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Colorado Legislative Council

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COLORADO'S SCHOOL ATTENDANCE AND CHILD LABOR LAWS

Legislative Council

Report To The

Colorado General Assembly

Research Publication No. 74
December, 1962

COLORADO GENERAL ASSEMBLY

LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
ACOMA 2-9911 – EXTENSION 2288

December 20, 1962

To Members of the Forty-fourth Colorado General Assembly:

House Joint Resolution No. 3, 1962 session, directed the Legislative Council to conduct a study of Colorado's school attendance and child labor laws. The Council assigned this study to its Committee on School Aid.

The committee has completed its assignment and its final report and recommendations are transmitted herewith. However, no formal Council action was taken on this matter as the committee was authorized to meet following the November Council Meeting in order to complete this report.

Respectfully submitted,

James E. Donnelly
Chairman

COLORADO GENERAL ASSEMBLY

LEGISLATIVE COUNCIL

ROOM 341, STATE CAPITOL
DENVER 2, COLORADO
ACOMA 2-9911 - EXTENSION 2285

December 20, 1962

Senator James E. Donnelly, Chairman
Colorado Legislative Council
Room 341, State Capitol
Denver 2, Colorado

Dear Mr. Chairman:

Your Committee on School Aid, to which was assigned the study contained in House Joint Resolution No. 3, relating to our school attendance and child labor laws, has completed its work and submits the accompanying report and recommendations.

The committee also has reviewed two bills prepared by Representative Allen Dines which are designed to replace the state's present laws on school attendance and on child labor. However, while the committee agreed to recommend the bill relating to the school attendance law, the members decided to include the bill on child labor without recommendation.

Respectfully submitted,

Elmer Johnson, Chairman

FOREWORD

Colorado's statutes and constitution contain conflicting provisions for school attendance in regard to applicability, age limits, and the time periods for which attendance is required. In addition, inconsistencies exist between statutory school attendance requirements and statutory provisions relating to the employment of minors.

Consequently, in the 1962 session the General Assembly adopted House Joint Resolution No. 3 which directed the Legislative Council "to make a thorough study of all laws and constitutional provisions pertaining to school attendance and employment of minors, including any laws and constitutional provisions not specifically relating to school attendance or employment of minors but which are affected thereby, with special emphasis given to the relationship between school attendance provisions and those relating to the employment of minors."

This study was referred to the Legislative Council's Committee on School Aid whose membership consisted of Representative Elmer A. Johnson, chairman; Representative Guy Poe, vice chairman; Lieutenant Governor Robert L. Knous; Senators Fay DeBerard, Roy H. McVicker, James W. Mowbray, and Allegra Saunders; and Representatives Palmer L. Burch, Forrest G. Burns, Ruth B. Clark, James M. French, John G. Mackie, Howard B. Propst, Raymond H. Simpson, and Albert J. Tomsic.

Representative Allen Dines, the primary sponsor of H.J.R. No. 3, greatly assisted the committee in carrying out this study. Also providing assistance to the committee were Mrs. Zenada A. Heyer, director of the Minimum Wage, Hour, and Child Labor Division, State Industrial Commission; Dr. Otto Ruff and Mr. John W. Lentz of the State Department of Education; Mr. Carl Haberl of the State Department of Employment; Miss Clair T. Sippel and Mr. John Moore of the Legislative Reference Office; and Miss Janet Wilson of the Legislative Council staff.

December 20, 1962

Lyle C. Kyle
Director

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Committee Findings and Recommendations

Colorado, like many other states, is experiencing increased concern over the problem of school dropouts and youth unemployment. Estimates show that more than 6,700 of the 26,500 students who were in the ninth grade in Colorado at the close of the 1960-61 school year are likely to drop out of school before graduation in 1964. Nationwide studies indicate that these dropouts will have much more difficulty in finding work than will their classmates who stay in school until graduation. The rate of unemployment for dropouts during the first few years out of school is considerably higher than the rate for graduates not enrolled in college. A major reason is that most employers prefer to hire high school graduates who are better prepared for job responsibilities.

In Colorado, where the minimum legal dropout age is 14, the problem is even more serious than in states where dropouts are not permitted until age 16 or age 18. The federal child labor law prohibits employment in interstate commerce during school hours for all children under 16. The state child labor law, while permitting full-time employment for children 14 years of age and over, places restrictions on the types of jobs available to children between ages 14 and 16. Furthermore, the immaturity, irresponsibility, and lack of training which are so often characteristic of dropouts in the 14 and 16 age group make it unlikely that many employers involved in intrastate commerce will be willing to offer responsible full-time jobs to these young people. Thus the 14 or 15-year-old dropout faces an even higher probability of unemployment than the 16 or 17-year-old. It appears that either the employment situation should be improved or something should be done to prevent dropouts among this age group.

The compulsory school attendance law and the child labor law are particularly important in the matter of school dropouts and youth unemployment in Colorado. These statutes help provide the basic framework for educational and vocational opportunities for our youth, yet neither has been substantially re-examined or modified since 1919. The two laws contain inconsistencies, ambiguities and outdated provisions and should be revised in the light of present-day conditions.

Compulsory School Attendance Law

The basic provisions of the Colorado compulsory school attendance law were adopted in 1889 and 1899, with the most recent changes being made in 1919. Basically, this law establishes 16 years as the maximum age for compulsory school attendance, with an exemption for children over 14 who have completed the eighth grade or who are eligible to enter high school. The present law contains a number of loopholes and ambiguous provisions and the committee has attempted to identify all of the problems so that they could be avoided in the preparation of the proposed revision.

The Colorado Constitution provides that every child "shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless

Exemptions. The committee recommends the elimination of the present exemption for 14-year-olds who have completed the eighth grade or are eligible to enter high school. The revision would require attendance until age 16 or until graduation from high school, whichever occurs first.

Exemptions would be permitted for a work-study program operated by the school for children 14 years of age and older who have not completed the twelfth grade because of financial need or under-achievement, and for a "work permit" issued to 14 and 15-year-olds pursuant to the superintendent's approval and the parents' consent for an approved job.

Length of school year. The committee recommends that a provision for a minimum of 172 school days in the school year be added to the school attendance law.

Suspension, expulsion and denial of admission. The committee recommends that the law on suspension, expulsion and denial of admission be revised and incorporated in the school attendance law.

Enforcement. The committee recommends that the present law regarding "truant officers" and "juvenile disorderly persons" be replaced with provisions for "attendance officers" and improved enforcement procedures.

Special programs involving state aid. The committee recommends four specialized programs designed to help prevent dropouts among those children who are not compelled to attend school and to provide educational opportunities for dropouts who want to improve themselves. All four would be incentive-type programs involving state financial aid to local school districts amounting to 50 per cent of the cost of salaries of professional personnel, specialized services as needed, and necessary books, instructional supplies and equipment.

The four programs are: (1) remedial instruction in reading, arithmetic, or the use of the English language; (2) work-study programs for children 14 years of age or older who have not completed the twelfth grade and who are dropouts or potential dropouts because of financial need or under-achievement;(3) summer programs of regular class instruction in appropriate subjects for elementary or secondary school pupils, or both; and (4) adult diploma programs offering elementary and secondary courses leading to the issuance of a high school diploma for adults and for other persons 16 years of age or over who have been out of school for one year or longer and who are not high school graduates.

Child Labor Law

Colorado's child labor law has remained unchanged since its enactment in 1911. It permits full-time employment at age 14 in any occupation not specifically prohibited. Like the compulsory school attendance law, the child labor law is out of date and contains many ambiguities and inconsistencies which the committee feels should be eliminated.

Children under 16 are required to obtain an employment certificate in order to work either full time or part time. The certificate contains proof of age and a description of the job and must be obtained from the school superintendent or the county superintendent. The number of employment certificates issued seems unrealistically small in view of the number of children available for full-time or part-time jobs, and indicates that some children are employed without obtaining the certificate.

The federal child labor law, covering interstate commerce, differs in several respects from the state child labor law. The state law permits employment during school hours in any non-prohibited occupation, beginning at age 14. The federal law prohibits all employment during school hours up to age 16. Also, the state child labor law does not cover children 16 and over, wiile the federal law prohibits employment in hazardous occupations for children under 18.

The recommended child labor standards (from the International Association of Governmental Labor Officials) suggest 16 years as the minimum age for employment during school hours, 14 as the minimum age for non-factory employment outside school hours, and 18 as the minimum age for employment in hazardous occupations. Present Colorado law does not meet these standards.

Possible Changes in the Child Labor Law

A child labor bill was prepared for the committee's consideration and is included as Appendix B of this report. Since not all of the problems and differences of opinion were resolved, the bill is submitted without recommendation.

The bill incorporates some of the provisions of the federal child labor law and the recommended standards. It emphasizes the positive rather than the negative aspects of youth employment. That is, while it is written to discourage young people from leaving school to go to work, it attempts to make part-time and summer employment easier for young people. The bill also provides for work-study or full-time employment for those few children who, according to school officials, are unable to benefit from remaining in the regular school program. It contains the following provisions:

Minimum age for employment during school hours. The present minimum age for employment during school hours is 14. The bill provides that this be raised to 16 (18 for hazardous occupations) to correspond with the recommended revision of the school attendance law which requires all children under 16 to be in school during school hours. Exemptions would be permitted for children excused from school pursuant to law (e.g., work-study programs or work permits).

Minimum age for employment outside school hours (part time and summer). The bill continues the present 14-year minimum for most non-hazardous occupations outside school hours. A new minimum age of 12 would be established for agricultural work, sale and delivery of newspapers, etc., door-to-door sale and delivery of articles of merchandise, shoeshining, and baby sitting. The present 16-year

minimum for hazardous occupations would be raised to 18 to conform with recommended standards and the federal child labor law. A minimum age of 16 would be established for a few specified semi-hazardous occupations: manufacturing occupations; operation of any steam boiler; operation of any hazardous power-driven machinery; work involving a risk of falling; and any occupation in a place where intoxicating beverages are served.

Hours. The bill provides that children under 18 (rather than the present 16) be limited to a maximum 8-hour day and 48-hour, 6-day week. It also prohibits employment of children under 16 before 5:00 a.m. and after 8:00 p.m. No child under 16 would be permitted to work more than four hours on a school day unless he were excused from attendance pursuant to law. Baby sitters would not be subject to these hour restrictions.

Hazardous occupations. The bill revises the list of hazardous occupations along the lines of the federal law, which is much more up to date than the list in the present Colorado child labor law.

Exemptions from child labor law. The bill provides for exemptions from all but the prohibitions against hazardous and semi-hazardous occupations for: school work and supervised school activities; home chores and miscellaneous tasks undertaken as a contribution to the community; and work done for a parent or guardian except where the parent or guardian is paid for the child's work. Actors, models, or performers employed in the state for less than 15 days would also be exempted.

Age certificate. The bill would require only that the child furnish the prospective employer with an age certificate. The age certificate could be obtained at any time from the school district superintendent or county superintendent and would give legal proof of age. The child need not have a job in order to obtain an age certificate (the present law requires that the child have a job in order to obtain an employment certificate, but also makes the certificate a condition of employment).

Work permits. The bill provides that "work permits" for work during school hours could be issued to 14 and 15-year-olds in a limited number of cases. A work permit would be issued by the school superintendent to a child if the child has a job permitted for his age group; if he has his parents' consent; and if the superintendent considers it in the best interests of the child.

Enforcement. Enforcement of the child labor law would continue to be under the Industrial Commission. The commission would have authority to issue regulations defining more specifically the permitted and prohibited occupations and equipment described in the child labor law. The commission would also have authority to grant special exemptions in individual cases.

Additional Committee Comments

It is believed that the recommended changes in the state's compulsory school attendance bill and the suggestions contained in the included draft of the child labor bill would be of substantial benefit in attacking the problems of school dropouts and youth employment. If adopted, the proposed changes would result in the establishment of sorely-needed basic standards and programs which the state does not now have.

The committee realizes, however, that the benefits to be expected from these changes are limited and that the nature and scope of the problems involved necessitate the creation of stronger programs and activities by other groups. The committee therefore urges that all interested groups and governmental units give immediate special attention to the problems of school dropouts and youth employment and that consideration be given to agreeing upon a central clearing house for the purpose of providing a consolidated program to deal with these problems in Colorado.

COLORADO'S SCHOOL ATTENDANCE AND CHILD LABOR LAWS

Introduction

Much has been written in the last few years about juvenile delinquency, school dropouts, and youth unemployment. Dr. James B. Conant has said that "social dynamite" is building up in our large cities in the form of unemployed out-of-school youth. Judge Mary Conway Kohler wrote about the same group of young people in her recent Saturday Evening Post series, "We Waste a Million Kids a Year." She has termed unemployment due to school dropouts "our greatest national disgrace." Mr. Daniel Schreiber, speaking to the Colorado Conference on Dropouts in May, 1962, stated that the dropout problem has received such large publicity that there cannot be many informed people who are not to some extent aware of its dimensions and implications. He said that there is probably no community, large or small, where this problem does not exist.

