteen progressed to the level of contempt. Again, most of the students identified and treated in the TRP have returned to regular school attendance (*See Figure 4-7*).⁸⁶

Adams County School District 14 Attendance Report		
Figure 4-7		
Chart reproduced from Trujillo, <i>District Attendance Office Report for 2002-2003</i>		
School Year	Dist. Attendance Office Filings	Contempt Filings
2002-2003	320	16
2001-2002	284	15
2000-2001	216	16
1999-2000	225	10

V. Conclusion

Truancy is the sine qua non (underlying principal factor) of more grievous problems, which manifest themselves in behavior involving drugs, weapons, assaults, and habitually disruptive behavior. Left unattended, this problem will continue to have a severe impact on schools, courts, and communities. Adams County School District 14 has implemented a plan that has proved to be successful. However, the process is far from over.

School districts will greatly benefit from the involvement and support of practicing attorneys. Attorneys may: (1) serve as pro bono extern supervisors to law students working in the TRP; (2) provide pro bono services to the courts by accepting guardian ad litem appointments; or (3) accept a mentoring role through a TCM to provide appropriate interventions to students to help keep them in school.

The ACSD 14 TRP and other TRPs will continue to develop and evolve as the importance of school attendance gains more focus as a factor in school accreditation and students' academic and lifelong success. It is in the best interest of all citizens and our children to ensure that effective efforts, such as the ACSD 14 TRP, are developed to break the negative cycle of behavior that begins with truancy.

⁸⁶ See Trujillo, *supra* note 71; see also Trujillo, *supra* note 72.

**A Practitioner's Guide
For
Attendance/Truancy
Procedures
in the
Public Schools
in
Colorado**

Lorenzo A. Trujillo



Forward and Acknowledgments

This practitioner's guide is to provide school district officials and attorneys with a sample guide to the procedures that may be employed in the enforcement of the School Attendance Law of 1963. Because the law and individual school district needs and resources are in constant change, this guide is intended to provide a resource of information, procedures and sample forms, letters and pleadings. **PLEASE NOTE THAT THE FOLLOWING SAMPLE FORMS ARE FOR ILLUSTRATION ONLY. YOU SHOULD CONSULT WITH YOUR SCHOOL ATTORNEY FOR PROPER FORM, LANGUAGE, AND USE IN EACH PARTICULAR SITUATION.**

The 17th Judicial District and Adams County School District 14 have been very successful in establishing high standards for student attendance. This success has been a result of the efforts of the Court under the administration of Chief Judge Harlan Bockman, Juvenile Chief Judge John Jess Vigil, and Magistrate Johnny Barajas. Magistrate Barajas has committed notable efforts and energy to ensure the success of truancy reduction among the students who appear in his courtroom. He is direct, firm and successful in focusing students attention on the issues and solutions. Much gratitude is due to Catherine Luevano, Rosalie Carbajal, Louis Morales Jr., and the school-based attendance liaisons who have managed the Truancy Reduction Project day-to-day operations over the past four years. Because of the focused efforts of these people, daily student attendance in Adams County School District 14 has shown continual improvement during each year of the project's operation. Thank you.

The information provided herein is the product of the author and not the responsibility of the publishing entity or of the affiliate school district.

Lorenzo A. Trujillo, Ed.D., J.D.
Adams County School District 14
District Attendance Officer
Attorney & Counselor at Law

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Denver, Colorado
2001

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All of these pleadings are provided to our families in Spanish when the home language is Spanish. Because the largest non-English speaking population in Adams County School District 14 is Spanish speaking, we provide these forms in a language the parents can understand.

Preface

In the past four years, legislation and local school and court efforts to address students' attendance in school have increased. The School Attendance Law of 1963, codified at C.R.S. §22-33-104 (2000), requires that "every child who has attained the age of seven years and is under the age of sixteen years . . . shall attend public school . . ." The law further provides that it is the parents' responsibility to "ensure" attendance of their school age child. C.R.S. § 22-33-104 (5)(a) (2000). Schools are required to designate a District Attendance Officer whose duty is to enforce compulsory school attendance. C.R.S. § 22-33-107 – 108 (2000).

The legislature endorsed the importance of student attendance by identifying student attendance as a key factor in school accreditation. C.R.S. § 22-11-104(2)(c) (2000) Legislators, school personnel and families all understand that if a child does not attend school, the student will not be exposed to the opportunities for learning. The opposite also holds true. That is, if a child attends school on a regular basis, he or she will be exposed to learning opportunities.

As a result, school districts have increased their focus on the daily attendance rate of their students. The judicial system has stepped forward to provide the backbone and necessary support to enforcement efforts. In Adams County, 17th Judicial District, the courts provide focused judicial and staff efforts to enforce and support local school districts. The 17th Judicial District was the recipient of substantial grant support to initiate and implement the Truancy Reduction Project. The goal of the project is to provide a tiered intervention to address students' and their families' needs by identifying the reasons for truancy problems and attempting to resolve those problems before resorting to formal court proceedings.

In the past year (School Year 1999-2000), approximately 226 students in ACSD 14 were identified as being habitually truant. As a result of the processes and interventions, only ten cases were prosecuted at the level of Contempt of Court. By far, the majority of cases were resolved and students returned to their classes. Elementary students daily attendance rate has soared to 95.9% and continues to show improvement. The community served by the ACSD 14 schools have: a median household income of \$20,000, a mobility rate of 41%, with 31% coming from Spanish speaking households, and a 48% free and reduced lunch student population. The efforts expended on behalf of the students have proven beneficial and in the students' best interest.

The following is an explanation of the administrative, management and legal systems of the District Attendance Office in Adams County School District 14. This information is provided so that it may be replicated in other school systems for the benefit and well being of all students.

Attendance/Truancy Procedures

Local School Level

Attendance Liaisons monitor students' records to identify students who are habitually truant; i.e., four unexcused absences in a month or ten unexcused absences in a school year.

