

## CHAPTER 185

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**EDUCATION - PUBLIC SCHOOLS**

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**HOUSE BILL 94-1174**

BY REPRESENTATIVES Hagedorn, Blue, Faatz, Gordon, Knox, Lawrence, and Nichol;  
also SENATORS Meiklejohn, Mutzebaugh, Norton, and Ruddick.

**AN ACT****CONCERNING THE ENROLLMENT IN ELEMENTARY SCHOOLS OF CHILDREN WHO BECOME  
NONRESIDENTS OF THE SCHOOL DISTRICT.**

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

**SECTION 1.** 22-32-116, Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

**22-32-116. Exclusion of nonresidents - exception.** (1) ~~A board of education of a school district may exclude from the schools of its district a pupil who is not a resident of the district or who becomes a nonresident of the district subsequent to the time of enrollment, except that a~~ NOTWITHSTANDING THE PROVISIONS OF SECTION 22-36-101, ANY PUPIL WHO IS ENROLLED AS A RESIDENT STUDENT shall be entitled to complete the semester or other term for credit if ~~he~~ SUCH PUPIL becomes a nonresident, or if ~~he~~ SUCH PUPIL becomes a nonresident while ~~he is~~ enrolled in the twelfth grade, ~~he~~ SUCH PUPIL shall be entitled to finish that school year as a resident. ~~A board may waive tuition for a nonresident school-age child and provide free textbooks for said child if the board determines that the child is required to reside temporarily in the district in order to have a home and the necessities of life.~~

(2) (a) THE PROVISIONS OF THIS SUBSECTION (2) ARE ONLY APPLICABLE TO ELEMENTARY SCHOOL-AGE CHILDREN.

(b) IF A PUPIL IS ENROLLED IN AN ELEMENTARY SCHOOL AND BECOMES A NONRESIDENT SUBSEQUENT TO THE TIME OF ENROLLMENT OR BECOMES A NONRESIDENT DURING THE TIME PERIOD BETWEEN SCHOOL YEARS, THE SCHOOL DISTRICT SHALL ALLOW THE PUPIL TO REMAIN ENROLLED IN OR TO REENROLL IN SAID ELEMENTARY SCHOOL SUBJECT TO THE FOLLOWING REQUIREMENTS:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(I) THE PUPIL WAS INCLUDED IN THE MOST RECENT OCTOBER PUPIL ENROLLMENT COUNT TAKEN BY THE SCHOOL DISTRICT AND HAS BEEN CONTINUOUSLY ENROLLED IN THE ELEMENTARY SCHOOL SINCE THE DATE THE COUNT WAS TAKEN;

(II) THE PARENT OR GUARDIAN OF THE PUPIL HAS MADE A WRITTEN REQUEST TO THE PRINCIPAL OF THE ELEMENTARY SCHOOL ASKING FOR THE PUPIL TO REMAIN ENROLLED IN OR TO REENROLL IN THE SCHOOL; AND

(III) THE REQUEST HAS BEEN APPROVED BY THE PRINCIPAL OF THE ELEMENTARY SCHOOL FOLLOWING A FINDING THAT SPACE EXISTS IN THE SCHOOL TO ACCOMMODATE THE PUPIL.

(c) IF THE PUPIL'S REQUEST IS MADE AND APPROVED PURSUANT TO THIS SUBSECTION (2), THE SCHOOL DISTRICT SHALL PERMIT THE PUPIL TO REMAIN ENROLLED IN OR TO REENROLL IN THE REQUESTED ELEMENTARY SCHOOL. THE SCHOOL DISTRICT OF RESIDENCE AND THE SCHOOL DISTRICT OF ATTENDANCE SHALL ENTER INTO A WRITTEN AGREEMENT CONCERNING THE PUPIL AS PROVIDED IN SECTION 22-32-115 (4).

(d) IF THE PUPIL THAT HAS RECEIVED PERMISSION TO REENROLL IN AN ELEMENTARY SCHOOL PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2) DOES NOT DO SO BY THE PUPIL ENROLLMENT COUNT IN OCTOBER, THE SCHOOL DISTRICT IS NO LONGER REQUIRED TO PERMIT SUCH REENROLLMENT.

