

Chief Judge, Twelfth Judicial District

ORDER RE:

Alamosa School District to
Provide Educational Services to
Juveniles Detained at Rite of
Passage -Sage Youth Center



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2018-01**

Juveniles detained in the 12th Judicial District are committed to the Rite of Passage-Sage Detention Center juvenile detention facility in Alamosa, Colorado. The Rite of Passage-Sage Detention Center operates under a contract with the Colorado Department of Human Services' Division of Youth Services. The Rite of Passage-Sage Detention Center is located in the Alamosa School District. It serves juveniles from all fourteen school districts located in the six counties of the 12th Judicial District (Alamosa, Conejos, Costilla, Mineral, Rio Grande and Saguache).

Juveniles who are detained at a juvenile detention facility are entitled to receive educational services commensurate with the educational services provided to non-detained youth under the compulsory education laws of the state of Colorado. C.R.S. §19-2-402. C.R.S. §19-2-402(3)(a)(I) requires that a juvenile detention facility and the school district in which the facility is located "cooperate to ensure that each juvenile who is in detention is offered educational services" appropriate to each student and aligned with the requirements of C.R.S. 22-33-104(1). C.R.S. §19-2-402(3)(a)(II) further provides that "the school boards of the school districts that a juvenile detention facility serves or in which the juvenile detention facility is located, when requested by the judge of the juvenile court, shall furnish teachers and any books or equipment needed to provide educational services" to youth in the detention facility and to "ensure that the educational services are available to the juveniles in the facility in a time frame that aligns with the hourly requirements for attendance specified in section 22-33-104(1), C.R.S." Finally, C.R.S. §19-2-402(3)(b) requires that the school districts served by a juvenile detention facility shall share the expense of providing a teacher, books and equipment needed to provide educational services to the juveniles detained in the juvenile detention facility.

Since July 1, 2017, the juveniles detained at the Rite of Passage-Sage Detention Center in Alamosa have received educational services funded by the private entity—Rite of Passage-Sage Detention Center. This situation does not comport with state law and is not sustainable. The court intends this order to rectify this situation.

IT IS THEREFORE the request and order of the 12th Judicial District that the Alamosa School District provide for the cost of educational services¹ to the juveniles detained at the Rite of Passage-Sage Detention Center in Alamosa that align with the requirements of C.R.S. §22-33-104(1) and C.R.S. §22-7-1005; and

¹ The Court finds that the Alamosa School District need not hire the teacher so long as the School District provides the funds to pay for the teacher that Rite of Passage-Sage Youth Center has hired.

IT IS FURTHER ORDERED that pursuant to C.R.S. §19-2-402(3)(b) each of the fourteen school districts in the 12th Judicial District shall share in the cost of the educational services provided at the Rite of Passage-Sage Detention Center “in the proportion that the enrollment of each school district bears to the total enrollment of all the districts served” by the Sage Detention Center; and

IT IS FURTHER ORDERED that the Alamosa School District and the other thirteen school districts in the six counties of the 12th Judicial District shall be responsible for payment of the educational services provided to the detained juveniles at the Rite of Passage-Sage Detention Center beginning July 1, 2017 and continuing indefinitely or until further order of the court.

SO ORDERED this 17th day of April, 2018.

BY THE COURT:



Pattie P. Swift, Chief Judge