Dropouts and youth unemployment have been recognized as a matter of nationwide concern and Colorado is no exception. Mr. Schreiber estimates that the Colorado high school class of 1960 suffered a loss of approximately 6,500 dropouts between the ninth and twelfth grades. That is, of all Colorado students entering the ninth grade in September, 1956, an estimated 6,500 were not present in June, 1960, to receive their diplomas. This represents a dropout rate of 28.6 per cent between the ninth and twelfth grades. With Colorado's constant increase in school-age population, Mr. Schreiber estimates that there will be more than 10,000 dropouts from the class of 1965.[1] The problem is compounded by the fact that our advancing technology is resulting in a decrease in the number of jobs available to the unskilled non-high-school graduate.

Two Colorado statutes are particularly important to the matter of dropouts and youth unemployment: the compulsory school attendance law (Article 123-20, C.R.S. 1953) and the child labor law (Article 80-8, C.R.S. 1953). These statutes help provide the basic framework for educational and vocational opportunities for the youth of Colorado, yet neither has been substantially re-examined or modified since 1919. Because they contain inconsistencies, ambiguities and outdated provisions, and because there is need for review of their over-all effects in the light of present day conditions, the General Assembly directed the Legislative Council to study both laws and to make recommendations as to changes needed (House Joint Resolution No. 3, Forty-third General Assembly, Second Regular Session). The Legislative Council assigned the study to its Committee on School Aid.

The committee is aware that many facets of the problem of school dropouts and youth unemployment are not subjects for legislative action. Consequently the emphasis in this particular study has been primarily on improvements in the statutory basis for the transition from school to work. Non-legislative matters, although extremely important to a total solution of the problem, have been left for the most part to other agencies and study groups.

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1. "Lost Youth -- The School Dropout," an address by Daniel Schreiber, Director, National Education Association School Dropout Project, presented May 12, 1962.

The Colorado Compulsory School Attendance Law

Sections 123-20-1 through 123-20-19, C.R.S. 1953 contain the state's compulsory school attendance law. Most of these provisions were adopted in 1889 and 1899, with the most recent changes being made in 1919. Basically, this law establishes a maximum age for compulsory school attendance of 16 years but permits certain exemptions. These exemptions include children over 14 years of age who have completed the eighth grade or who are eligible to enter high school; children whose help is necessary for their own or their parents' support; and cases where "for good cause shown" it would be to the best interests of the child to be exempted from compulsory school attendance.

The committee asked Mr. John Lentz, attorney for the State Department of Education, to prepare a resume of the compulsory school attendance law and submit his comments and questions in relation thereto. His reply served as the basis for the following analysis of provisions and problems. Some of the questions involve interpretations of statutory language, while others involve questions of legislative policy. They are listed here for two reasons: first, to emphasize the need for revision of the current law; and second, to serve as a reminder against similar ambiguities and loopholes in any revision of the school attendance law which may be enacted by the General Assembly.

Provisions and Problems

123-20-1. Basic compulsory attendance requirements--exemptions. Any person having charge of a child between the ages of eight and 16 years must cause the child to attend a public, private or parochial school for the entire school year during which the public schools are in session in the school district. The compulsory attendance requirement does not apply to a child over the age of fourteen if he has completed the eighth grade, or may be eligible to enter any high school in the district, or where his help is necessary for his own or his parents' support, or where for good cause shown it would be for the best interest of the child to be relieved from school attendance, or if such child is being sufficiently instructed at home by a qualified person, or if the child's physical or mental condition does not permit attendance at school. The superintendent of schools receives, hears and determines applications for exemption from compulsory attendance. His decision may be appealed to the county court within ten days, and the decision of the county court is final. An application for an exemption cannot be renewed more often than once every three months. A board of education is required to clothe a child properly if the parent or guardian is unable to do so because of poverty.

Questions: Must a private or parochial school meet standards which are comparable to the public schools? If the public schools of a district extend the school term beyond the normal nine months' period, must a private or parochial school do the same? What can be done to enforce the compulsory attendance law in the 47 non-operating school districts (since the law applies only while the public schools are in session in the district)? Must a child be 14 before he can be exempted for eligibility to enter high school? In order to support himself or his parents? For good cause shown? The statutory language is not clear. Can a migrant child be required to attend school pursuant to Chapter 223,

Session Laws of 1961, if his help is necessary for his own or his parents' support? Should the appeal on denial of an exemption be directed to the Commissioner of Education as an administrative procedure before going to county court? Should the decision of the county court be final? Should a school district be required to clothe a child?

123-20-2. Employment of children under 14. No one may employ a child under 14 while the public schools are in session unless there has been compliance with the compulsory attendance law. The employer must keep a record of proof of compliance and any employer who violates this provision is subject to a fine of $25-$100.

Question: Should this section be extended to include children who operate as independent contractors, such as newspaper vendors?

123-20-3. Instruction for employed children 14 to 16 who cannot read and write. Any child between 14 and 16 who cannot read and write the English language must attend school at least one-half of each day, or attend a public night school, or take regular private instruction from some qualified person, until the county superintendent certifies that the child can read and write simple sentences in English. The employer of any such child must provide proof of compliance and any employer who violates this provision is subject to a fine of $25-$100.

Questions: If a child under 14 has been exempted from compulsory attendance, must he comply with this section? Is the section applicable even though the public schools are not in session?

123-20-4. Juvenile disorderly person defined. A child who does not comply with the compulsory attendance law, or who is vicious, incorrigible or immoral while in attendance at school, or who is a habitual truant from school, or who habitually wanders about the streets and public places during school hours without any lawful occupation or employment, or who habitually wanders about the streets in the night-time without employment or lawful occupation, is a juvenile disorderly person.

Questions: Should there be a distinction between a juvenile disorderly person and a juvenile delinquent (22-8-1)? Is this section applicable to children over 16? Should a child be a juvenile disorderly person if he habitually wanders about the streets during the night without employment or lawful occupation, even though he attends school during school hours?

123-20-5 and 123-20-6. Truant officer--powers, duties, and compensation. The board of education must appoint a truant officer to aid in the enforcement of the compulsory attendance law. The truant officer is vested with police powers and is required to initiate proceedings against the child or parent for violations of the attendance law. A member of a board of a third class school district may be employed as a truant officer for the district.

Questions: What is the relationship between proceedings against the parent under this section and proceedings for contributing to the delinquency of a child under article 22-7? What is the truant officer's responsibility toward migrant children under Chapter 223, Session Laws of 1961? Should a member of a board of education of a third class school district (or of any school district) be permitted to also serve as a truant officer and receive compensation therefor in view of section 123-10-21(1)?

123-20-7. Warning, complaint, and penalty in truancy cases. The truant officer must examine any case of truancy in his district and issue a warning to the parent in the event of a violation. If, after the warning, the parent does not cause the child to attend school within five days, the truant officer must file a complaint with the county or juvenile court. The parent is subject to a fine of $5-$20 or may be required to post a $100 bond conditioned upon causing the child to attend school within five days and remain in school during the term prescribed at law. The parent may successfully defend himself by proving his inability to cause the child to attend school, but the child would then be deemed a juvenile disorderly person.

Questions: Is a criminal prosecution for a violation of the compulsory attendance law the most effective method of dealing with the problem? Is this section compatible with section 123-20-1 and with the child labor law?

123-20-8. Complaint, hearing, and commitment of juvenile disorderly persons. The county or juvenile court is required to hear complaints relative to juvenile disorderly persons, and is authorized to commit a person to a children's home, to the boys' industrial school, the girls' industrial school, or to some other training school. Transfers between institutions are authorized, but no child may be detained beyond the majority age. The child may be discharged or paroled, or the order of commitment may be suspended by the court while the child is in regular school attendance.

Question: Should actions involving juvenile disorderly persons be prosecuted by the district attorney pursuant to section 123-20-13?

123-20-9. Welfare cases. When a truant officer finds that a child is unable to attend school because required to work to support himself or his parents, he must report the case to a welfare agency, which is directed to afford such relief as will enable the child to attend school. Maximum attendance required in such a case is three hours a day during school days. In the event the child does not attend a school for this period of time, the child may be committed to a children's home or juvenile reformatory.

Questions: What "relief" will enable the child to attend school, and which authorities are responsible therefor? Is this provision inconsistent with section 123-20-1 in terms of attendance during school hours?

123-20-10 and 123-20-11. Penalties for first and second violations. A person who violates any provision of sections 123-20-1 to 123-20-12 shall be fined not more than $50 if the penalty is not otherwise specified. For a second violation of a similar offense, a person may be imprisoned for not less than 10 nor more than 30 days.

123-20-12. Insufficient seating accommodations. The basic provisions of the compulsory attendance law do not apply if there are not sufficient accommodations in the school to seat children compelled to attend.

Questions: What is the effect of this provision in districts operating on "split sessions"? Should school districts be permitted discretion in determining whether seats are available for these children in the public schools?

123-20-13. Duty of school director to secure prosecution of cases. A member of the board of education of a school district is required to inquire into all cases of neglect of duty prescribed in sections 123-20-1 to 123-20-9, and to secure the prosecution of any offense. If the school board member neglects to secure the prosecution within ten days after written notice has been served on him by a taxpayer, the school board member may be convicted of a misdemeanor.

Questions: What is "neglect of duty" within the meaning of this section? Should a member of a board of education be subjected to a misdemeanor charge for failure to secure prosecution?

123-20-14. Malicious prosecution. If there has been malicious prosecution under the compulsory attendance law, the costs for the case are adjudged against the complainant.

123-20-15. Definition of half-time and night school. Two weeks' attendance at half-time or night school shall be considered equivalent to an attendance of one week at a day school.

Question: For how long each night must the child attend night school?

123-20-16. Compulsory attendance requirements for deaf and blind--exceptions. Any person who has care or custody of a deaf or blind child between 6 and 16 inclusive shall cause the child to attend a public or private school wherein deaf or blind children are educated. The child must attend the school for the full term each year until he reaches 17. A child may be exempted for a mental or physical condition upon certification by a health officer or if he is taught at home by a qualified instructor.

123-20-17. Penalty for violation regarding deaf and blind. A person who has care or custody of a deaf or blind child may be convicted of a misdemeanor for a violation of the provisions relative to the education of such child.

Questions: Is conviction of a misdemeanor an effective way to enforce provisions of this nature? What jurisdiction, if any, should a truant officer have in terms of enforcing the provisions which relate to the education of a deaf or blind child?

123-20-18. Exemption from liability regarding deaf and blind. No person can be convicted for a violation concerning the education of a deaf or blind child if the child has been denied admission to such schools in the state as provide instruction and education for the deaf or blind.

123-20-19. Prosecutions regarding deaf and blind--how conducted. For any violation relative to the education of a deaf or blind child, the case shall be prosecuted in the same manner as other cases of a misdemeanor.

Question: Should the procedure be the same as that for other violations under the compulsory attendance law?

Constitutional Questions

Colorado's Constitution contains two provisions relating to school attendance.

Article IX, Section 2, provides:

> The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the state, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Article IX, Section 11, states:

> The general assembly may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

For many years questions have been raised concerning the constitutionality of our school attendance laws in view of the above provisions. Our laws require school attendance for more than three months each year and for a total of more than three years. Does the constitutional language prohibit compulsory attendance requirements in excess of the minimums stated?

An Attorney General's Opinion in 1941 held that the compulsory education law is not in conflict with the Constitution. The Attorney General said that "...it is within the legislative power to go beyond the authorization contained in the permissive section 11...; and section 263 et seq. of Chapter 146, C.S.A. 1935*, would govern in any question arising as to compulsory education."

The Attorney General supported his opinion with a case involving the question of whether the legislature had power to establish free schools for any person outside the ages of six and 21 in the light of the language of Section 2 of Article IX. In that case it was held that the legislature did have such power, that Section 2 was in no sense a limitation, and that kindergarten schools for those under six could be set up. The court said:

> The legislature being invested with complete power for all the purposes of civil government, and the state constitution being merely a limitation upon that power, the court will look into it, not to see if the enactment in question is authorized, but only to see if it is prohibited. See In Re Kindergarten Schools, 18 Colo. 234.

A survey of the constitutions of other states has shown that two other states (Idaho and Wyoming) have provisions identical to Section 11 of Article IX. In neither of these states, however, has the Supreme Court been asked to decide the constitutionality of compulsory attendance laws in relation to such provisions, so there are no precedents directly in point.

The constitutionality of the compulsory attendance law is, of course, ultimately a subject for judicial determination. The committee therefore proposes that a recommended revision of the law be prepared for introduction in the General Assembly with the suggestion that the question of the constitutionality of the proposal will be submitted to the Supreme Court on interrogatories after passage by one house.