(e) NOTHING IN THIS SUBSECTION (2) MAY BE CONSTRUED AS CREATING AN OBLIGATION ON THE PART OF THE SCHOOL DISTRICT OF RESIDENCE OR THE SCHOOL DISTRICT OF ATTENDANCE TO PROVIDE TRANSPORTATION AT PUBLIC EXPENSE FOR ANY SUCH PUPIL TO AND FROM THE SCHOOL OF ATTENDANCE.

**SECTION 2.** 22-32-115 (2) (b) and (4), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

**22-32-115. Tuition for resident school-age children.** (2) (b) (I) A board of education of a district ~~may~~ SHALL permit any child, the parents or guardian of whom ARE RESIDENTS OF THE STATE BUT are not residents of the district, to attend school in the district ~~if the parents or guardian of said child have paid, in the calendar year next preceding the year of attendance, an ad valorem school tax upon real property situate in the district and if the property upon which said tax has been paid is contiguous to the district of residence of the parents or guardian. In such event, a credit, not to exceed the amount of said tax so paid during the preceding calendar year, shall be deducted from the tuition for such child, and the amount of the tuition shall be computed in accordance with the provisions of paragraph (a) of this subsection (2).~~ PURSUANT TO THE PROVISIONS OF SECTION 22-36-101; EXCEPT THAT THE PARENTS OR GUARDIAN OF SUCH CHILD SHALL NOT BE REQUIRED TO PAY TUITION. Nothing in this paragraph (b) shall be construed as creating an obligation on the part of the school district of residence or the school district of attendance to provide transportation at public expense for any such child to and from the school of attendance. THE BOARD OF EDUCATION OF ANY SCHOOL DISTRICT MAY PERMIT ANY CHILD, THE PARENTS OR GUARDIAN OF WHOM ARE NOT RESIDENTS OF THE STATE, TO ATTEND SCHOOL IN THE SCHOOL DISTRICT AND MAY REQUIRE THE PARENTS OR GUARDIAN OF THE CHILD TO

## PAY TUITION ON BEHALF OF THE CHILD.

(II) A BOARD OF EDUCATION OF A SCHOOL DISTRICT SHALL PERMIT AN ELEMENTARY SCHOOL-AGE CHILD TO ATTEND AN ELEMENTARY SCHOOL OPERATED BY SUCH SCHOOL DISTRICT IF THE PROVISIONS OF SECTION 22-32-116 (3) ARE APPLICABLE.

(4) (a) A district of residence shall not be liable for the tuition of any school-age child except pursuant to a written agreement with the district of attendance. ~~In the absence of such written agreement, the parent or guardian of such school-age child shall be liable for all tuition charged by the district of attendance.~~ A copy of any written agreement between the district of residence and the district of attendance shall be furnished TO the parent or guardian of a child covered by the agreement, and such parent or guardian shall NOT be liable for such part of the tuition, if any, not paid to the district of attendance by the district of residence of such child; EXCEPT THAT SUCH PARENT OR GUARDIAN MAY BE LIABLE FOR THE PAYMENT OF SUCH PART OF THE TUITION IF SUCH PARENT OR GUARDIAN IS NOT A RESIDENT OF THE STATE.

(b) THE WRITTEN AGREEMENT BETWEEN THE SCHOOL DISTRICT OF RESIDENCE AND THE SCHOOL DISTRICT OF ATTENDANCE REGARDING A NONRESIDENT CHILD WHO IS ATTENDING AN ELEMENTARY SCHOOL IN A SCHOOL DISTRICT OTHER THAN THE SCHOOL DISTRICT OF RESIDENCE PURSUANT TO THE PROVISIONS OF SECTION 22-32-116 (2) MAY NOT CONTAIN ANY REQUIREMENT FOR THE PAYMENT OF TUITION. THE SCHOOL DISTRICT OF RESIDENCE AND THE PARENT OR GUARDIAN OF A CHILD ATTENDING SCHOOL PURSUANT TO SECTION 22-32-116 (2) ARE NOT LIABLE FOR ANY TUITION FOR THE ATTENDANCE OF THE CHILD IN THE SCHOOL DISTRICT OF ATTENDANCE.

**SECTION 3. 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.

Approved: May 4, 1994