Attendance Liaisons, with school staff and administration, prepare an attendance plan for habitually truant students. The Attendance Improvement Plan provides a record of interventions, responsibilities of the school district and of the student and family. It also contains a release of confidential information for parents to sign.

If the student continues pattern of non-attendance, Attendance Liaison will report and refer the matter to the District Attendance Office. If the student returns to regular attendance of school, the matter will be dismissed.

Practice Notes:

Letter of Notice to all Parties [Attachment 1]

Attendance Improvement Plan at the School Level [Attachment 2]

District Attendance Office

The District Community Liaison will review the student's file that has been referred to the District Attendance Office for thorough documentation and accuracy. The Community Liaison will determine if the student should be referred to a District Level Hearing. If not, the Community Liaison will remand the matter back to the local school for further documentation or monitoring and/or interventions.

If the Community Liaison determines that the student and family should be scheduled for a District Level Hearing, the file documents will be transferred to the Court Liaison for scheduling of a hearing in front of the District Hearing Officer or InterAgency.

Practice Notes:

Pleadings and Documents:
Attendance Record
Report Card
School Attendance Plan

**InterAgency Hearing &/or
In-District Hearing**

The Court Liaison reviews the file and sets the matter for an In-District Hearing before the District Attendance Officer and/or InterAgency.

The Court Liaison is responsible for preparing a bi-monthly hearing docket of In-District Hearings, working with InterAgency, notifying the schools, and for preparing the hearing record.

The District Hearing Officer, in collaboration with the Court Liaison and the School Attendance Liaison, reviews the student's file to determine the intervention hearing that is most appropriate under the circumstances for the child and his or her family. Based upon this pre-hearing review, the Court Liaison will set the hearing before the most appropriate hearing officer that is in the best interests of the child and family.

InterAgency

Students and families may be referred to InterAgency upon request of the family or upon referral by the school district. InterAgency is used when the circumstances surrounding a student's truancy problem is best resolved through interventions from various social service agencies rather than through court intervention. Students and families appearing before InterAgency will jointly prepare an attendance contract, specifying interventions to avert further truancy. Interventions may include individual and/or family counseling, advocacy for parents, resource identification for families, procuring insurance or medical services, day treatment, tutoring, Saturday classes, Social Services assistance, parenting classes, or drug and alcohol assessments and treatment.

In-District Hearing

When students and families appear before an In-District Hearing Officer, it is because the school district believes that further social service interventions will not address the needs of the student and family and that judicial intervention may be necessary. Students and families appearing at an In-District Hearing will receive a full advisement of consequences of non-attendance and jointly prepare an attendance contract to avert further truancy. The contract may specify interventions much like those identified in the preceding paragraph.

Practice Notes:

Check to see if student is in **Special Education**. Special Education students should have their caseworker involved in any decisions related to their interventions.

Pleadings and Documents:

Attendance Record

Report Card

School Attendance Plan

Notice to Parents of In-District Hearing [Attachment 3]

District Attendance Contract [Attachment 4]

Consent and Release of Confidential Information [Attachment 5]

The School District should request a Release of Confidential Information Release from the parents and student involved so that student records may be provided to agencies, individuals and the Court. C.R.S. § 19-1-303

Exchange of information is on a “need to know” basis as defined in C.R.S. § 19-1-103(77.5) “agencies or individuals who need access to certain information for the care, treatment, supervision, or protection of a child”

Truancy Case Manager (TCM)

Students who continue a pattern of truancy after an InterAgency Hearing or after an In-District Hearing, will be referred to the Truancy Case Manager [TCM] to address issues and concerns and to avert further legal action. The Court Liaison will prepare the TCM docket in collaboration with the TCM. In judicial districts where there is no TCM, the case may be filed directly with the Judge/Magistrate.

If the student complies with agreements made with the TCM and attends school, the matter will be dismissed, pursuant to a Stipulation prepared by the TCM and agreed to by the District Attendance Officer/Attorney for the School District.

If the student disrupts and does not comply with the Stipulation, the student will be referred back to the District Attendance Officer/Attorney for the School District for prosecution in court. The Truancy Case Manager will prepare a report to the Court detailing the TCM's case evaluation. A copy will be provided to the school district.

Practice Notes:

Pleadings and Documents:

Court Filing Letter and Request for a Case Number [Attachment 6]
Copy of all previous documentation
Affidavit of Attendance [Attachment 7]
Notice of Hearing before the Truancy Case Manager [Attachment 8]
Summons [Attachment 9]
Petition for Order to Compel School Attendance [Attachment 10]
Order to Compel School Attendance [Attachment 11]
Affidavit of Return of Service [Attachment 12]

District Court

Disrupts and 14-15 year Olds

When a child does not comply with the intervention agreement made with the TCM, the child is considered to have disrupted. Upon recommendation from the TCM, the child is referred back to the District Attendance Officer for further legal proceedings. The District Attendance Officer/Attorney for the school district will file the case with the District Court and set a date for a hearing and advisement of the student and his/her family.

Practice Notes:

Pleadings and Documents:

Cover Sheet for Re-Filings before the Court Magistrate [Attachment 13]
Notice of Hearing (must be served on parent with at least ten days notice)
[Attachment 14]
Summons [*see* Attachment 8]
Affidavit of Attendance
Petition for Order to Compel School Attendance [*see* Attachment 9]
Order to Compel School Attendance [*see* Attachment 10]
Affidavit of Return of Service

Note: - The Court must appoint a Guardian Ad Litem or Attorney to represent the child's interests.

C.R.S. § 19-1-111(2)(a)(III)(b)

Forthwith Hearing

If student does not comply with the Order to Compel School Attendance **and** the student's behavior is detrimental to the safety and welfare of himself/herself or others, the attorney may request a Forthwith Hearing. Motions to obtain sanctions, social services interventions, and an investigation as to a Dependency and Neglect proceedings may be pursued at the hearing.