The Dropout Situation in Colorado

Not too many years ago an eighth grade education was considered adequate preparation for many fields of endeavor. The secondary school curriculum was primarily college preparatory and only the able and talented students were encouraged to finish high school. But times have changed. Today there is a strong feeling that nearly every young person should complete high school. Most employers want only high school graduates; apprenticeships are usually available only to high school graduates; educational requirements for nearly all jobs have gone up. In short, a high school education has become almost a necessity.

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* Section 263, Chapter 146, C.S.A. 1935 is now 123-20-1, et seq., C.R.S. 1953.

Concurrent with this change in attitude has been an increase in concern over the number of children who leave school before graduation. Dropout prevention is receiving greater emphasis than ever before. Colorado and other states are looking for ways to reduce the number of dropouts. They are also considering programs to continue the education of children who do drop out despite efforts to keep them in school.

What is the current dropout situation in Colorado? The sections below present the available statistics on Colorado's dropout problem; list some of the most common causes of dropouts; describe the programs already in existence in Colorado to help prevent dropouts; and discuss programs to provide other means of education for persons who have already left school.

Dropout statistics. Nationwide dropout statistics show that about 60 per cent of our fifth graders and 66 per cent of our ninth graders stay in school through high school graduation.[2]

The State Department of Education does not have actual and complete statistics on dropouts in Colorado. The figures which are available, however, show the number of children who graduated from high school in a given year, compared with the number who started in that class in the first grade. The most recent figures are shown in Tables I and II. Table I shows the 1960-61 Colorado school membership with each grade calculated as a percentage of its first grade membership.

According to the figures in Table I, the 1961 graduating class included 69.5 per cent of the number who were in that class as first graders twelve years earlier. At first glance it appears that this percentage should indicate a dropout rate of 30.5 per cent. But several factors enter into the figures to make them unreliable indicators of dropout. First, as the footnotes indicate, not all counties were included in the first grade figures. Second, no allowance has been made for the net in-migration Colorado has experienced in recent years. Thus part of the loss due to dropouts probably does not appear in the figures because it is counteracted by the gain in school population. Third, there are a number of parochial school students who were not counted in the first grade membership but who entered the public schools at some later time. This addition to school membership affects the statistics by offsetting a portion of the loss due to dropouts. Fourth, these figures were compiled on the basis of first grade enrollment rather than fifth grade or ninth grade. Nationwide dropout statistics are compiled on fifth grade or ninth grade enrollment because it has been found that these provide a more reliable base than the lower grades. Consequently the Colorado percentages shown here are not comparable to nationwide percentages.

2. "School Drop-outs," Research Memo 1961-36, August, 1961, NEA Research Division.

TABLE I

Grade Advancement Ratios, 1949-50 to 1960-61*

School year in 1st grade	1st grade membership on closing day of school	1960-61 School Year		
		Grade of pupil	Membership on closing day of school	Per cent of 1st grade membership
1949-50	25,170*	12	17,488	69.5
1950-51	24,327**	11	19,087	78.5
1951-52	24,256***	10	21,233	87.5
1952-53	28,245	9	26,506	93.8
1953-54	32,965	8	31,641	96.0
1954-55	32,570	7	31,739	97.4
1955-56	33,158	6	31,646	95.4
1956-57	33,467	5	32,034	95.7
1957-58	34,839	4	33,739	96.8
1958-59	35,520	3	34,789	97.9
1959-60	37,502	2	36,388	97.0
1960-61	39,124	1	39,124	100.0

*Alamosa and Jackson counties were not included.

**Information for Alamosa, Elbert, Gunnison, Huerfano, Park and Pitkin counties was not available; therefore it is excluded from the total.

***Alamosa, Baca, Elbert, Gunnison, Park, and Pitkin counties reported incomplete information; therefore, the information for these counties is excluded from the total.

Source: Colorado Department of Education
Division of Research and Statistics

In spite of the limitations of Table I, it still offers some information about the Colorado dropout situation. The per cent of students remaining at the end of the twelfth grade in 1961 was 69.5, whereas the per cent at the end of the ninth grade was still relatively high--93.8. Between the ninth and twelfth grades there appears to be a loss of about 24 per cent of the first grade membership--about six per cent the first year and nine per cent each of the last two years. This 24 per cent would amount to over 6,700 pupils in the class of 1964. Even though the figures may not be exact, they are sufficient to indicate that the dropout problem in Colorado is sizable.

Despite the number of dropouts remaining alarmingly high, the holding power of Colorado schools appears to be improving. Table II shows an increase from 60.54 per cent of the first grade membership in 1957 to 69.48 per cent in 1961. (These figures were compiled in the same manner as those in Table I and are subject to the same limitations.)

TABLE II

12th Grade Enrollment as Per Cent of 1st Grade, 1957 to 1961

1st Grade End-of-year Enrollment in		12th Grade End-of-year Enrollment in		Per Cent
1950	25,170	1961	17,488	69.48
1949	23,868	1960	16,101	67.46
1948	22,266	1959	14,542	65.31
1947	22,276	1958	13,695	61.48
1946	21,452	1957	12,987	60.54

Source: Colorado Department of Education
Division of Research and Statistics

There is no breakdown of dropout statistics by age groupings and it is therefore impossible to estimate how many students take advantage of the Colorado law permitting eighth grade graduates to drop out of school any time after age 14. Judging by the figures in Table I, it appears that more students leave school after completion of the tenth grade than after the eighth or ninth grade. By that time most dropouts would be 16, the maximum compulsory attendance age. But the percentage of students who drop out of school after the eighth or ninth grade is large enough to cause concern, for these include the 14 and 15 year olds who have the hardest time finding employment.

Reasons for dropouts. Many studies have been made about the causes of dropouts. Thirty-three school districts in Colorado are now involved in their own individual dropout studies (completed, in process, or planned). Since the causes of dropouts are likely to be the same in Colorado as elsewhere, the findings of a number of dropout studies conducted in various parts of the country are summarized here.[3]

The two reasons most frequently given by the dropouts themselves for leaving school are 1) financial need and 2) dislike of school. Obviously, these reasons cover a wide variety of circumstances.

3. The information in this section has been compiled from NEA Research Memo 1961-36, op. cit.

> Financial need may include anything from contributing to the support of the family to buying a hot-rod, and dislike of school is nearly as inclusive. The drop-out may say that he dislikes school because he is discouraged over his academic progress or dislikes a certain teacher or subject; he may mean that he sees no practical value in the subjects he is studying or that he feels excluded from the social life of the school.[4]

Among the more specific reasons found for school dropouts are the following:

Intelligence: Investigators are not in agreement about the importance of intelligence as a factor in dropping out of school. Some studies have found that intelligence is not particularly important, while others show that low scholastic aptitude is one of the characteristics of the potential dropout. It is interesting to note that some studies show that the language IQ of the dropout is considerably below that of the student who stays in school, but that the nonlanguage IQ of the dropout is higher than his language IQ.

Reading Failure: The dropout's level of reading achievement is significantly lower than that of the student who remains in school. Disabilities in reading can have serious repercussions, i.e., pupils who do not read well enough for the work of their grade or subject are likely to fail, and failure produces discouragement.

Grade and Subject Failure: Failure in school seems to be closely related to dropping out. Dropouts are often grade repeaters; they fail early, most often in the first, third, and fourth grades, and show a general decline in scholarship from the elementary to the senior high school.

Grade Retardation: Grade retardation is closely associated with grade and subject failure and attendance. The pupil who has failed his grade--who is one or more grades behind other children in his age group--will often lose interest in school and skip classes. Of course, absence results in loss of skill and knowledge and contributes to continued failure, and the vicious circle remains unbroken. Grade retardation is considered one of the most reliable measures of the probability that a pupil will not finish high school. Any pupil who has repeated two grades before the time he reaches the seventh grade is unlikely to finish the tenth grade and has only a negligible chance of finishing high school. If a pupil is as much as three grades behind his age group, he is not likely even to enter the ninth grade.

Frequent Transfers: Frequent change of school not only upsets the pupil's academic routine, but it may also seriously affect his social relationships, thereby contributing to the creation of circumstances which may influence a higher possibility of leaving school.

4. NEA Research Memo 1961-36, op. cit., p. 5.

Social Life and Extracurricular Activities: Dropouts are generally much more dissatisfied with their social relationships in school than are the remaining students. Researchers have found that dropouts do not take part in extracurricular activites, their reasons for not doing so being lack of money or rejection by their classmates.

Financial Needs: Although pupils from low-income families finish high school, if other circumstances are favorable, financial need is an important reason for dropping out of school in some cases. Also, many of those who drop out of school to go to work may simply prefer work to school attendance. The lure of ready money and the sense of independence provided by a job may be strong, especially if the potential dropout does not find school particularly interesting or sees no value in the courses he is required to take. Another kind of financial problem to be considered is what students have to pay for materials they use in school and what it costs students to take part in extracurricular activites.

Family Background: Nearly all studies of the problem have stressed the importance of the socioeconomic, cultural status of the family of the dropouts, and many of the studies list this factor as the most important single consideration. The occupation and education of the parents are also important factors.

Others: Other reasons for dropouts include dislike of a teacher, dissatisfaction with the school program, and pregnancy and marriage.

It can be seen from this brief listing that a number of school, home and personality factors operate on the potential dropout. These multiple causes, which may operate separately or collectively, make dropout prevention an extremely difficult and complex problem.

Preventing dropouts. What is Colorado doing now to prevent dropouts? The compulsory school attendance law is designed to prevent nearly all dropouts below age 14. The committee has no accurate information on the number of children who drop out of school before age 14, but the figures in Table I show that the membership of the eighth grade class in the spring of 1961 was 96 per cent of the membership of that class as first graders in 1954. The percentages in Table I vary only slightly between the second grade (97 per cent) and the eighth grade (96 per cent), seeming to indicate that the membership of a class remains fairly constant from the second grade through the eighth grade. Since most children reach age 14 in the eighth or early ninth grade, these figures point to a relatively low dropout rate for children under age 14.

What is being done in Colorado to keep children in school beyond the minimum legal dropout age of 14? Some school districts provide summer classes and remedial work in reading and other subjects to help the student keep up with his class and avoid the failures and grade retardation which so often result in dropouts. Remedial work can begin in the lower grades and can possibly alleviate the problem long before the legal dropout age.

Also, existing guidance and counseling programs can be directed toward helping the potential dropout solve some of his personal and school problems before they become serious enough to cause him to leave school. The State Department of Employment provides a vocational testing program in school districts requesting the service (75 to 80 school districts at the present time). The tests cover nine basic vocational aptitudes and are designed to show what the child is capable of learning rather than what his interests are. Counselors can use the test results to help the child choose the high school curriculum (academic or vocational) for which he is best suited and in which he is most likely to succeed.

In most schools the high school curriculum includes more than the basic college preparatory courses. The student who does not plan to go on to college usually has the opportunity to choose at least some courses designed to help prepare him for the transition from school to work and may also be able to participate in a work-study program.

Vocational education, developed largely as a result of federal and state financial support, is one of the most common programs offered by school districts to relate education to specific occupational goals. Four general areas of vocational education are available in the public schools: vocational agriculture; distributive education; vocational homemaking; and trades and industries. The criticism has been made that parts of the vocational education program have not kept pace with the needs of today's children in relation to the world of economics and everyday living.

Vocational agriculture and vocational homemaking are programs familiar to nearly everyone. The distributive education and trades and industries work-study programs are somewhat less well known. These latter two provide training for student workers in distributive occupations and in manufacturing, industry and various trades. High school students 16 years of age or older may actually spend part of the school day on the job under the supervision of the teacher and the employer. They receive wages from the employer while on the job and are evaluated in their work experience by both the teacher and the employer. Neither of these programs is available to students under 16, however.

Courses and work-study programs of this type, by demonstrating that the schools are capable of providing immediate occupational benefits, may help keep some potential dropouts in school. However, such programs do not appear to be specifically designed to meet the needs of the potential dropout who lacks social and academic abilities. Vocational education courses and work-study programs attract many able and well-adjusted students who keep competitive standards at a high level. Furthermore, traditional methods and standards are retained in the basic academic courses which are required of vocational students, thus continuing rather than alleviating some of the problems of the potential dropout.

Helping the dropout improve himself. Once a student has left school it is not likely that he will ever return to the scene of his failure even if he later realizes that more education would be of value to him. What educational opportunities are available in Colorado for the person who has already dropped out of school? In Denver he can

attend Opportunity School and eventually earn a high school diploma (if he is 18 or older and is willing to wait his turn on the waiting list). But for younger dropouts (and for all dropouts in the rest of the state) there are few opportunities for educational improvement. Young dropouts do not fit into most adult education programs, many of which do not offer credits toward high school graduation in any case.

What Should the Minimum Legal Dropout Age Be?

The most basic policy question before the committee in this study was whether or not Colorado should change its minimum legal dropout age. Once the dropout age was decided upon, other changes in the school attendance law and the child labor law could be written around it.

