

**First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23-0452.01 Chelsea Princell x4335

**HOUSE BILL 23-1089**

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**HOUSE SPONSORSHIP**

**Young,**

**SENATE SPONSORSHIP**

**Zenzinger,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE CONTINUATION OF SPECIAL EDUCATION SERVICES**  
102 **FOR A STUDENT IN FOSTER CARE WHEN THE STUDENT MOVES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Current law designates that a student in an out-of-home placement is a resident of the school district where the placement is located, even if that student continues to attend a school in another school district. The bill designates students in out-of-home placements as residents of the school district of their school of origin as long as the student attends the school of origin.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.  
Dashes through the words or numbers indicate deletions from existing law.*

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 22-1-102, **amend**  
3 (2)(i); and **add** (2)(j) as follows:

4           **22-1-102. Residence of child.** (2) A child shall be deemed to  
5 reside in a school district if:

6           (i) The child is found to have become homeless pursuant to the  
7 provisions of section 22-1-102.5 during a period that school is not in  
8 session, the child remains homeless, and the child presently seeks shelter  
9 or is located in the school district; except that the child shall be deemed  
10 to reside in another school district if the child attended school in such  
11 school district immediately prior to the time the child became homeless,  
12 the child remains homeless, the affected school districts find that  
13 attendance in such other school district is in the best interests of the child  
14 pursuant to section 22-33-103.5, and the child chooses to continue  
15 attendance in such other school district; OR

16           (j) THE CHILD IS A STUDENT IN OUT-OF-HOME PLACEMENT, AS  
17 DEFINED IN SECTION 22-32-138, BUT REMAINS ENROLLED IN A SCHOOL OF  
18 ORIGIN, AS DEFINED IN SECTION 22-32-138, WITHIN THE SCHOOL DISTRICT  
19 OF THE SCHOOL OF ORIGIN.

20           **SECTION 2.** In Colorado Revised Statutes, 22-20-107.5, **amend**  
21 (1) introductory portion and (1)(c); and **add** (1)(d) as follows:

22           **22-20-107.5. District of residence of a child with a disability -**  
23 **jurisdiction.** (1) Notwithstanding the provisions of section 22-1-102 (2),  
24 for the purposes of this ~~article~~ ARTICLE 20 the district of residence of a  
25 child with a disability is the school district in which such child lives on  
26 a day-to-day basis, including a child placed in a foster home pursuant to

1 section 19-1-115.5 (1); ~~C.R.S.~~; except that:

2 (c) If a child lives in a regional center, a mental health institute,  
3 a facility, or a group home, and the district of residence cannot be  
4 determined due to the inability to locate a parent or due to the  
5 homelessness of a parent, the child shall be considered a resident of the  
6 school district in which the regional center, mental health institute,  
7 facility, or group home is located; OR

8 (d) IF A CHILD WITH A DISABILITY IS A STUDENT IN OUT-OF-HOME  
9 PLACEMENT, AS DEFINED IN SECTION 22-32-138, AND IS ENROLLED IN A  
10 SCHOOL OF ORIGIN, AS DEFINED IN SECTION 22-32-138, SECTION 22-1-102  
11 (2)(j) APPLIES.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety.