

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0452.01 Chelsea Princell x4335

HOUSE BILL 23-1089

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House Committees
Education

Senate Committees
Education

A BILL FOR AN ACT

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

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.

SENATE
3rd Reading Unamended
April 12, 2023

SENATE
2nd Reading Unamended
April 11, 2023

HOUSE
3rd Reading Unamended
March 21, 2023

HOUSE
Amended 2nd Reading
March 20, 2023

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 IS ENROLLED IN A SCHOOL OF ORIGIN,
18 AS DEFINED IN SECTION 22-32-138, [REDACTED] OTHER THAN AN APPROVED
19 FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, OR A STATE-LICENSED
20 DAY TREATMENT FACILITY AND WAS CONSIDERED A RESIDENT OF THE
21 SCHOOL DISTRICT AT THE TIME THE CHILD BECAME A STUDENT IN
22 OUT-OF-HOME PLACEMENT OR AT THE TIME OF ENROLLMENT IN THE
23 SCHOOL OF ORIGIN, WHICHEVER IS MOST RECENT.

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

26 **22-20-107.5. District of residence of a child with a disability -**

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

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

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

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

20 **19-3-208. Services - county required to provide - out-of-home**
21 **placement options - rules - definitions.** (3) (e) THE DEPARTMENT SHALL
22 CONVENE A WORKING GROUP WITHIN SIX MONTHS AFTER THE EFFECTIVE
23 DATE OF THIS SUBSECTION (3)(e), INCLUDING THE DEPARTMENT OF
24 EDUCATION, COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES,
25 REPRESENTATIVES FROM THE SPECIAL EDUCATION DIRECTORS, AND OTHER
26 APPROPRIATE SCHOOL DISTRICT REPRESENTATIVES, TO IDENTIFY ISSUES
27 RELATED TO FOSTER YOUTH EDUCATION, TRANSPORTATION, AND

1 STABILITY, AS DESCRIBED IN THIS SUBSECTION (3), AND TOGETHER, PRIOR
2 TO THE 2025 REGULAR LEGISLATIVE SESSION, DEVELOP WRITTEN
3 RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING ANY
4 REGULATORY OR STATUTORY CHANGES THAT MAY BE REQUIRED.

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