According to the United States Office of Education, there has been a decided trend during the last ten or twelve years toward laws keeping children in school up to age 16. The laws of at least 16 states now set the minimum legal dropout age at 16 or graduation from high school without permitting exemptions for employment.[5] Four states (Ohio, Oklahoma, Oregon, and Utah) have even set the maximum compulsory attendance age at 18 or graduation from high school with exceptions for those unable to profit from further instruction. Most other states have laws permitting employment or other exemptions at age 14 or 15 or completion of the eighth or ninth grade, or both.

A higher compulsory attendance age might tend to alleviate the dropout problem, both by reducing the number of dropouts and by offering the alternative only to the older and more mature children.

If the 16-year-old dropouts described by Dr. Conant and Judge Kohler are a problem, 14 and 15 year old dropouts present a more serious problem. It is hard enough to find and hold a good job at 16, but it is almost impossible at 14. Child labor laws severely restrict employment under age 16. Most employers are unwilling to offer responsible full-time jobs to 14 and 15 year olds. Children who leave school at 14 or 15 have had almost no opportunity to benefit from school programs specifically designed to prepare them for employment and adult life. Either the employment situation should be improved or dropouts among this age group should be eliminated.

It must be recognized that there are no full-time job opportunities for 14 and 15 year old dropouts in business involved in interstate commerce as the federal child labor law prohibits employment during school hours for all children under 16. Furthermore, the immaturity, irresponsibility, and lack of training which are so often characteristic of dropouts in this age group make it unlikely that employers involved in intrastate commerce will change their attitudes in the absence of an effective and persuasive "community action" program. The 14 or 15 year old will continue to face a high probability of unemployment if he decides to drop out of school.

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5. "State Legislation on School Attendance," U.S. Department of Health, Education, and Welfare, Office of Education, January 1, 1960, p. 9.

The logical alternative, then, is to eliminate dropouts under age 16. This can be done by changing the school attendance law to require school attendance for all youngsters until age 16 or graduation from high school, whichever occurs first. Such an approach would necessitate, among other things, a serious reappraisal of the school curriculum in order that programs would be available to meet the needs of those who are not "academically" inclined.

One modification of this approach would be to permit dropouts at 14 or 15, but only if the youngster has already obtained a job. In view of the limited job opportunities available, however, it seems more advisable to establish the basic minimum dropout age at 16 and provide that in unusual cases a child of 14 or 15 may be exempted (under a special kind of work permit) to take a job.

Thus the committee has concluded that the best policy for Colorado at the present time would be to raise the minimum legal dropout age to 16 or graduation from high school, with provisions making the law flexible enough to allow exceptions in unusual cases.

Recommended Changes in the Compulsory Attendance Law

The committee has considered a number of possible changes in the present compulsory school attendance law and has prepared a recommended revision based on a minimum dropout age of 16. A copy of the recommended compulsory school attendance bill is included as Appendix A of this report. Several special programs have been recommended as a means of dealing with the dropout problem. Statutory changes can at best offer only a partial solution, since many aspects of the problem must be solved outside the legislative halls, but there are some areas which the committee feels can be effectively improved or regulated by law. Throughout its consideration of the recommended revision the committee has tried to keep in mind the need for flexibility while at the same time preparing a bill which will be effective in keeping children in school if enacted.

Age. The committee recommends a change in the basic compulsory school attendance age. The present ages are eight to sixteen; the revision would make the compulsory attendance ages seven to sixteen.

Exemptions. The committee recommends the elimination of the present exemption for 14-year-olds who have completed the eighth grade or are eligible to enter high school. The revision would require attendance until age 16 or until graduation from high school, whichever occurs first.

Two kinds of exemptions would be added in order to provide the essential flexibility needed in a workable compulsory school attendance law. First, a child could be exempted in order to participate in a work-study program operated by the school for children 14 years of age and older who have not completed the twelfth grade because of financial need or under-achievement. Second, a child 14 or 15 could be exempted in cases where a "work permit" has been issued pursuant to the superintendent's approval and the parents' consent for an approved job.

Exemptions for children denied admission, suspended, expelled, or in the custody of a court or law enforcement authorities would be specifically authorized.

The present exemption for children whose help is necessary to support themselves or their parents would be eliminated, as would the exemption allowed in cases where "for good cause shown" it would be in the best interests of the child not to attend school.

In general, the exemptions for physical, mental or emotional disability would be the same as at present.

Provision for limited home instruction or attendance at a private or parochial school in lieu of a public school would be retained.

Length of school year. Provision for a minimum of 172 school days in the school year would be added to the school attendance law. This is the number of school days required to participate in the Public School Foundation Act. Specifying the number in the law will answer the question as to the minimum number of days required in a private or parochial school.

Deaf or blind children. The committee did not recommend any change in the present provisions requiring education for deaf or blind children.

Suspension, expulsion and denial of admission. Although the present statutes regarding suspension, expulsion and denial of admission are not a part of the compulsory school attendance law, the committee recommends that the law on these subjects be revised and incorporated in the school attendance law.

The present law on suspension and expulsion (found in sections 123-10-2 (7), 123-21-20, and 123-21-21) gives the school board general power to suspend or expel pupils who violate the rules and regulations of the school board. The committee recommends that the revision provide the school board with authority (1) to suspend a child for not more than ten school days in any one semester and (2) to expel or deny admission to a child for any period, not extending beyond the end of the school year, after opportunity for a hearing. The power to suspend a child for not more than five school days in any one semester could be delegated to the principal and the power to suspend for not more than ten school days could be delegated to the superintendent.

Grounds for suspension or expulsion would include: (1) continued wilful disobedience; (2) wilful destruction of school property; and (3) behavior which is inimical to the welfare, safety, or morals of other pupils. Grounds for expulsion or denial of admission would include: (1) physical or mental disability such that the child cannot reasonably benefit from the programs available; and (2) physical or mental disability or disease inimical to the welfare of other pupils. Additional grounds for denial of admission would be: (1) graduation from the twelfth grade; (2) failure to meet the age requirements; (3) having been expelled during the same school year; and (4) not being a resident of the district.

A child or parent could request court review of the board's action in expelling or denying admission to a child. The court would be specifically empowered to set aside the order of the board and direct that the child be admitted to school.

The present law provides that a child who violates the statutes or rules regarding secret fraternities or any other rules of the school district is declared a "delinquent child" and any other person who violates these statutes is deemed to be "contributing to the delinquency of a child." The revision would delete this provision.

Enforcement officers. The committee recommends that the present law regarding "truant officers" be revised and that the board of education of each school district shall, instead, designate one or more employees as "attendance officer" for the district. The attendance officer would have the duty of counseling with students and parents in enforcing the provisions of the compulsory school attendance law. In addition, the commissioner of education would designate an employee of the department of education to assist the individual school districts and supervise the enforcement of compulsory school attendance for the entire state.

Enforcement procedures. The present definition of "juvenile disorderly person" would be eliminated and present procedures for dealing with a "juvenile disorderly person" would be replaced with the following procedures for dealing with a child who refuses to attend school:

The first step would be a written notice from the attendance officer to the parent or child that legal action will be initiated within ten days if the child does not attend school within that time. If the parent or child does not comply, the attendance officer would request the attorney of the school district (or the district attorney if there is no attorney for the school district) to initiate legal action to compel the child to attend. Those courts having jurisdiction over juvenile matters in a county would have jurisdiction in all instances and would be empowered to issue an order compelling the child to attend school. If the child does not obey the order, the court would have authority to determine whether he is a delinquent under section 22-8-1 (2), and if he is found to be a delinquent the court could provide for the disposition of the child as provided in section 22-8-11. If the parent does not obey the order, the court would have authority to hold him in contempt and confine him in the county jail until the order is complied with.

Special programs involving state aid. The committee recommends four specialized programs designed to help prevent dropouts among those not compelled to attend school and to provide educational opportunities for dropouts who want to improve themselves.

All four would be incentive-type programs involving state financial aid to local school districts amounting to 50 per cent of the cost of salaries of professional personnel, specialized services as needed, and necessary books, instructional supplies and equipment. Some school districts offer some of these programs now, but only to a limited extent and without benefit of state aid specified for these purposes. The committee feels that the added incentive of state support will contribute to improved school programs in these areas.

The first would be a remedial instruction program in reading, arithmetic, or the use of the English language for school age children who are deemed to be two or more years below grade level in any of these subjects. It is felt that this would include Spanish-speaking children who do not speak English when they begin school. The remedial program could be operated during regular school hours or outside regular school hours.

The second would be a work-study program for children 14 years of age or older who have not completed the twelfth grade and who are dropouts or potential dropouts because of financial need or under-achievement. Each participant in this program would be required to pursue at least a part-time instructional program in the public schools of the district.

The third program would involve state support for summer programs of regular class instruction in appropriate subjects for elementary or secondary school pupils, or both. Tuition could not be charged to resident students of school age.

The fourth would be an adult diploma program to provide state support for programs offering elementary and secondary courses for adults and for other persons 16 years of age or over who have been out of school for one year or longer and who are not high school graduates. Such courses must lead to the issuance of a high school diploma or its equivalent. School districts would be authorized to charge tuition for adults prorated to cover the costs to the district in offering the course.

Miscellaneous provisions eliminated. Under the recommended revision several miscellaneous provisions would be eliminated. The provision found in section 123-20-2 regarding employment of children under 14 would be unnecessary in the school attendance law and would be covered in the recommended child labor law. The provisions in sections 123-20-3 and 123-20-15 requiring instruction for employed children between 14 and 16 who cannot read and write would be covered adequately by the more stringent requirements of both the recommended compulsory attendance law and the recommended child labor law. Section 123-20-9 involving welfare cases would be deleted, as would the provision in section 123-20-1 requiring a board of education to clothe a child properly if the parent is unable to do so because of poverty, on the assumption that these are welfare responsibilities which should not be assigned to the schools. The exemption for insufficient seating accommodations (123-20-12) would also be eliminated.

The Colorado Child Labor Law

Provisions

Colorado's child labor law has remained unchanged since its enactment in 1911 (Sections 80-8-1 through 80-8-17, C.R.S. 1953). Its provisions are given below in summary form. In relation to the school attendance law perhaps the most important provision is that which permits full-time employment at age 14 in any occupation not specifically prohibited.

80-8-1. Employment of children under fourteen -- hours -- agriculture exempted. No child under 14 may work during any portion of any month when the public schools are in session. No child under 14 may work at any time in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, or in any theatre, concert hall or place of amusement where intoxicating liquors are sold. Hours of employment for children under 14 (in non-prohibited occupations) are a maximum of eight hours per day between 7:00 a.m. and 8:00 p.m. Agricultural employment is exempted from all provisions of the child labor law except those pertaining to hours. However, a child under 14 who is engaged in agricultural employment for other than his own parents must first obtain a permit from the superintendent of schools.

80-8-2. Children under sixteen -- unlawful occupations. No child under 16 may be employed as an actor or performer where intoxicating liquors are sold. No child under 16 may be employed in any place or or vocation injurious to the morals or health, or dangerous to the life or limb of such child.

80-8-3. Hazardous occupations. No child under 16 may be employed in any of the specified hazardous occupations. No female under 16 may be employed in any capacity where she is compelled to remain standing constantly. No female under 10 may sell or distribute newspapers or other publications or other merchandise or engage in any other street occupation.

80-8-4. Employers to keep register -- age and school certificates. Every employer of minors in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theatre, concert hall or place of amusement, passenger or freight elevator, factory or workshop or as a messenger or driver therefor, must keep a record of the name, address, and age of each child between 14 and 16 employed therein and must also have on file an age and school certificate for each such child.

80-8-5. List to be posted in workroom. If an employer employs five or more children between 14 and 16 in the occupations specified in 80-8-4, he must post the name, address, and age of each such child in the room where the child is employed.

80-8-6. Age and school certificate. No child under 16 may be employed in the occupations specified in 80-8-4 unless the employer has on file an age and school certificate for such child. The employer must also keep a list of all children under 16 who are employed who cannot read and write and are not attending night school.

80-8-7. Same -- how approved. The age and school certificate must be approved by the superintendent of schools or a person authorized by him.

80-8-8. Proof of age. Satisfactory evidence of age must be shown before the age and school certificate will be approved.

80-8-9. Employment ticket. A school attendance certificate must also be presented before the age and school certificate will be approved. If the child is under 16 but cannot read at sight and write simple sentences legibly, he must attend evening school. If no evening school is available, the age and school certificate will not be approved for such child. When the age and school certificate is completed, a duplicate is sent to the Industrial Commission.

80-8-10. Schooling required. No employer may hire a child between 14 and 16 who cannot read and write unless the child is attending evening school.

80-8-11. Commission to inspect. The Industrial Commission must inspect all places where minors are employed to check on compliance with the law.

80-8-12. Hours of labor. No child under 16 may work more than eight hours per day and 48 hours per week. No child under 16 may work after 8:00 p.m. Hours must be posted in the place of employment.

