

**Discussion of Statutes related to Graduation and Dropping Out that  
Impact School Policies**

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October 2008**

There are a number of state statutes that conflict and impact intended effectiveness. For example, CRS 22-33-104 (4) (a) concerning compulsory school attendance directs boards of education to adopt a written policy setting forth the districts attendance requirements. Said policy shall provide for excused absences, except that suspension and expulsion shall be considered an unexcused absence for purposes of the attendance policy. Further, these attendance policies may include academic penalties for nonattendance, which further discourages students who are not engaged in school, or are on the verge of dropping out. Reductions in credit or grades as a punishment for late work or unexcused absences may result in course failure, which over time contribute to students dropping out of school, when they fall further behind academically.

Conversely, CRS 22-33-107 (3) (a) on enforcement of compulsory school attendance directs that absences due to suspension or expulsion...shall be considered excused absences for purposes of defining “habitually truant”, and directs that school boards shall adopt and implement policies and procedures for children who are habitually truant that shall include provision of a plan, developed with the goal of assisting the child to remain in school.

Depending on how these statutes are interpreted, policies developed regarding truancy may result in suspension or expulsion of students, leading to further reduced instructional time, which prevents academic progress and reduces student engagement. The sample policy for truancy from the Colorado Association of School Boards suggests suspension and expulsion for repeated truancy. Staff members in school districts contact consultants at CDE to ask for direction on how to “dis-enroll” or “withdraw” students who are habitually truant, rather than creating a plan to re-engage these students.

Similarly, discussion declaring a student habitually disruptive when they have been suspended three times, contained in CRS 22-33-106 (1) (c.5) concerning grounds for suspension, expulsion and denial of admission, leads to punitive action, such as expulsion. This does not align to CRS 22-33-202 concerning identification of at-risk students, which directs school districts to adopt policies to identify students who are habitually disruptive in order to provide the necessary support services to help them *avoid* expulsion, in partnership with the student’s parent or guardian.

CRS 22-33-201, regarding expulsion prevention states that expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. It has been reported to CDE that some district staff instruct the student and parents that they could opt to drop out rather than face expulsion, eliminating the district’s requirement to comply with 22-33-203, which directs districts to provide information about educational alternatives available to the student during the period of expulsion. If a parent or guardian is urged to choose home schooling, the district does not have an obligation to

assist the parent in obtaining appropriate curricula or provide services designed to enable the student to return to the school, complete a GED or enroll in a nonpublic, non-parochial school or alternative school or charter school.

Therefore, because these statutes conflict and impact intended effectiveness, it is warranted that the legislature take action to coordinate and make necessary revisions to extant statutes intended to address dropout prevention and recovery. Consideration may be given to creating congruent legislation to support the objective of supporting all students to remain engaged in their education up to and beyond graduation.

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