Practice Notes:

Pleadings:

Motion for a Forthwith Hearing [Attachment 15]

Order for a Forthwith Hearing [Attachment 16]

Motion, Citation & Order for Contempt of Court

If upon review the student is complying with the Order to Compel Attendance, the matter may be dismissed or set for a later review. However, if it is determined that the student is not complying with the Order to Compel Attendance, the attorney may motion the Court for a Contempt Citation. This notice must be given to Respondents **20 days** prior to the Hearing (Rule 107). The Court will set a date for Review and a Hearing to provide the student and family with an advisement. The student and family may admit to Contempt or the Court will set a date for an advisement and a *show cause hearing*, when the attorney must prove contempt beyond a reasonable doubt.

Practice Notes:

Pleadings and Documents:

Order to Compel School Attendance

Affidavit of Attendance

Motion for Contempt Citation [Attachment 17]

Citation for Contempt with Notice [Attachment 18]

Order for Contempt [Attachment 19]

Optional

Motion for Appointment of Attorney [Attachment 20]

Order for Appointment of Attorney [Attachment 21]

Motion for Appointment of Guardian Ad Litem [Attachment 22]

Order for Appointment of Guardian Ad Litem [Attachment 23]

Show Cause Hearing and Sanctions

If upon review the student has complied with the Order to Compel Attendance, the matter may be dismissed or set for a later review. However, if the student has continued to fail to attend school, the show cause hearing may result in a decision of Contempt of Court and the appropriate sanctions will be applied.

If contempt is admitted or proven, the court may impose sanctions including a fine of \$25 per day of absence, removal of student's driving privileges, drug and alcohol testing and/or counseling, mental health evaluation, and any other sanctions deemed appropriate by the court based upon the circumstances. C.R.S. § 22-33-108 (8) 2000

Motion to Dismiss with/without Prejudice

The attorney may move the Court to dismiss the action, for any of the following reasons:

1) the student has moved; 2) the student has complied; or 3) other just cause.

Practice Notes:

“*Without Prejudice*” means that the District may re-open the case upon a determination that the student is in violation of the School Attendance Act.

“*With Prejudice*” means that the District will not re-open the case and it is closed.

Pleadings and Documents:

Motion to Dismiss with Prejudice [Attachment 24]

Order for Dismissal with Prejudice [Attachment 25]

Motion to Dismiss without Prejudice [Attachment 26]

Order for Dismissal without Prejudice [Attachment 27]

Vindication

The District may motion the court to vindicate a matter when it feels that it cannot address the issues of the child and that no further intervention will benefit the child. This may occur when a child is in delinquency proceedings, or in Dependency and Neglect proceedings, or when the District has exhausted all remedies of intervention.

Practice Notes:

Pleadings and Documents:

Motion to Vindicate [Attachment 28]

Order for Vindication [Attachment 29]

School Records

At any time, the court may request submission of the student's records under seal (Discipline File, Individualized Education Plan, etc.).

Practice Notes:

Pleadings and Documents:

Submission of Individual Education Plan (Special Education) [Attachment 30]

Submission of Student's Discipline File [Attachment 31]

Note: These documents may be submitted *Under Seal*. The School District should request a Release of Confidential Information Release from the parents and student. C.R.S. § 19-1-303

Notice of Transfer of School District Dominion

When a student changes schools and attends in another school district within the same judicial district where a matter has been filed, the District Attendance Officer/Attorney for the school district may file a Notice of Transfer of School District Dominion. This Notice allows the Court and the other school district to continue the truancy action.

In some cases, a Transfer of Venue to a new Judicial District may be filed. However, this is rare. Judicial districts may or may not accept transfer of venue cases from another district.

Practice Notes:

Pleadings and Documents:

Notice of Transfer of School District Dominion [Attachment 32]

Appendix 1 Letter of Notice to all Parties

Date

Dear _____:

Your child, _____, has missed _____ days of school this year. _____ of these absences were unexcused. This has us very concerned about your child’s academic and social progress.

Colorado Law (CRS 22-33-104) requires every child who has attained the age of seven years and is under the age of sixteen to attend public school for at least one thousand and fifty six hours if a secondary school pupil or nine hundred sixty-eight hours if an elementary school pupil during each school year.

Colorado Law (CRS 22-33-107) requires that any child who has more than four (4) unexcused absences in a month and/or ten (10) unexcused absences in a school or calendar year is considered “habitually truant”. The law requires that a meeting to review and evaluate the reasons for the child being habitually truant. The student and the parents / guardians are invited to this meeting. A plan for improvement of the student’s attendance will be developed at this meeting.

We would request your attendance at a meeting to discuss your child’s attendance and to develop a plan that will support you and your child in improving his/her attendance. If you do not attend the meeting, the plan will be written and implemented.

This meeting will be held:

Date: _____

Time: _____

Place: _____

State law also requires judicial proceedings to be initiated if the child’s attendance does not improve after the plan is developed. A referral to the Adams County Juvenile Court may be initiated because of non-compliance with state law. Should a court order be entered, the following consequences may result: mandated community service, detention of the student in a juvenile facility, referral to the Adams County Department of Social Services, monetary fine, detention of the parent in the county jail, and other such sanctions as deemed appropriate by the Juvenile Court.

We look forward to working with you and your child to resolve this problem.