80-8-13. Prima facie evidence of child employment. The presence of a child under sixteen in any manufacturing establishment, factory or workshop is prima facie evidence of his employment therein.

80-8-14. Enforcement. The Industrial Commission has the duty to enforce the child labor law.

80-8-15. Exemptions -- appeal. A child between 14 and 16 may be exempted from any of the provisions of the child labor law except the prohibitions against hazardous occupations. A child of any age may be exempted from the provisions concerning theatrical employment in places where liquor is not sold. During the summer, children over 12 may be exempted from any of the provisions except the prohibitions against hazardous occupations. Exemptions may be obtained by applying to the superintendent of schools. Appeal may be had to the county or juvenile court.

80-8-16. Penalties. Fines varying from $5 to $100 are prescribed for violations of the child labor law by parents or employers.

80-8-17. Second violation -- penalty. For a second violation there is a fine of $100 to $500 or imprisonment in the county jail not to exceed 90 days, or both.

Problems

In September, 1954, the Bureau of Labor Standards submitted a memorandum to the Colorado Minimum Wage, Hour and Child Labor Division regarding "weakening and conflicting provisions in the Colorado Child-Labor Law..." The first part of this memorandum contained the following analysis of the provisions in Colorado's child labor laws:

There are both weakening and conflicting provisions in the Colorado child-labor law, as well as conflicts between the child-labor and the compulsory-school-attendance laws. There are also conflicting ambiguous provisions within the school-attendance law.

The existing basic standards of the child-labor law -- a 14-year minimum age, age and schooling certificates for children under 16, a maximum 8-hour day and 48-hour week, and the night-work prohibitions -- are seriously weakened by the exemptions permitted in Section 80-8-15. This section permits the school superintendent to exempt from any provision of the act, except hazardous occupations, children 14-16 (12-16 during school vacations) on special permit. Thus, the 14-year minimum for work in factories and other employments specified in Section 80-8-1 may be reduced to 12 during summer vacations and the hours and night-work provisions may be waived. In addition the 14-year minimum age applicable for any work "during any portion of the month in which the schools are in session" leaves no minimum age protection for children working during summer vacation periods in occupations other than those for which a minimum age is expressly set (factories, stores, etc.). Also, under Section 80-8-15 the hours and night-work provisions may be waived for children 14-16 working during school term. Moreover, the age and schooling certificate provision applies only to those specified occupations and not to all employments. There is no medical examination required as a condition for issuance of the certificate.

There is also conflict between Section 80-8-1 and 80-8-15. Under Section 80-8-1, employment in agriculture is permitted at any age if the child obtains a special permit from the superintendent of schools. Section 80-8-1 further provides that "the hours of work during each day or in any week should be in compliance with the provisions . . . as to hours . . . when children may be employed." This last provision seems to require compliance with the hours provisions in Sections 80-8-1 and 80-8-12. However, Section 80-8-15 authorizes children to be exempted from the hours and night-work as well as other provisions of the child-labor law. Does the provision in Section 80-8-1 take precedence over Section 80-8-15?

The above letter demonstrates the need for revision of the Colorado child labor law. By emphasizing the inconsistencies in the child labor law and the school attendance law and the weaknesses in the child labor law provisions, these comments served as a starting point for the committee in preparing a revision of the child labor law.

When the committee asked Mrs. Zenada Heyer, Director of the Minimum Wage, Hour and Child Labor Division of the State Industrial Commission, what is the most frequent violation of the child labor law, she reported that it is the lack of obtaining an employment certificate. A check of the number of full-time employment certificates issued in 1961 to children 14 to 16 years of age seems to support this conclusion. Only 35 regular (full-time) employment certificates were issued in 1961 in the entire state of Colorado, with only nine of these being issued in Denver. This number seems unrealistically small in view of the estimated number of school dropouts and would seem to indicate that some children are employed in full-time jobs without obtaining a certificate. The same observation can be made about the number of certificates issued for employment outside school hours and during vacations. The 2,950 children between 14 and 16 who obtained certificates amount to less than five per cent of the total number of children in that age group who are eligible for part-time and vacation work, again an unrealistically small proportion. Figures on the number of full-time, part-time and vacation certificates issued in each month of 1961 are reported in Table III:

TABLE III

Regular Employment Certificates Issued to Children 14 to 16 Years of Age In 1961*

Month	Denver	Rest of State	State Total
January	2	1	3
February	0	3	3
March	1	2	3
April	1	4	5
May	1	3	4
June	1	1	2
July	0	1	1
August	0	2	2
September	0	2	2
October	1	2	3
November	2	3	5
December	0	2	2
TOTAL	9	26	35

TABLE III
(continued)

Outside School Hours and Vacation Employment Certificates Issued To Children 14 to 16 Years of Age In 1961*

Month	Denver	Rest of State	State Total
January	70	44	114
February	51	64	115
March	72	62	134
April	93	98	191
May	133	247	380
June	249	497	746
July	102	189	291
August	98	285	383
September	141	126	267
October	57	92	149
November	48	48	96
December	45	39	84
TOTAL	1,159	1,791	2,950

* Source: Minimum Wage, Hour and Child Labor Division, Colorado Industrial Commission.

Comparison of Child Labor Law and School Attendance Law

The committee requested a comparison of Colorado's school attendance law and child labor law in an effort to identify the areas of inconsistency and conflict. The comparison was based on four questions: (1) Must the child attend school? (2) May the child work during school hours? (3) May the child work outside school hours during the school term? and (4) May the child work during summer vacation? Answers were given according to age groupings.

A complete chart comparing the child labor law and the school attendance law is available in the Legislative Council offices. The following summary gives only a general outline of the provisions of the two laws, as most of the detailed exceptions have been omitted in the interests of simplicity. The federal child labor laws applicable to employment in interstate commerce are not included at this point; only the state child labor law is covered.

Must the child attend school? Under the school attendance law, most children are required to attend school between the ages of eight and 16. However, if a child reaches age 14 and has completed the eighth grade, he may be exempted from compulsory school attendance.

The child labor law does not require school attendance.

May the child work during school hours? The child labor law prohibits employment (except agricultural employment) of children under age 14 during any portion of any month when the public schools are in session. Between 14 and 16 a child may work at any non-prohibited occupation during school hours and may also apply for exemption from any of the child labor provisions except the prohibitions against hazardous occupations. The child labor law places no restrictions on employment after age 16.

The school attendance law prohibits employment during school hours of any child under age 14 who is required to be in school, but does not specifically prohibit employment during school hours prior to age eight or after age 14.

May the child work outside school hours during the school term? Under the child labor law no child under 14 may be employed (except in agriculture) outside school hours during any portion of any month when the public schools are in session. Between 14 and 16 a child may work at any non-prohibited occupation outside school hours and may also apply for exemption from any of the child labor provisions except the prohibitions against hazardous occupations. The child labor law places no restrictions on employment after age 16.

The school attendance law does not restrict employment outside school hours.

May the child work during summer vacation? The child labor law allows employment in a few non-prohibited occupations for children under age 14 during months in which school is not in session. Between 14 and 16 a child may work at any non-prohibited occupation during summer vacation and may also apply for exemption from any of the child labor provisions except the prohibitions against hazardous occupations. Although nearly all types of employment are prohibited for children under age 14 and some employments are prohibited for children between 14 and 16, any child over 12 may apply for exemption from any of the child labor laws except prohibitions against hazardous occupations during that part of June, July, and August when the schools are not in session. The child labor law places no restrictions on employment after age 16.

The school attendance law does not restrict employment during summer vacation.

Comparison of State and Federal Child Labor Laws

Finding that Colorado's child labor law differs in many respects from the federal child labor law, the committee also requested a comparison of these two laws. A complete chart is available in the Legislative Council offices. The following summary provides a general outline of the provisions.

Occupations covered under federal law and state law. The federal law covers all employment connected with interstate and foreign commerce. The following are examples of types of occupations covered by the federal law: workers in the telephone, telegraph, radio, television, importing, exporting, and transportation industries;

employees in distributing industries, such as wholesaling, who handle goods moving in interstate or foreign commerce, as well as workers who order, receive, or keep records of such goods; clerical and other workers who regularly use the mails, telephone, and telegraph for interstate and foreign communication; employees who work in places that produce goods for interstate or foreign commerce, such as manufacturing establishments, oil fields, mines; or in occupations that are closely related or directly essential to the production of such goods.

The state child labor law applies to all employment within the state of Colorado. However, wherever the federal standards are higher, the federal law will supersede the state law in matters involving employment in interstate and foreign commerce. This means that only employment in intrastate commerce would be subject to state regulation. If, on the other hand, the state standards are higher, the state standards will prevail in all occupations, even those covered by the federal law.

The very broad application of federal power and the many differences between state and federal provisions have contributed to and magnified the confusion in this area with the result that employers, parents and children do not know what is legal and what is not. Under these circumstances they either ignore the law or, in order to be safe, do not hire anyone under 16 years of age.

May the child work during school hours? The state child labor law permits employment during school hours in any non-prohibited occupation, beginning at age 14. The federal child labor law prohibits all employment during school hours up to age 16.

The state child labor law does not cover children 16 and over, while the federal law prohibits employment in hazardous occupations for children under 18.

May the child work outside school hours during the school term? Both state and federal child labor laws permit work outside school hours beginning at age 14. The state law is less restrictive as to the types of employment available to 14 and 15 year olds.

The federal law permits only three hours per day and 18 hours per week during the school term for 14 and 15 year olds, whereas state law does not distinguish between part-time and full-time employment in setting the maximum hours. (Eight hours per day and 48 hours per week is the state requirement.)

State law permits children 14 to 16 to work up to 8:00 p.m. The federal law prohibits work between 7:00 p.m. and 7:00 a.m. for this age group.

May the child work during summer vacation? Colorado permits children 12 to 14 to work during summer vacation if they obtain a special exemption. The federal law prohibits all employment for children under 14.

The state law and the federal law both permit summer employment for children over 14, with the state law permitting more types of employment for the 14 to 16 age group.

Maximum hours for children 14 to 16 under the federal law are eight hours per day and 40 hours per week during the summer; under the state law they are eight hours per day and 48 hours per week.

Federal law prohibits night work for 14 and 15 year olds between 7:00 p.m. and 7:00 a.m. in the summer; the state law prohibits work after 8:00 p.m. for all children under 16 and before 7:00 a.m. for children under 14 who have permits to work in the summer but have not been exempted from the hours restrictions.

Work permits or certificates of age. The state law requires that children under 16 must obtain a work permit for nearly every type of employment. The federal law encourages the use of work permits or certificates of age as a protection to both the employer and the child, but does not make them mandatory.

Other federal laws affecting child labor. Two other federal laws (in addition to the child labor provisions of the Fair Labor Standards Act described here) restrict the employment of children. The Walsh-Healy Public Contracts Act, which applies to manufacturers or dealers contracting to manufacture or supply materials valued in excess of $10,000 for the United States Government, requires that no boy under 16 and no girl under 18 shall be employed in any work performed under the contract.

The Sugar Act of 1948 contains certain provisions with which producers engaged in the production and harvesting of sugar beets or sugarcane must comply in order to obtain maximum benefit payments. These provisions include a minimum age of 14 years for employment and a maximum eight-hour day for children between 14 and 16 years of age (except members of the immediate family of the owner of at least 40 per cent of the crop). During school hours the minimum employment age would be 16.

Recommended Child Labor Standards

The Bureau of Labor Standards of the U. S. Department of Labor has prepared a comparison of the major standards recommended by the International Association of Governmental Labor Officials for State Child-Labor Legislation and the extent to which existing state child labor laws meet these standards as of October, 1961. As may be noted in Table IV, Colorado meets these standards in only two respects -- authorizing the state administrative agency to determine occupations hazardous for minors under 18, and limiting the maximum number of daily working hours to eight for girls under 18 years of age.

