

CHAPTER 112

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 23-1089

BY REPRESENTATIVE(S) Young, Amabile, Bacon, Bird, Brown, deGruy Kennedy, Dickson, Duran, English, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Marshall, Martinez, Mauro, McCormick, McLachlan, Michaelson Jenet, Ortiz, Parenti, Ricks, Sharbini, Sirota, Story, Titone, Valdez, Velasco, Vigil, Weinberg, Weissman, Woodrow, McCluskie;

also SENATOR(S) Zenzinger, Bridges, Buckner, Coleman, Cutter, Fields, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Moreno, Mullica, Priola, Roberts, Smallwood, Winter F., Fenberg.

AN ACT

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

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

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

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

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

(j) ~~THE CHILD IS A STUDENT IN OUT-OF-HOME PLACEMENT, AS DEFINED IN SECTION 22-32-138, BUT IS ENROLLED IN A SCHOOL OF ORIGIN, AS DEFINED IN SECTION 22-32-138, OTHER THAN AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, OR A STATE-LICENSED DAY TREATMENT FACILITY AND WAS CONSIDERED~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

A RESIDENT OF THE SCHOOL DISTRICT AT THE TIME THE CHILD BECAME A STUDENT IN OUT-OF-HOME PLACEMENT OR AT THE TIME OF ENROLLMENT IN THE SCHOOL OF ORIGIN, WHICHEVER IS MOST RECENT.

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

22-20-107.5. District of residence of a child with a disability - jurisdiction.

(1) Notwithstanding the provisions of section 22-1-102 (2), for the purposes of this ~~article~~ ARTICLE 20 the district of residence of a child with a disability is the school district in which such child lives on a day-to-day basis, including a child placed in a foster home pursuant to section 19-1-115.5 (1); ~~C.R.S.~~; except that:

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

(d) IF A CHILD WITH A DISABILITY IS A STUDENT IN OUT-OF-HOME PLACEMENT, AS DEFINED IN SECTION 22-32-138, AND IS ENROLLED IN A SCHOOL OF ORIGIN, AS DEFINED IN SECTION 22-32-138, OTHER THAN AN APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, OR A STATE-LICENSED DAY TREATMENT FACILITY, SECTION 22-1-102 (2)(j) APPLIES.

SECTION 3. In Colorado Revised Statutes, 19-3-208, **add** (3)(e) as follows:

19-3-208. Services - county required to provide - out-of-home placement options - rules - definitions. (3) (e) THE DEPARTMENT SHALL CONVENE A WORKING GROUP WITHIN SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (3)(e), INCLUDING THE DEPARTMENT OF EDUCATION, COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES, REPRESENTATIVES FROM THE SPECIAL EDUCATION DIRECTORS, AND OTHER APPROPRIATE SCHOOL DISTRICT REPRESENTATIVES, TO IDENTIFY ISSUES RELATED TO FOSTER YOUTH EDUCATION, TRANSPORTATION, AND STABILITY, AS DESCRIBED IN THIS SUBSECTION (3), AND TOGETHER, PRIOR TO THE 2025 REGULAR LEGISLATIVE SESSION, DEVELOP WRITTEN RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING ANY REGULATORY OR STATUTORY CHANGES THAT MAY BE REQUIRED.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: April 25, 2023