Sincerely,

Principal
(School)

School Attendance Liaison
(School)

Appendix 2 Attendance Improvement Plan at the School Level

**ADAMS COUNTY SCHOOL DISTRICT 14
ATTENDANCE IMPROVEMENT PLAN AT THE SCHOOL LEVEL**

Student Name: _____ ID # _____ DOB _____
Cluster/House: _____ Grade: _____ Teacher _____
Number of Absences: Excused _____ Unexcused _____ (attach attendance)

INTERVENTIONS PRIOR TO INITIAL ATTENDANCE PLANS

Dates of:

Student Conference:
_____ Parent
Conference: _____

Phone Calls: _____ Home Visits: _____
Attendance Letters: _____ in school suspension
Detention _____
Other Interventions _____
Tutors: ___ Mentors: ___ Counseling: _____
Schedule Modifications: Yes _____ No _____ Describe

Classroom Modifications: Yes _____ No _____
Describe

Other

**To be completed at
Attendance Meeting**

Student and/ or parental reason for non-attendance:

Student and/or parental reason for tardiness:

Responsibilities of the Student:

1. The student is expected to be in attendance 100% of each school day and on time.
2. To attend all scheduled class sessions regularly and punctually; to accrue NO unexcused absences or tardies.
3. To comply with all school rules and expectations with regard to attendance.
- 4 To complete all academic assignments issued during class time or as homework.
5. To request assistance from school personnel - teachers, counselors, nurses, deans, etc. relevant to specific needs.
6. _____

7. _____

Responsibilities of the Parent/Guardian:

1. To initiate, maintain regular contact, and work cooperatively with relevant school personnel regarding _____ attendance, tardies, and academic performance.
2. To actively participate in all school conferences in their child's behalf, as requested.
3. _____

4. _____

Responsibilities of school and school district:

1. To maintain accurate attendance records and to follow relevant procedures and policies in compliance with CRS 22-33-104, and school district policy.

2. To notify parent(s)/guardian(s) in a timely fashion of concerns related to the students attendance, and/or academic performance.
3. To request parent/guardian participation in resolution of issues negatively affecting the student.
4. To prepare monitor, and maintain an attendance improvement plan by reviewing the reasons for the student's truancy.

5. _____

6. _____

INTERVENTIONS TO BE UTILIZED IN THIS ATTENDANCE PLAN

Check all that are appropriate:

_____ Student Conference _____ Parent Conference

_____ Telephone calls to: _____

_____ Schedule Modification

(describe) _____

_____ Classroom Modification (describe)

_____ In school suspension (for attendance) _____ Tutors _____

Mentors

_____ Detention (for attendance) _____ Counseling _____

_____ Staffing considerations

_____ Referral to outside agencies: Describe _____

Other

CONSEQUENCES

From the date of this plan if a student has more than _____ unexcused absences the following will occur:

_____, 1) Recommendation to District Attendance Hearing. Representatives from social and human service agencies representing Adams County may be invited and may attend the hearing.

_____, 2) Other _____

Review Date

A review of the plan will be held on _____. If the plan is successful recommendations may include: _____ Continuance of Monitoring _____

Modification of Plan _____ Termination of Plan

Other _____

Parental Notification

Parents / Guardians were notified of the meeting to develop this plan by (date (s)) Mail _____ Phone

_____ Other means of notification

(Attach any documentation of notification.)

ACKNOWLEDGEMENT OF PLAN

I understand the Attendance Improvement and the conditions set forth in accordance with Colorado State Law, Article 33, Part 1, School Attendance Law of 1963, 22-33-104, Compulsory Attendance, and 22-33-104, Compulsory School Attendance, and 22-33-107, Enforcement of Compulsory School Attendance.

Student Date Parent Date

Administrator Date Staff Member Date

Attendance Liaison Date Other Date

Release of Information

In the event this attendance plan is not successful, the student may be referred to a District Attendance Hearing and/or the District Interagency Staffing Team. The hearings may have representatives of service agencies for the community, which have dedicated their staff to helping youth. The agencies may provide services to the family and/or student who encounter any one agency alone. To provide this service it is necessary to gather all the information possible, which will help the hearing teams understand the problem and allow them to make recommendations which will benefit the persons involved. This material will be treated in a highly confidential manner.

I hereby authorize the Attendance Hearing and/or Interagency Team to discuss my child.

Signature of Parent (or Guardian)

Date

Appendix 3 Notice to Parents of In-District Hearing

PARENT/GUARDIAN NOTIFICATION OF DISTRICT ATTENDANCE HEARING

Parent(s)/Guardian(s):

Address:

Student:

School:

Grade:

D.O.B.:

Phone:

Your child has been unsuccessful with his/her prior attendance plan(s). As a result, an attendance hearing will be held to review the past plan(s), and to develop a Final Attendance Plan to see if we can assist your child in improving his/her attendance.

As the parent(s)/guardian(s), you and your child are requested to attend an attendance hearing, which will be held at the following:

Date: **Time:**

Place:

We feel that it is very important that we have your suggestions as a parent/guardian. It is valuable to know from you how your child is doing at home and in the community, as well as in school. If you or your child does not attend this hearing, personnel will develop the attendance plan in attendance. *Because of the number of people involved, and their schedules, the meeting time cannot be postponed.*

The following agencies may be in attendance at the meeting: Representatives from your child’s school, Adams County Juvenile Probation and/or Diversion, Adams County Social Services, Adams County Mental Health, Adams County District #14 Student Services, Commerce City Community Health and Law Enforcement agencies.

If this Final Attendance Plan does not improve your child’s attendance, judicial proceedings will be initiated.

If you have any questions about this meeting, or if you cannot attend, please call -----, District #, Court Agency Liaison, (303) -----.

Sincerely,

District Attendance Officer
----- County School District #

Court Agency Liaison
----- County School District #

Appendix 4 District Attendance Contract

**STUDENT ATTENDANCE CONTRACT
DISTRICT LEVEL HEARING**

STUDENT NAME _____ DATE OF BIRTH _____
SCHOOL _____ GRADE _____
ID # _____
PARENT/GUARDIAN _____
ADDRESS _____
PHONE (HOME) _____ (WORK) _____
DATE OF HEARING _____ TIME OF HEARING _____

Student reason for non-attendance

Parent reason for student non-attendance

Responsibilities of the Student:

___ Attend all scheduled class session regularly and punctually and to accrue NO UNEXCUSED absences or tardies.

___ To request assistance from school personnel relevant to specific needs.
(Identify specific person(s)) _____

Other:

- A. _____
- B. _____

Responsibilities of the Parent/Guardian:

___ To initiate, maintain regular contact, and work cooperatively with relevant school personnel regarding the student's attendance.