TABLE IV

Major Standards Recommended By The International Association Of Governmental Labor Officials For State Child-Labor Legislation And The Extent To Which Existing State Child-Labor Laws Meet These Standards

	Recommended Standards	Extent to Which State Child-Labor Laws Meet Recommended Standards	
1. Minimum age	16 years, in any employment in a factory; 16 in any employment during school hours; 14 in non-factory employment outside school hours.	23	States and Puerto Rico approximate this standard in whole or in part (Ala., Alaska, Conn., Fla., Ga., Ill., Ky., La., Maine, Md., Mass., Mont., N.J., N.Y., N.C., Ohio., Pa., R.I., S.C., Tenn., Va., W.Va., Wis.)
2. Hazardous occupations	Minimum age 18 for employment in a considerable number of hazardous occupations. State administrative agency authorized to determine occupations hazardous for minors under 18.		Few, if any, States extend full protection in this respect to minors up to 18 years of age, though many state laws prohibit employment under 18 in a varying number of specified hazardous occupations.
		23	States, D.C., and Puerto Rico have a State administrative agency with such authority (Alaska, Ariz., Colo., Conn., Fla., Hawaii, Kans., La., Maine, Md., Mass., Mich., N.J., N.Y., N.C., N.Dak., Ohio, Ore., Pa., Utah, Wash., W.Va., Wis.)
3. Maximum daily hours	8-hour day for minors under 18 in any gainful occupation.	16	States, D.C., and Puerto Rico have an 8-hour day for minors of both sexes under 18 in most occupations (Alaska, Calif.,

	Recommended Standards	Extent to Which State Child-Labor Laws Meet Recommended Standards
		Ky., La., Mont., N.J., N.Y., N.Dak., Ohio, Ore., Pa., Tenn., Utah, Va., Wash., Wis.) 7 other States have this standard for girls up to 18 (Ariz., Colo., Ill., Ind., Nev., N.Mex., Wyo.).
4. Maximum weekly hours	40-hour week for minors under 18 in any gainful occupation.	5 States (Alaska, Ky., N.J., Tenn., Va.) and Puerto Rico have a 40-hour week for minors under 18 in most occupations; 4 States (La., Ore., Pa., Utah) a 44-hour week for such minors. 11 other States (Ala., Fla., Ga., Hawaii, Md., Mo., N.Y., N.C., R.I., W.Va., Wis.) have a 40-hour week for minors under 16 in most occupations. Wisconsin has a 40-hour week for minors under 16 and for 16-year olds in a school week. 2 States (Miss., N.Mex.) have a 44-hour week for such minors. Washington has a 40-hour week for minors under 16 when school is not in session.
5. Work during specified night hours prohibited*	13 hours of nightwork prohibited for minors of both sexes under 16 in any gainful occupation.	10 States and Puerto Rico meet or exceed this standard at least for most occupations (Hawaii, Iowa, Kans., N.J., N.Y., N.C., Ohio, Okla, Ore., Utah). (Virginia prohibits 13 hours of nightwork for

	Recommended Standards	Extent to Which State Child-Labor Laws Meet Recommended Standards	
			girls of 14 and 15, and for boys of 14 on nights preceding school days.) (Kentucky prohibits 13 hours of nightwork for minors under 15.)
		13	States and D.C. prohibit 12 or 12½ hours of night-work for minors under 16 (Ala., Ariz., Ill., Md., Mass. (12½ hours.), Minn., Mo., N.Mex., N.Dak., Pa., R.I., Tenn., Wyo.). The Alabama law prohibits such work for 12 night hours during the regular school term, and "after 7 p.m." at other times. The Missouri law prohibits 12 hours of nightwork on nights preceding schooldays.
	8 hours of nightwork prohibited for minors of both sexes between 16 and 18 in any gainful occupation.	10	States, D.C. and Puerto Rico meet or exceed this standard at least for most occupations (Ark., Conn., Kans., Ky., La., Mass., Mich., N.J., Ohio, Tenn.)
6. Employment certificates	Required for minors under 18 in any gainful occupation.	23	States, D.C., and Puerto Rico require employment or age certificates for minors under 18 in most occupations (Calif, Conn., Del., Fla., Ga., Hawaii, Ind., Ky., La., Md., Mass., Mich., Mont., N.J., N.Y., N.C., Ohio, Ore., Pa., Utah, Va., Wash., Wis.). Two other States (Ala. and Nev.) require such certificates for minors under 17.

* 14 States and Puerto Rico prohibit work of children under 16 after 6 p.m., 20 and the District of Columbia after 7 p.m., 16 after 8 p.m. or later. In 4 States children may work till 9 or 10 p.m. if there is no school the next day, and in one State till 9 p.m. in summer vacations.

Source: U. S. DEPARTMENT OF LABOR, Bureau of Labor Standards Washington, October, 1961.

Employment of Minors in Colorado

The committee was interested in finding what the youth employment situation is in Colorado under the present child labor laws and school attendance laws, and whether Colorado has a higher unemployment rate for dropouts than for graduates. Statistics on employment of minors in Colorado are incomplete, however, and the committee has had to rely on national figures to supplement what Colorado information could be obtained.

The State Department of Employment does not have any figures on Colorado employment and unemployment by age groupings or by educational attainment. Young workers and dropouts are not considered as separate groups when employment figures are compiled.

If the employment certificate requirement in the child labor law were one hundred per cent effective, the number of certificates issued under the supervision of the Industrial Commission would provide a fairly accurate estimate of the number of children below age 16 who are employed, both part time and full time. But, as discussed in a preceding section, the number of certificates issued cannot be used as an accurate measure of the extent of employment because it appears that not all employed children have been obtaining employment certificates.

Since no reliable youth employment figures can be obtained for Colorado alone, national statistics must be used for general trends in youth employability. The United States Department of Labor has compiled information on the employment of persons 16 to 24 years of age who recently graduated from high school or who left elementary or high school prior to graduation.[6] The 1961 survey provided information on "the number of these young people in the labor market; the difficulty they had finding work, as shown by their rates of unemployment; the hours they worked; and the caliber of jobs they were able to obtain, as indicated by the occupations and industries in which they were employed."[7] The estimates in the survey were based on a sample, and children under 16 were not included.

6. "Employment of High School Graduates and Dropouts in 1961", by Jacob Schiffman, Monthly Labor Review, May, 1962, p. 502 ff.
7. Ibid., p. 502.

The survey found that about 900,000 of the 1,750,000 young people who graduated from high school in June 1961 were not enrolled in college the following October. Most of these graduates were in the labor force and a substantial proportion--18 per cent--of those in the labor force were unemployed. The report states: "The high unemployment rate of graduates reflects their short time in the labor force as well as the usual obstacles which face young people starting their job careers with little or no work experience or training....About two-thirds of the girls had clerical jobs, and about two-thirds of the boys were semi-skilled operatives or unskilled farm or nonfarm laborers.

"Young people 16 to 24 years of age who quit elementary or high school between January and mid-October of 1961 numbered 350,000.... These dropouts, who were younger and had less education than the graduates, had much more difficulty in finding work; their unemployment rate was 27 per cent--considerably higher than the rate for graduates. The unfavorable economic position of the dropouts was also evident in the jobs which they obtained. They were more likely to be farm laborers, indicating a higher dropout rate in farm areas, and a higher proportion worked as service workers. Only about one out of ten dropouts was in one of the usually higher paying clerical jobs, compared to four out of ten graduates. Furthermore, school dropouts had more difficulty than graduates in finding full-time work. About 20 per cent of the dropouts, but only about ten per cent of the graduates, at work on nonfarm jobs were employed part time because of slack work or inability to find full-time jobs."[8]

Although rates of unemployment for both dropouts and graduates decline as they grow older and obtain more job experience, the dropouts continue to suffer from considerably more unemployment than graduates. For example, the survey found that those who dropped out of school in 1959 had a rate of unemployment in 1961 twice as high as that for 1959 graduates.

Table V shows a comparison of the unemployment rates of the dropouts compared with the graduates in the survey.

TABLE V

Unemployment Rates Of High School Graduates Not Enrolled In College By Year Of High School Graduation And Of School Dropouts By Year Last Attended School, By Sex, October 1961[9]

(Persons 16 to 24 years of age)

Graduation status and sex	1961*	1960	1959	Prior to 1959
Both sexes:				
High school graduates	17.9%	11.6%	8.3%	7.4%
School dropouts	26.8	17.2	17.0	12.7

8. Ibid., pp. 502 and 503.
9. Ibid., p. 506.

TABLE V
(Continued)

Graduation status and sex	1961*	1960	1959	Prior to 1959
Male:				
High school graduates	18.5%	13.9%	6.8%	6.3%
School dropouts	28.0	15.0	17.5	10.4
Female:				
High school graduates	17.6	9.9	9.7	8.7
School dropouts	**	22.1	16.1	17.9

* Data for graduates refer to June graduates only.
** Per cent not shown where base is less than 100,000.

If these percentages are even partially true in Colorado, they point to a serious dropout-unemployment problem in our state.

For a general idea of the effect of educational attainment on employability in Colorado, the following statistics were obtained from the State Department of Employment. The figures are based on three surveys taken in September 1961, January 1962, and April 1962, showing unemployment compensation claimants by levels of educational attainment. It may be noted that more than 60 per cent of the claimants had dropped out of school before attaining the level of "four years of high school," and 39.2 per cent of the total had not completed more than the first eight grades.

TABLE VI

Unemployment Compensation Claimants
By Level of Educational Attainment

	September 1961	January 1962	April 1962	Total	Over-all Per Cent
No schooling	13	9	5	27	1.2%
1-4 years elementary school	55	41	17	113	5.0
5-7 years elementary school	136	106	46	288	12.6
8 years elementary school	183	189	95	467	20.4
1-3 years high school	225	207	146	578	25.3
4 years high school	216	234	173	623	27.3
1-3 years college	52	55	45	152	6.7
4 or more years college	11	10	14	35	1.5
Total in survey	891	851	541	2,283	100.0%

Source: Colorado Department of Employment.

Possible Changes in the Child Labor Law

Along with the changes in the compulsory school attendance law discussed previously, the committee has considered several possible changes in the present child labor law. It was agreed that an attempt

should be made to rewrite the child labor law to complement the recommended school attendance law so that all inconsistencies and conflicts would be avoided. The child labor bill which was prepared for the committee's consideration is included as Appendix B of this report. Although the committee made several suggestions which have been incorporated into the final version of the bill, not all of the problems and differences of opinion were resolved and consequently the bill is submitted without recommendation. The following comments explain the provisions of the bill but are not in the form of committee recommendations.

The philosophy of the bill is that, although a child labor law should in no way encourage young people to leave school to go to work, its over-all effect should nevertheless be positive rather than negative. That is, it should not discourage valuable part-time and summer employment for young people and work-study or full-time employment for those few children who, according to school officials, are unable to benefit from remaining in the regular school program. A child labor law should encourage, rather than hinder, youth employment for those who need it and will benefit from it. At the same time it should provide safeguards against hazardous occupations, long hours, and employment of under-age children.

The bill was prepared on the assumption that a new child labor law should incorporate those provisions of the federal child labor law and the recommended standards which seem applicable and desirable in Colorado at this time. Uniformity in the state and federal laws will make it easier for employers and prospective employees to be informed of the legal requirements.

Recognition was given to the fact that in the area of youth employment, as in the area of dropout prevention, statutes can provide only the beginning of a solution to the problem. The community, the employers, the schools and the young people themselves must also contribute to the improvement of the youth employment situation before Colorado can begin to achieve a totally satisfactory climate for the employment of youth.

Minimum age for employment during school hours. The present minimum age for employment during school hours is 14. The bill provides that this be raised to 16 (18 for hazardous occupations) to correspond with the recommended revision of the school attendance law which requires all children under 16 to be in school during school hours. This change would be in conformity with the recommended standards and the federal child labor law.

The revision would eliminate the present exemptions for agricultural employment and independent contractor type jobs during school hours. Exemptions would be permitted for children excused from school pursuant to law (e.g., work-study programs or work permits).

Minimum age for employment outside school hours (part time and summer). The present law specifies a minimum age of 14 for most types of jobs outside school hours except hazardous occupations. During summer vacation, 12 and 13-year olds may be exempted from the minimum age requirement.

The bill continues the 14-year minimum for most non-hazardous occupations, with an exception for actors, models and performers. A new minimum age of 12 would be established for agricultural work, sale and delivery of newspapers, etc., door-to-door sale and delivery of articles of merchandise, shoeshining, and baby sitting. Most of these occupations are not covered by present provisions.

The present 16-year minimum for hazardous occupations would be raised to 18 to conform with recommended standards and the federal child labor law. A minimum age of 16 would be established for a few specified semi-hazardous occupations: manufacturing occupations; operation of any steam boiler; operation of any hazardous power-driven machinery; work involving a risk of falling; and any occupation in a place where intoxicating beverages are served. The exemption for 12 and 13-year olds during summer vacation would be eliminated.

Hours. The bill provides that children under 18 (rather than the present 16) be limited to a maximum 8-hour day and 48-hour, 6-day week.

The present law restricts employment for children under 14 to the hours between 7:00 a.m. and 8:00 p.m. and for children under 16 employment is not permitted later than 8:00 p.m. The bill prohibits employment of children under 16 before 5:00 a.m. and after 8:00 p.m. No child under 16 would be permitted to work more than four hours on a school day unless he were excused from attendance pursuant to law. Exceptions would be provided for actors, models, and performers, permitting them to work until 10:00 p.m. if there is no school the next day. Baby sitters would not be subject to these hour restrictions.

Hazardous occupations. The prssent law prohibits employment in any of a list of hazardous occupations for children under 16. The list of hazardous occupations was probably adequate at the time the law was passed in 1911 but it is outdated now. The bill revises the list of hazardous occupations along the lines of the federal law, which is much more up to date and is adapted to current needs. In addition, the bill prohibits hazardous occupations up to 18 years in conformance with both the recommended standards and the federal child labor law.

