

CHAPTER 123

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 94-185

BY SENATORS Wham and Tebedo;
also REPRESENTATIVE Agler.

AN ACT**CONCERNING DETERMINATION OF THE DISTRICT OF RESIDENCE OF A CHILD WHO IS LIVING IN A FACILITY OPERATED BY THE DEPARTMENT OF INSTITUTIONS.**

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

SECTION 1. 22-20-107.5, Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended to read:

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

Notwithstanding the provisions of section 22-1-102 (2), for the purposes of this article 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; except that, if a child with a disability is homeless, as defined by section 22-1-102.5, the provisions of section 22-1-102 (2) (h) shall apply, and except that, when a child is living at one of the regional centers, including satellite homes of such centers, operated by the department of institutions OR ANY OTHER FACILITY OPERATED BY OR UNDER CONTRACT TO THE DEPARTMENT OF INSTITUTIONS OR AT the Colorado mental health institute at Pueblo or Fort Logan, a group care facility or home, or the school for the deaf and the blind, such child shall be deemed to reside where the parent or guardian of such child resides; except that, when a child lives in such facility and the district of residence cannot be determined due to the inability to locate a parent or guardian, the child shall be considered a resident of the school district in which such facility is located. If there is a dispute as to which school district constitutes the district of residence, the commissioner of education shall have the authority to determine questions of residency and thus jurisdiction after reviewing necessary details involved in the determination of residency.

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

SECTION 2. 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: April 14, 1994