___ To actively participate in all school conferences for the student.

___ To verify all absences because of illness with doctor's note or school nurses note.

___ To call in all absences to _____ at _____ .

Other:

- A. _____
- B. _____

Responsibilities of the School:

- ___ To maintain accurate attendance records and follow relevant procedures and policies in compliance with C.R.S. § 22-33-104, and school district policies.
- ___ To notify parent(s)/guardian(s) in a timely fashion of concerns related to the student's attendance. Call _____ at _____ each day the student is absent.
- ___ To request parent(s)/guardian(s) participation in resolution of attendance issues.
- ___ To prepare, monitor, and maintain an attendance improvement plan by reviewing the reasons for the student's truancy. The student's relevant school personnel and parent(s)/guardian(s) will take part in this attendance improvement plan.

Other:

- A. _____
- B. _____

Services of Community Agencies (interventions and/or assistance)

- A. _____
- B. _____
- C. _____

Consequences of continued non-attendance

After _____ **unexcused** absences, as determined by the principal following school district board policy, judicial proceedings will be initiated.

Other

Acknowledgements

We have participated in the development of this agreement and understand the information herein.

Student

Parent/Guardian

District Hearing Officer

Parent/Guardian

Court Agency Liaison

School Official

Other

Other

Appendix 5 Consent and Release of Confidential Information

**CONSENT AND RELEASE OF CONFIDENTIAL
INFORMATION
AND
RECORDS**

Student's Name _____ Date of Birth _____
Address _____
City, State Zip _____
Student's ID Number _____ School _____ Grade _____

I request and authorize the _____ School District and its agents to release confidential school information and records about the above named student to the agencies or individuals who need access to the information for the care, treatment, supervision, or protection of the student named herein. Agencies or individuals may include but are not limited to: Adams County Social Services, Adams County Probation, Adams Community Mental Health, Adams County Juvenile Diversion, Law Related Agencies, and the Courts.

I certify that this request and authorization is made voluntarily and that the information given above is accurate to the best of my knowledge.

Date Signature of Parent/Guardian

Appendix 6 Cover Sheet for Court Filing and Request for a Case Number

NOTICE OF FILING AND REQUEST FOR A CASE NUMBER (Truancy Case Manager)

[Date]

Clerk of Courts

RE: -----School District v.
-----School District v.

Dear Clerk:

Enclosed for filing are the original and two copies of a Notice of Hearing before the Truancy Case Manager, Summons, and Petition for Order to Compel School Attendance for each of the truancy matters referenced above. Please assign a case number to each matter and place the case on the [Date] TCM docket.

Once we have received the case numbers, we will serve it, along with the other documents, upon the respondents.

If you have any questions, please do not hesitate to call.

Very truly yours,

-----SCHOOL DISTRICT

Signature Line

Enclosure

5. Based upon such official records, said minor child's attendance is as follows,

UNEXCUSED ABSENCES:

EXCUSED ABSENCES:

ATTENDANCE YEAR TO DATE: ____ out of ____ of school days

ATTENDANCE REPORTING PERIOD COVERS:

Name

STATE OF COLORADO)
) ss.
COUNTY OF _____)

Sworn to and subscribed before me this _____ day of _____, 2001

Witness my hand and official seal.

Notary Public

My commission expires:

Appendix 8 Notice of Hearing before the Truancy Case Manager

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME, A Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
<hr/> Attorney or Party Without Attorney: (Name & Address)	
Phone Number: FAX Number: E-mail: Atty. Reg. #:	
NOTICE OF HEARING BEFORE THE TRUANCY CASE MANAGER	

TO: Respondents

YOU ARE HEREBY NOTIFIED that the above-captioned matter has been set for a hearing before the _____ County District Court Truancy Case Manager, _____, regarding the Petitioner's Petition for Order to Compel School Attendance. You are notified to appear at the hearing scheduled for _____, _____, 2001 at _____ a.m./ p.m.. The hearing is being held at the _____ **County Judicial Center**, located at _____, _____, Colorado, Division __, Courtroom _____, (303) _____ - _____. If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date _____.

-----SCHOOL DISTRICT

By: _____
 Signature Line

Appendix 9 Summons

District Court ____ County, Colorado Court Address: _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent _____ Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	 ▲ COURT USE ONLY ▲ _____ Case Number: Div.: Ctrm:
SUMMONS	

TO THE RESPONDENTS NAMED ABOVE:

[Minor], a Minor Child, and
[Parent(s) or Guardian(s)], the child's Parent(s) / Guardian(s)

Address

YOU ARE HEREBY NOTIFIED that a Petition for Order to Compel School Attendance (the "Petition") has been filed in the above-named Court by -----School District (the "School District"). The Petition represents to the Court that you have failed to comply with "The School Attendance Law of 1963," C.R.S. § 22-33-101, et seq., as more fully described in the Petition. A true and correct copy of the Petition is attached to this Summons. The provisions of the Petition are incorporated into this Summons by this reference.

YOU ARE HEREBY NOTIFIED that a hearing on the Petition will be scheduled before the Court in Division __ of the _____ County District Court, at the _____ County Judicial Center, _____, _____, Colorado, (303) ____-____. You are to appear on _____, 2001 at _____ a.m./p.m. listed on the Notice of Hearing.

YOU ARE HEREBY NOTIFIED to make all necessary arrangements to ensure that the unemancipated minor, identified in the caption of this subpoena, is available before the court to testify or to appear in court and show good cause for the unemancipated minor's failure to appear. If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date: _____.