Exemptions from child labor law. Agricultural employment and independent contractor type jobs would not be exempted under the revision. Exemptions for theatrical employment would be much more limited than at present. The present exemption permits for 14 to 16-year olds at any time during the year and for 12 to 14-year olds in summer would be eliminated.

The bill provides for exemptions from all but the prohibitions against hazardous and semi-hazardous occupations for: school work and supervised school activities; home chores and miscellaneous tasks undertaken as a contribution to the community; and work done for a parent or guardian except where the parent or guardian is paid for the child's work. Actors, models, or performers employed in the state for less than 15 days would also be exempted.

Age certificate. The present law provides that any child under 16 who wishes to be employed, whether part time (outside school hours or during school vacations) or full time, must obtain a work permit from school authorities. The permit contains proof of age and

a description of the job. One copy is given to the employer and one copy is sent to the Industrial Commission, which uses them to check compliance with the law as to age and hazardous occupations. This system does not offer ease of compliance because the child must have a job in order to obtain a permit, yet he must have the work permit as a condition of employment.

The bill would eliminate this awkward situation by requiring only that the child furnish the prospective employer with an age certificate. The age certificate could be obtained at any time from the school district superintendent or county superintendent and would be based on the child's birth certificate or some other legal proof of age. The child need not have a job in order to obtain an age certificate. The employer would be required to keep a file of the age certificates submitted by his minor employees. The Industrial Commission would be authorized to examine these age certificates at any time. Upon termination of the employment, the age certificate would be returned to the minor.

Work permits. The bill provides that "work permits" for work during school hours (as opposed to age certificates) could be issued to 14 and 15-year olds in a limited number of cases as described in the earlier discussion of the recommended school attendance law. A work permit would be issued by the school superintendent or assistant superintendent to a child 14 or 15 years of age if the child has a job permitted for his age group; if he has his parents' consent; and if the superintendent considers it in the best interests of the child after reviewing the child's school record, test scores, recommendations of the school counselor and school principal, and other pertinent data, including the availability of vocational courses and school-supervised work-study programs. Work permits could be limited to part-time work if this seemed desirable and practicable. If a child employed under a work permit were laid off, fired, or the employment were otherwise terminated, the employer would be required to return the work permit directly to the issuing officer with a notation showing the date of termination and the reasons. Appeal from a denial of a work permit could be taken to the court having jurisdiction of juvenile matters in the child's county of residence.

Enforcement. Enforcement of the child labor law would continue to be under the Industrial Commission. The commission would not, however, receive copies of all age certificates and work permits but would continue to check with employers and issuing officers and to inspect as required. The commission would have authority to issue regulations defining more specifically the permitted and prohibited occupations and equipment described in the child labor law, acting in accordance with the Administrative Code. The commission would also have authority to grant special exemptions in individual cases if it finds that to do so would be in the best interest of the minor involved. On receipt of a complaint, the Industrial Commission, after investigation, could, by order, assess the minimum fine of $20. (Fines would be somewhat higher under the revision than under the present law.) The commission could also issue cease and desist orders. The commission would hold a hearing if requested within 30 days, subject to review by the district court. It could also seek a court injunction if this were necessary.

Miscellaneous provisions eliminated. Several items have been eliminated in the preparation of the revision of the child labor law because they are no longer pertinent. Two of these are the requirement for posting of lists of minors employed (80-8-5) and the night school requirement for employed minors between 14 and 16 who cannot read and write (80-8-10).

Additional Committee Comments

It is believed that the recommended changes in the state's compulsory school attendance bill and the suggestions contained in the included draft of the child labor bill would be of substantial benefit in attacking the problems of school dropouts and youth employment. If adopted, the proposed changes would result in the establishment of sorely-needed basic standards and programs which the state does not now have. The benefits to be realized are limited, however, and the nature and scope of the problems involved necessitate the creation of stronger programs and activity on other fronts if the progress needed is to be achieved.

Accordingly, a concerted effort should be made by the schools and school-related groups, concerned state agencies such as the Department of Education, the Department of Employment, and the Industrial Commission, civic and business groups, and individual employers and citizens toward developing local measures to supplement the standards and programs proposed by the committee. Steps in this direction have been and are being taken in this state -- e.g., by the Metropolitan Council for Community Service, the Jefferson County R-1 School District, and the Denver Section of the National Council of Jewish Women -- but thus far these efforts have largely been fragmented and, while desirable and useful, suffer from the lack of unified leadership.

The committee therefore concludes its report by urging that all interested groups and governmental units give immediate special attention to the problems of school dropouts and youth employment and that consideration be given to agreeing upon a central clearing house for the purpose of providing a consolidated program to deal with these problems in Colorado.

APPENDIX A

A BILL FOR AN ACT

RELATING TO PUBLIC SCHOOLS, PROVIDING FOR COMPULSORY ATTENDANCE AND FOR SPECIAL EDUCATIONAL PROGRAMS TO BE CONDUCTED BY SUCH SCHOOLS.

Be It Enacted by the General Assembly of the State of Colorado:

PART I

SECTION 1. Short title. This act shall be known and may be cited as "The School Attendance Law of 1963".

SECTION 2. Definitions. Whenever used in this act:

(1) "Parent" means the mother or father of a child, or any other person having custody of a child.

(2) "Operating costs" used in connection with any of the programs authorized in Part II of this act means only salaries of professional personnel, cost of specialized services, and necessary books, instructional supplies, and equipment.

(3) "Board of education" means the school board, board of directors, and board of education of a school district.

(4) "State board" means the state board of education.

(5) "Adult" means a person who has reached the age of twenty-one years.

SECTION 3. Free education. Any resident of this state who has attained the age of six years and is under the age of twenty-one is entitled to attend public school in the school district of which he is a resident at any time when the schools of the district are in session and without the payment of tuition, subject only to the limitations of sections 6 and 7 of this act.

SECTION 4. When tuition may be charged. (1) Tuition may be charged to adult pupils in order to help pay for that portion of the operating costs for which the school district is not reimbursed by the state.

(2) Tuition may be charged for a pupil not a resident of the school district in which he attends school, subject to the provisions of section 123-10-21 (16), CRS 1953.

SECTION 5. Compulsory school attendance. (1) Every child who has attained the age of seven years and is under the age of sixteen, except as provided by this section, shall attend public school for at least one hundred seventy-two days during each school year.

(2) The provisions of subsection (1) of this section shall not apply to a child:

(a) Who may be temporarily ill or injured or whose absence is approved by the administrator of the school of attendance;

(b) Who attends, for the same number of days, an independent or parochial school which provides a basic academic education equivalent to that provided in the public schools of the state;

(c) Who is absent for an extended period due to physical, mental, or emotional disability; provided there is filed with the school or with the district superintendent a written statement of a licensed physician indicating the fact of disability and the possible period of absence;

(d) Who has been suspended, expelled, or denied admission in accordance with the provisions of this act;

(e) To whom a current age and school certificate or work permit has been issued pursuant to the "Child Labor Law";

(f) Who is in the custody of a court, or law enforcement authorities;

(g) Who is pursuing a work-study program under the supervision of a public school;

(h) Who has graduated from the twelfth grade; or

(i) Who is being instructed at home by a certified teacher or under an established system of home study approved by the state board.

(3) Unless coming within one of the exceptions listed in subsection (2) of section 5 of this act, a child who is deaf or blind, and who has attained the age of six years, and is under the age of seventeen, shall attend, for at least one hundred seventy-two days during the school year, a school which provides suitable specialized instruction. The provisions of this subsection shall not apply to a child if the Colorado school for the deaf and the blind refuses him admission and it is impractical to arrange for attendance at a special education class, as provided in article 22 of chapter 123, CRS 1953, as amended, within daily commuting distance of the child's home. If any school providing instruction for deaf or blind children offers fewer than the necessary one hundred seventy-two days of instruction, the school shall file with the school district in which it is located a report showing the number of days classes were held and the names and ages of the children enrolled.

SECTION 6. Suspension, expulsion, and denial of admission. (1) No child who has attained the age of six years and is under the age of twenty-one shall be suspended or expelled from, or be denied admission to the public schools, except as provided by this act.

(2) In addition to the powers provided in section 123-10-21, CRS 1953, as amended, the board of education of each district, may, on the grounds stated in section 7 of this act:

(a) Suspend a pupil from school for not more than ten school days in any one semester or may delegate such power to its executive officer; and

(b) Delegate to any school principal within the district the power to suspend a pupil in his school for not more than five school days in any one semester; and

(c) Deny admission to, or expel for any period, not extending beyond the end of the school year, any child whom the board of education, in accordance with the limitations imposed by this act, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. No board of education shall, however, deny admission to, or expel, any child without providing an opportunity for a hearing at which evidence may be presented in his behalf. If the child is denied admission or expelled, he shall be entitled to a review of the decision of the board of education in accordance with section 9 of this act.

SECTION 7. Grounds for suspension, expulsion, and denial of admission. (1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued wilful disobedience or open and persistent defiance of proper authority;

(b) Wilful destruction, or defacing, of school property;

(c) Behavior which is inimicable to the welfare, safety, or morals of other pupils.

(2) The following shall be grounds for expulsion from or denial of admission to a public school:

(a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;

(b) Physical or mental disability or disease such as to cause the attendance of the child suffering therefrom to be inimicable to the welfare of other pupils.

(3) The following shall constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school;

(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 123-21-15, CRS 1953, as amended;

(c) Having been expelled during the same school year;

(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 30, chapter 123, CRS 1953, as amended.

SECTION 8. Enforcement of compulsory school attendance. (1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district, and it shall be the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance so as to enforce the provisions of this act which relate to compulsory attendance.

(2) The state commissioner of education shall designate an employee of the department of education whose duty it shall

be to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state of Colorado.

SECTION 9. Judicial proceedings. (1) Those courts having jurisdiction over juvenile matters in a county shall have original jurisdiction over all matters arising out of the provisions of this act.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this act, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fee shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall so notify the board and may hold hearing on the matter, or in its discretion, may make its ruling based solely upon the information contained in the petition and the statement of the board of education. If, from the matters presented to it, the court shall find that the board of education failed to comply with the provisions of this act or that the child should be permitted to enter or re-enter the schools of the district, the court shall set aside the order of the board of education and direct that the child be admitted to school. If the court shall find

that the board of education complied with the provisions of this act and that under the circumstances the child should not be allowed to enter or re-enter the schools of the district, the court shall order the petition dismissed.

(4) It shall be the duty of the attorney for the school district, or if there is none, the district attorney for the judicial district in which the school district is headquartered, to initiate proceedings for the enforcement of the compulsory attendance provisions of this act upon request by the attendance officer of the district or of the state. No district attorney shall charge the school district or attendance officer a fee for services rendered in the enforcement of this act.

(5) No court proceeding shall be initiated to compel attendance at school until the parent and the child have been given notice by the attendance officer of the school district or of the state that proceedings will be initiated if the child does not comply with the provisions of this act. The notice shall be written, and shall be served in the manner provided for the service of summons. The notice shall state the date after which proceedings will be initiated, which date shall not be less than ten days from the date of the notice. The notice shall state the provisions of this act with which compliance is required and shall state that the proceedings will not be brought if the child complies with that provision before the filing of the proceeding.

(6) In the discretion of the court before which a proceeding to compel attendance is brought an order may be issued compelling the child to attend school as provided by this act.

(a) If the child refuses or neglects to obey the order, the court may determine that the child is a delinquent as defined by section 22-8-1 (2), CRS 1953, as amended, and upon so finding the court shall provide for the disposition of the child as provided in section 22-8-11, CRS 1953, as amended.

(b) If the parent refuses or neglects to obey the order, the court may order the parent to show cause why he should not be held in contempt of court, and if the parent fails to show cause, the court may confine the parent in the county jail until the order is complied with.

PART II

SECTION 10. Remedial instruction program. A school district providing one or more specialized programs of remedial instruction, approved by the state board, in the subjects of reading, arithmetic, or the use of the English language, for the purpose of advancing the level of attainment of a child in any grade who is determined by the board of education to be below the average level of attainment for his grade in these subjects by two or more years, shall be eligible for state financial aid as provided in subsection (1) of section 14 of this act, whether the program is established and operated during or outside regular school hours or days.

SECTION 11. Work-study program. A school district providing one or more specialized programs, approved by the state board, for children fourteen years of age or older who have not completed the twelfth grade shall be eligible for state financial aid as provided in subsection (1) of section 14 of this act. Such programs shall require that a child enrolled therein

attend school part-time and work part-time at gainful employment approved and supervised by the school district authorities. Such programs shall be for those children who are considered likely to drop out of school because of financial need or scholastic under-achievement, or who have already dropped out and who may reasonably be expected to derive substantial educational benefits under this program.