-----DISTRICT COURT

By: _____
Signature Line

Appendix 10 Petition for Order to Compel School Attendance

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s) <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
PETITION FOR ORDER TO COMPEL SCHOOL ATTENDANCE	

-----School District (the "School District") petitions this Court for an Order compelling respondents **[STUDENT]** and **[Parent(s) or Guardian(s)]** to comply with the School Attendance Law of 1963, C.R.S. § 22-33-101, et seq. (the "School Attendance Law"). As grounds for its petition, the School District states:

1. Petitioner is a school district created and existing under the laws of the State of Colorado, with offices located at _____, Colorado.

2. Respondent **[STUDENT]** is a minor child who resides **[ADDRESS] Colorado**, within the territorial boundaries of the School District.

3. Respondent **[STUDENT]** was born on **[BIRTHDATE]**. **[STUDENT]** has attained the age of seven (7) years, and is under the age of sixteen (16) years.

4. Respondent(s) **[Parent(s) or Guardian(s)]** are the parent(s)/guardian(s) of **[STUDENT]**.

5. Respondent **[STUDENT]** has failed to attend public school in the School District, as required by the School Attendance Law. Respondent **[STUDENT]** has no lawful excuse for his/her non-attendance.
6. The School District, through its attendance officers, has fulfilled its duty to counsel with the respondents, and to investigate the cause of respondent **[STUDENT]**'s non-attendance at school. The School District's actions have not been successful in securing the respondents' compliance with the School Attendance Law.
7. The School District has given the respondents notice, in accordance with C.R.S. § 22-33-108(5), of the School Attendance Law's attendance requirements. A true and correct copy of the notice is attached, and is incorporated herein by this reference.
8. Despite the School District's notice, the respondents have continued to fail to comply with the requirements of the School Attendance Law. The respondents have no excuse for their failure.

WHEREFORE, the School District respectfully requests this Court to do the following:

- A. Order respondent **[STUDENT]** to attend school as required by the School Attendance Law, or be held in contempt of this Court;
- B. Order respondent(s) **[Parent(s) or Guardian(s)]** to insure the attendance of **[STUDENT]** at school as required by the School Attendance law, or be held in contempt of this Court;
- C. Award the School District its costs and fees incurred in this matter; and
- D. Award the School District such other relief, as the Court deems just and reasonable.

Date: _____.

-----SCHOOL DISTRICT

By: _____
Signature Line

Appendix 11 Order to Compel School Attendance

<p>District Court _____ County, Colorado Court Address:</p> <hr/> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <hr/> <p>Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>ORDER COMPELLING SCHOOL ATTENDANCE</p>	

THIS MATTER having come before the Court pursuant to a Petition for Order to Compel School Attendance (the "Petition") filed by the petitioner; and

The parties having appeared before the Court in this matter on [DATE]; and

The respondents having been fully advised by the Court of the nature of this matter, the nature of the allegations set forth in the Petition, and the respondents' rights and obligation in connection with this matter; and

The respondents having informed the Court that they have reviewed and understand the provisions of the Petition; and

The respondents having admitted the allegations as set forth in the Petition; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties during their appearance on [DATE]; and

The Court having found:

1. That the respondents were properly served with a copy of the Petition; and
2. That the Court has jurisdiction over the subject matter as well as the parties to this action; and That the petitioner gave the respondents written notice, in accordance with C.R.S. § 22-33-105(8), of the requirements of C.R.S. § 22-33-104 regarding school attendance; and
3. That respondent [STUDENT] failed to attend school as required by statute; and
4. That respondent(s) [PARENT(S)] failed to insure the attendance of respondent [STUDENT] at school as required by statute; and
5. That the respondents are not exempt from the compulsory attendance requirements of C.R.S. § 11-33-104;

NOW, THEREFORE, the Court orders:

That respondent [STUDENT] will immediately comply with the requirements of C.R.S. §22-33-104, and will continue to comply with those requirements, by attending school at the petitioner school district, as assigned by the petitioner school district;

That respondent [STUDENT] will attend all of his/her classes at school in a significant fashion, meaning that he/she will take an active part in class activities; that he/she will perform all assigned work in a timely fashion; that he/she will make a good faith effort to pass all classes; and that he/she will follow all school rules and regulations, including reasonable directions from school personnel; and

That respondent [STUDENT] will not be disruptive in any manner while at school or on school grounds; and

That respondent(s) [PARENT(S)] will make all reasonable and good faith efforts, including complying with any reasonable requests from school officials, to insure that respondent [STUDENT] attends school regularly and on time; and

That only absences due to verified illness and/or injury will be considered excused; verification may be by a physician's note or a visit to the school nurse.

IT IS SO ORDERED.

Date: _____.

BY THE COURT

Magistrate

Appendix 13 Cover Sheet for Court Filing before the Judge/Magistrate

DATE

Clerk of Courts

_____ County District Court

Juvenile Division

_____ County Judicial Center

_____ Judicial Center Drive

_____, CO 80_____

Re: _____ County School District ## v. _____

_____ County School District ## v. _____

Dear Clerk:

Enclosed for filing are the original and one copy of a Notice of hearing before the Magistrate/Judge, Summons, and Petition for Order to Compel School Attendance for each of the truancy matters referenced above.

Once we have received the court dates, we will serve it, along with the other documents, upon the respondents.

If you have any questions, please do not hesitate to call.

Very truly yours,

_____ COUNTY SCHOOL DISTRICT ##

Signature Line

Enclosure

Appendix 14 Notice of Hearing

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
NOTICE OF HEARING	

TO: [STUDENT] and [PARENT(S)]
 [ADDRESS]

YOU ARE HEREBY NOTIFIED that the Court has scheduled a hearing in this matter for 1:30 p.m. on [DATE] in Division __, at the _____ County Judicial Center, _____ Judicial Center Drive, _____, Colorado, (303) _____. You are notified to appear at the hearing. If you do not appear, a default judgment may be entered against you, along with other sanctions to be imposed by the Court in its discretion.

Date: _____.

_____ COUNTY SCHOOL DISTRICT ##

By: _____
 Signature Line

Appendix 15 Motion for a Forthwith Hearing

District Court ____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> ▲ COURT USE ONLY ▲ <hr/> Case Number: Div.: Ctrm:
MOTION FOR FORTHWITH HEARING	

COMES NOW, _____, Attorney for _____ County School District ##, to petition this honorable court for a forthwith hearing and as grounds therefore states;

1.

2.

WHEREFORE, the petitioner _____ County School District ## respectfully requests this Court to schedule a forthwith hearing.

Dated this _____ day of _____, 2001.

_____ COUNTY SCHOOL DISTRICT ##

By: _____
Signature Line

Appendix 16 Order for a Forthwith Hearing

District Court ____ County, Colorado Court Address: _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent _____ Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	 ▲ COURT USE ONLY ▲ <hr/> Case Number: Div.: Ctrm:
ORDER FOR FORTHWITH HEARING	

THIS MATTER having come before the Court on petitioner's motion for a forthwith hearing; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that it is appropriate to bring the matter forward for judicial intervention.

NOW, THEREFORE, the Court orders that this matter be heard in a forthwith hearing on _____, 2001.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

Magistrate/Judge

Appendix 17 Motion for a Contempt Citation

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
MOTION FOR CONTEMPT CITATION	

Petitioner ----- School District (the "School District") moves this Court for an Order issuing Contempt Citations against respondent(s) [STUDENT] and [PARENT(S)]. As grounds for its motion, the School District states as follows:

1. On (DATE), this Court entered an Order Compelling School Attendance directing respondent [STUDENT] to attend school at the School District in a meaningful fashion, to make a good faith effort to pass his/her classes, and to abide by School District rules and regulations. The Order further directed respondent(s) [PARENT(S)] to make all reasonable and good faith efforts to see that [STUDENT] attended school regularly and on time.

2. Respondents [STUDENT] and [PARENT(S)] have failed to comply with the Order Compelling School Attendance entered by this Court. Specifically, respondent [STUDENT] has failed to attend school in a meaningful fashion, and follow School District rules and regulations; Respondent(s) [PARENT(S)] has/have failed to make reasonable and

good faith efforts to see that [STUDENT] attends school regularly and on time. (See Affidavit of Attendance Officer, copy attached)

WHEREFORE, petitioner ----- School District respectfully requests this Court to issue an Order requiring respondents [STUDENT] and [PARENT(S)] to appear before this Court to show cause why they should not be held in contempt of this Court, to vindicate the dignity of this Court, and to enter such further orders as the Court deems just and reasonable.

Dated this ____ day of _____, 2001.

----- SCHOOL DISTRICT

By: _____
Signature Line

Appendix 18 Citation for Contempt

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
CITATION FOR CONTEMPT	

THE PEOPLE OF THE STATE OF COLORADO TO THE SHERIFF OF _____ COUNTY, THE SHERIFF OF ANY OTHER COUNTY IN THE STATE OF COLORADO, AND TO ANY PRIVATE PROCESS SERVER.

WHEREAS, a certain Order was entered of record in the above-named Court, whereby Respondent ----- was ordered to attend school, and Respondent ----- was ordered to make all reasonable and good faith efforts to see that Respondent ----- attended school regularly and on time; and

WHEREAS, the petitioner has filed a motion for Contempt Citation, wherein the petitioner claims that one or more of the Respondents have failed to comply with the Court's Order Compelling School Attendance; and

WHEREAS, the Court has issued an Order for Contempt Citation directing the Respondents to appear and show cause, if any, as to why they should not be held in contempt of Court; and directing the Clerk of Courts to issue this Contempt Citation;

YOU ARE, THEREFORE, COMMANDED TO cite and give notice to the Respondent(s) ----- and ----- to appear in the above-named Court, Division __, on the __ day of _____, 2001, at _____ p.m.

WITNESS, _____, Clerk of the District Court, and the seal hereunto affixed
at Adams County, State of Colorado, this _____ day of _____, 2001.

CLERK OF THE DISTRICT COURT

Deputy Clerk

Appendix 19 Order for Contempt Citation

<p>District Court ____ County, Colorado Court Address:</p> <hr/> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <hr/> <p>Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>ORDER FOR CONTEMPT CITATION</p>	

THIS MATTER coming to be heard by the Court and the Court being fully advised in the premises:

IT IS HEREBY ORDERED that the Clerk of this Court issue a Citation for Contempt to the Respondents, _____, a minor, and _____, [Parent(s)/Guardian(s)] to be and appear before this Court on the __ day of __ 2001, at 1:30 p.m., to show cause if any, as to why they should not be punished for contempt, for refusal to comply with the Order of the Court referred to in the Motion for Contempt Citation incorporated herein by reference and why, to vindicate the dignity of the Court, a fine and/or imprisonment should not be imposed upon them:

IT IS FURTHER ORDERED that a copy of the Motion for Contempt citation, a copy of this Order and the Citation for Contempt referred to may be served upon Respondents by a civil process server,

DONE AND SIGNED this __ day of _____, 2001.

BY THE COURT:

Magistrate/Judge

Appendix 20 Motion for Appointment of Attorney

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
MOTION FOR APPOINTMENT OF ATTORNEY	

COMES NOW, Petitioner _____ County School District ## (the "School District"), by its representatives moves this Court for an Order appointing an attorney to represent respondent **[STUDENT]** at the contempt hearing scheduled in this matter for 1:30 p.m. on _____, 2001, and as grounds therefore, states the following:

1. That the Court has requested such a motion be filed.
2. The grant of the motion will save the Court and all parties time and expenses as the hearing may be held in a timelier manner.

WHEREFORE, Petitioner prays for an Order appointing an attorney on behalf of the Respondent **[STUDENT]** minor child in the above referenced matter and for such other and further relief as the Court may deem proper.