SECTION 12. Summer program. A school district providing a summer program of regular class instruction in appropriate subjects for elementary or secondary school pupils, or both, shall be eligible for state financial aid as provided in subsection (2) of section 14 of this act.

SECTION 13. Adult diploma program. A school district providing a program of instruction, approved by the state board, at the elementary or secondary level, or both, for adults without a high school diploma shall be eligible for state financial aid as provided in subsection (2) of section 14 of this act. The program shall provide a course of study leading to the award of a high school diploma or its equivalent, and may be open to any person sixteen years of age or over who has been legally out of school for at least one year immediately preceding enrollment in this program.

SECTION 14. Reimbursement - how administered. (1) Operating costs for the remedial instruction program and the work-study program, which have been approved by the state board, shall be reimbursed by the state in an amount equal to one-half the amount expended by the school district. Upon submission to

the state board on or before October first of each year by the local board of education, of the itemized statements of operating costs incurred during the previous school year in the conduct of these programs, and upon the subsequent approval of the statements by the state board, the state board shall certify to the state treasurer on or before the fifteenth day of October the amount to be paid to each county of the state, and to the county treasurer of each county, the amount thereof to be credited to each school district participating in the programs in his county. After receipt of the certification from the state board of education, the state treasurer shall make distribution of the amounts certified to the respective county treasurers on or before November first. The county treasurer shall forthwith credit to the special fund of each school district participating in the special programs the amount to which the district is entitled. Application for reimbursement due under this section shall be made upon forms prescribed by the state board.

(2) Operating costs for the summer program and the adult diploma program, which have been approved by the state board, shall be reimbursed in the manner provided in subsection (1) of this section. The school district maintaining these programs shall receive reimbursement in an amount up to one-half of the operating costs expended; provided, that no school district shall receive an amount of state aid for these programs greater than the number of pupils enrolled therein multiplied by one-fiftieth of the state's share of a classroom unit awarded to that school district during the preceding school year under the minimum equalization program of "The Public School Foundation Act".

SECTION 15. Regulations. The state board may prescribe necessary rules and regulations for the administration of this act.

SECTION 16. Double claims. No school board shall make more than one claim for reimbursement of any expense incurred either in the establishment and maintenance of a special program provided by this act or incurred in any other special program provided by law whereby a board of education may be reimbursed for expenses, except that entitlements of a school district under "The Public School Foundation Act" are not to be construed as being within the meaning of this section.

SECTION 17. Insufficient appropriations - proration. In the event that the appropriations made for each program provided in this act are insufficient to pay all claims thereunder as certified by the state board, all approved reimbursements shall be prorated by the state board on the basis of the total operating costs approved in proportion to the funds available for each program.

SECTION 18. Repeal. Article 20, chapter 123, section 123-10-21 (7), and sections 123-21-20 and 123-21-21, Colorado Revised Statutes 1953, are hereby repealed.

SECTION 19. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

APPENDIX B

A BILL FOR AN ACT

CONCERNING THE EMPLOYMENT OF MINORS AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF LAWS PERTAINING THERETO.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Definitions. For the purposes of this act:

(1) "School day" means any day when normal classes are in session during the regular school year in the school district.

(2) "Minor" means any person under the age of eighteen.

(3) "School hours" shall mean eight thirty a.m. to three thirty p.m. as a standard, but this may be changed by the school board in a particular school district adopting different hours for its regular school day. In the event a school is running split-sessions so that classes are held over a longer period of time than a student is expected to attend, "school hours" shall mean that period during which a student is expected to be in school.

(4) "Employment" means any occupation engaged in for compensation in money or other valuable consideration, whether paid to the minor or to some other person including, but not by way of limitation, occupation as a servant, agent, subagent, or independent contractor.

SECTION 2. Minimum age requirements. (1) No minor under the age of fourteen shall be permitted employment in this state except as authorized by sections 3 and 7 of this act.

(2) On school days, during school hours no minor under the age of sixteen shall be permitted employment, unless he is excused from attendance at school pursuant to law.

SECTION 3. Permissible occupations at age twelve. (1) Any minor twelve years of age and older shall be permitted employment in any of the following occupations:

(a) Agricultural work;

(b) Sale and delivery of newspapers, periodicals, handbills, or advertising, or the door-to-door sale and delivery of articles of merchandise;

(c) Shoeshining;

(d) Baby sitting.

SECTION 4. Occupations prohibited under age sixteen. (1) No minor under the age of sixteen shall be permitted employment in any of the following occupations, which are hereby declared to be potentially detrimental to the health and welfare of such minor:

(a) Any occupation in manufacturing, or in a place where manufacturing is conducted;

(b) Operation of any steam boiler;

(c) Operation of any hazardous power driven machinery;

(d) Work involving risk of falling from any elevated place or device;

(e) Any occupation in a place where intoxicating beverages are served.

SECTION 5. Hazardous occupations prohibited under age eighteen. (1) No minor under the age of eighteen shall be

permitted employment in any of the following occupations, which are hereby declared to be hazardous, unless such employment is incidental to a program of apprentice training:

(a) Manufacturing, transporting, or storing of explosives;

(b) Mining, logging, or quarrying;

(c) Driving a motor vehicle;

(d) Any occupation involving exposure to radioactive substance or ionizing radiation, or to dangerous or poisonous acids, dyes, or gasses;

(e) Operation of the following power-driven machinery: Woodworking machines, hoisting apparatus, freight and passenger elevators, metal forming machines, punching or shearing machines, bakery machines, paper products machines, shears, and automatic pin-setting machines;

(f) Slaughter of cattle, calves, hogs, sheep, lambs, goats, or horses, and rendering and packing of meat;

(g) Occupations directly involved in the manufacture of brick or other clay construction products or of silica refractory products;

(h) Wrecking or demolition;

(i) Roofing.

SECTION 6. Hours of work. (1) No minor under the age of sixteen shall be permitted to work between the hours of eight p.m. and five a.m., nor shall he be permitted to work more than four hours on a school day unless he is excused from attendance at school pursuant to law. Baby sitters shall not be subject to the provisions of this subsection.

(2) No minor under the age of eighteen shall be permitted to work more than six consecutive days, or more than forty-eight

hours in any week, or more than eight hours in any twenty-four hour period.

SECTION 7. Exemptions. (1) The provisions of this act, except sections 4 and 5, shall not apply to the following:

(a) School work or supervised school activities;

(b) Home chores and miscellaneous tasks undertaken as a contribution to the community;

(c) Work done for a parent or guardian, except where the parent or guardian receives any payment therefor;

(2) Any minor employed as an actor, model, or performer shall be exempt from the provisions of subsection (1) of section 2 of this act and may work until ten p.m. if the next day is not a school day. If employed in this state for less than fifteen days in any twelve month period, such minor shall be exempt from the entire act except for sections 4 and 5.

SECTION 8. Age certificates. (1) Any minor making application for employment shall furnish the prospective employer with an age certificate. Upon request of a minor an age certificate shall be issued by or under the authority of the school district superintendent or county superintendent. The superintendents, principals, or headmasters of independent or parochial schools shall issue age certificates to minors who attend such schools.

(2) The age certificate shall show the age of the minor, the date of his birth, the date of issuance of the certificate, the name and position of the issuing officer, and the name, address, and description of the minor. It shall be signed by the issuing officer and by the minor in his presence. The issuing officer's file copy shall also show what evidence was accepted as proof of age.

(3) An age certificate shall not be issued unless the minor's birth certificate or a photo-copy or extract thereof is exhibited to the issuing officer, or unless such evidence was previously examined by the school authorities and the information is shown on the school records. If a birth certificate is not available, other documentary evidence such as baptismal certificate or a passport may be accepted. If such evidence is not available, the parent or guardian shall appear with the minor and shall make an oath before the judge or other officer of the juvenile or county court as to the age of the minor. Upon such further evidence or testimony as he may require, the judge or other officer shall thereupon issue an age certificate for the minor.

(4) The employer shall keep an age certificate received by him for the duration of the minor's employment and shall file all age certificates where they may be readily examined by an agent of the industrial commission. Upon termination of employment, the certificate shall be returned to the minor.

(5) The age certificate shall also show the school hours applicable and shall state that a separate work permit is required for minors under sixteen to work on regular school days between these hours.

SECTION 9. Work permits. (1) Any minor fourteen or fifteen years of age who wishes to work on school days during school hours must first secure a work permit. The work permit shall be issued only by the school district superintendent or assistant superintendent and only in the following circumstances:

(a) If the minor is to be employed in an occupation not prohibited by sections 4 and 5 of this act and as evidence

thereof presents a signed statement from his prospective employer, and

(b) If the parent or guardian of this minor consents to the employment, and

(c). If the issuing officer believes the best interests of the minor will be served by permitting him to work.

(2) Before a permit shall be issued the issuing officer should review the minor's school record and test scores, the recommendations of his counsellor and school principal, and any other pertinent data available. In making his determination, the issuing officer shall also consider the availability of vocational courses and school supervised work-study programs.

(3) The work permit shall show the name, address, and description of the minor, the name and address of the employer and the kind of work to be performed, and shall also require the signature of the parent and the minor in the presence of the issuing officer.

(4) If it appears desirable and practical for the minor to attend school part-time and work part-time, the work permit shall be issued with this limitation.

(5) If the issuing officer is in doubt about the legality of the minor's proposed employment, he shall consult with the industrial commission before issuing the permit.

(6) Upon termination for any reason of the employment authorized, the employer shall return the work permit directly to the issuing officer with a notation showing the date of termination and the reason therefor.

SECTION 10. Appeal from the denial of a work permit. (1) If a minor is refused a work permit, he shall be entitled to a review by the court having jurisdiction of juvenile matters in the county in which he resides.

(2) The issuing official who refused to issue the work permit shall, upon demand, made within five days thereafter, promptly furnish the minor with a written statement of the reasons for such refusal.

(3). Within five days after the receipt of such statement, the minor or parent or guardian may petition the court for an order directing the issuance of a work permit. The petition shall state the reasons for such an order and shall have attached to it the statement of the issuing officer obtained as provided in subsection (2).

(4) The court may make its determination on the basis of the petition and statement above or it may receive such further testimony and evidence as it deems necessary. If the court finds that the issuance of a permit would be in the best interests of the minor, it shall grant the petition.

(5) No fee shall be charged by the court in such proceedings.

SECTION 11. Industrial commission - powers and duties. (1) The industrial commission shall enforce the provisions of this act and, in accordance with section 3-16-2, CRS 1953, as amended, shall have authority to promulgate regulations more specifically defining the occupations and equipment permitted or prohibited herein.

(2) The industrial commission may grant special exemptions in writing in individual cases from any provision of this act if it finds that to do so would be in the best interest of the minor involved.

(3) The industrial commission shall take necessary steps to inform employers, school authorities, and the general public regarding the provisions of this act, and shall work with other public and private agencies to minimize the obstacles to legitimate employment of minors.

(4) The industrial commission shall receive and investigate complaints and may from time to time visit employers and inspect pertinent records to determine compliance with this act.

(5) If investigation of any place of employment or complaint discloses a violation of this act, the industrial commission, upon written complaint of any member of its staff, may issue an order to cease and desist the act complained of which shall become effective immediately, or may order the violating employer to pay a penalty of twenty dollars for each offense, or may issue both such orders. The commission may order the violating employer to pay a separate penalty of twenty dollars for each day that the offense is continued. The order imposing the penalty shall become final and the penalty due and payable thirty days after the order is entered, unless prior to that time the order has been modified or a hearing has been requested as provided by section 3-16-4, CRS 1953, as amended. All penalties imposed by this section shall be collected as provided in section 80-1-46, CRS 1953.

(6) After a hearing concerning a violation of this act, the industrial commission may issue an order compelling the

violating employer to cease the act found to be in violation or may impose a penalty of not more than one hundred dollars, or both, for each offense. The findings, orders, and penalties shall be subject to review pursuant to section 3-16-5, CRS 1953, as amended; provided that the proper proceedings for such review are commenced within thirty days after entry of such findings, orders, and penalties, and not thereafter.

(7) The industrial commission may apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act prohibited by this act.

SECTION 12. Violations - penalties. (1) Any person, having under his control a child under the age of sixteen years, who permits that child to be employed in violation of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, for each offense.

(2) Any person, firm, corporation, agent, manager, superintendent, or foreman, of any firm or corporation, who, by himself or through a subagent, foreman, superintendent, or manager, shall for the first time violate or fail to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof be punished by a fine of not less than twenty dollars nor more than one hundred dollars, for each offense, and upon conviction of a subsequent offense, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not longer than ninety days, or both such fine and imprisonment, for each offense.

SECTION 13. Short title. This act shall be known and may be cited as the "Child Labor Law".

SECTION 14. Repeal. Article 8 of chapter 80, Colorado Revised Statutes 1953, is hereby repealed.

SECTION 15. Effective date. This act shall take effect on June 1, 1963.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.