Dated this _____ day of _____, 2001.

Signature Line

Appendix 21 Order for Appointment of Attorney

District Court ____ County, Colorado Court Address: _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent _____ Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	 ▲ COURT USE ONLY ▲ _____ Case Number: Div.: Ctrm:
ORDER FOR APPOINTMENT OF ATTORNEY	

THIS MATTER comes before the Court on motion for appointment of an attorney and the Court being advised:

IT IS HEREBY ORDERED THAT _____ is appointed attorney for the minor child.

ORDERED THIS ____ day of _____, 2001.

Magistrate/Judge

Appendix 22 Motion for Appointment of Guardian ad Litem

<p>District Court _____ County, Colorado Court Address: _____</p> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <p>_____ Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>MOTION FOR APPOINTMENT OF A GUARDIAN AD LITEM</p>	

Petitioner ----- School District (the "School District"), by its representatives moves this Court for an Order appointing a guardian ad litem to represent respondent [STUDENT] at the contempt hearing scheduled in this matter for 1:30 p.m. on _____, 2001. As grounds for its motion, the School District states that the Court requested the filing of such a motion; and granting the motion will save the Court and all parties time and expenses as the hearing may be held in a timelier manner.

WHEREFORE, -----School District respectfully requests this Court to issue an Order appointing a guardian ad litem to represent respondent [STUDENT].

Dated this _____ day of _____, 2001.

-----SCHOOL DISTRICT

By: _____
 Signature Line

Appendix 25 Order to Dismiss with Prejudice

District Court ____ County, Colorado Court Address: _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent _____ Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	 ▲ COURT USE ONLY ▲ _____ Case Number: Div.: Ctrm:
ORDER TO DISMISS WITH PREJUDICE	

THIS MATTER having come before the Court on petitioner's motion to dismiss with prejudice; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that

NOW, THEREFORE, the Court orders that this matter be dismissed with prejudice.

IT IS SO ORDERED.

Dated this ____ day of _____, 2001.

BY THE COURT

Magistrate/Judge

Appendix 27 Order to Dismiss without Prejudice

District Court _____ County, Colorado Court Address: <hr/> _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent <hr/> Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	<hr/> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> Case Number: Div.: Ctrm:
ORDER TO DISMISS WITHOUT PREJUDICE	

THIS MATTER having come before the Court on Petitioner's Motion to Dismiss Without Prejudice; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that

NOW, THEREFORE, the Court orders that this matter be dismissed without prejudice.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

 Magistrate/Judge

Appendix 28 Motion to Vindicate

District Court ____ County, Colorado Court Address: _____ SCHOOL DISTRICT, Petitioner v. STUDENT NAME , a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S) , the child's Parent(s)/Guardian(s), Respondent _____ Attorney or Party Without Attorney: (Name & Address) Phone Number: FAX Number: E-mail: Atty. Reg. #:	 ▲ COURT USE ONLY ▲ _____ Case Number: Div.: Ctrm:
MOTION TO VINDICATE	

COMES NOW, _____ School District ## (School District) and moves this Court for an Order to Vindicate the above captioned truancy action. As grounds therefore, the School District states that

- 1.
- 2.

Dated this __ day of _____, 2001.

By: _____
Signature Line

Appendix 29 Order to Vindicate

<p>District Court ____ County, Colorado Court Address:</p> <hr/> <p>____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <hr/> <p>Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
ORDER FOR VINDICATION	

THIS MATTER having come before the Court on petitioner's motion to vindicate; and

The Court having reviewed the documents of record in this matter, as well as the information provided by the parties in connection with the motion; and

The Court having found that

NOW, THEREFORE, the Court orders that this matter be vindicated.

IT IS SO ORDERED.

Dated this _____ day of _____, 2001.

BY THE COURT

Magistrate/Judge

Appendix 30 Submission of Individual Education Plan Under Seal

<p>District Court _____ County, Colorado Court Address: _____</p> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <p>_____ Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>SUBMISSION OF THE INDIVIDUAL EDUCATION PLAN (SPECIAL EDUCATION) UNDER COURT SEAL</p>	

COMES NOW, _____ County School District ##, to hereby submit the attached Individual Education Plan (Special Education) for Respondent, (Name), Case Number _____, under Court Seal.

Date: _____

 Signature Line

Appendix 31 Submission of Student's Discipline File Under Seal

<p>District Court _____ County, Colorado Court Address: _____</p> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <p>_____ Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>SUBMISSION OF STUDENT'S DISCIPLINE FILE UNDER SEAL</p>	

COMES NOW, _____ County School District ##, to hereby submit the attached Student's Discipline File for Respondent, (Name), Case Number _____, under Court Seal.

Date: _____

 Signature Line

Appendix 32 Notice of Transfer of School District Dominion

<p>District Court _____ County, Colorado Court Address: _____</p> <p>_____ SCHOOL DISTRICT, Petitioner</p> <p>v.</p> <p>STUDENT NAME, a Minor Child, and PARENT(S)/GUARDIAN(S) NAME(S), the child's Parent(s)/Guardian(s), Respondent</p> <p>_____ Attorney or Party Without Attorney: (Name & Address)</p> <p>Phone Number: FAX Number: E-mail: Atty. Reg. #:</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case Number:</p> <p>Div.: Ctrm:</p>
<p>NOTICE OF TRANSFER OF SCHOOL DISTRICT DOMINION</p>	

COMES NOW, _____ County School District ##, to give notice to this honorable court of a transfer of school district dominion of the above captioned truancy action from _____ County School District ## to _____ County School District ##.

1. (Name) resided in _____ School District ## from (Date) to (Date).
2. (Name) withdrew and transferred to _____ School District ## on (Date).
3. There is currently a truancy action in the ___ Judicial District in which (Name) is a respondent, Case No. _____.
4. It is appropriate and proper for this matter to be transferred and continued in _____ School District ##.

Dated this _____ day of _____, 2001.

 Signature Line