

Document: C.R.S. 22-1-102

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Statutes current through Chapter 2 of the 2024 Regular Session, effective as of February 16, 2024. The 2024 legislative changes are not final until compared and reconciled to the 2024 work product of the Colorado Office of Legislative Services later in 2024.

Colorado Revised Statutes Annotated **Title 22. Education (§§ 22-1-101 – 22-107-105)** **General and Administrative (Arts. 1 – 16)** **Article 1. General Provisions (§§ 22-1-101 – 22-1-143)**

22-1-102. Residence of child.

(1) Every public school shall be open for the admission of all children, between the ages of five and twenty-one years, residing in that district without the payment of tuition. The board of education shall have power to admit adults and children not residing in the district if it sees fit to do so and to fix the terms of such admission.

(2) A child shall be deemed to reside in a school district if:

- (a)** Both his or her parents, or the survivor of them, or the one of them with whom such child resides a majority of the time pursuant to an order of any court of competent jurisdiction resides in the school district;
- (b)** The legally appointed guardian of his person resides in the school district;
- (c)** After emancipation by his parents, or the survivor thereof, from their or his control, and he has no guardian, he lives within the school district;
- (d)** In the judgment of the board of education of the school district wherein the child lives, the child has been abandoned by his parents;
- (e)** The child has become permanently dependent for his maintenance and support on someone other than his nonresident parents, or upon any charitable organization, if the dependent child is actually to make his home and receive his support within the school district where he desires to attend;
- (f)** If one of the child's parents or the guardian of his person is a public officer or employee living

temporarily for the performance of his duties in a school district other than that of his residence.

Unless the parents of a child are permanently separated, the residence of the husband shall be deemed to be the residence of the child, but, if the parents have permanently separated, the residence of the child shall be that of the parent with whom the child actually lives.

(g) Regardless of the residence of the parents, if any, the child adopts a dwelling place within the district with the intent to remain there indefinitely and with the intent not to return to the dwelling place from which he came, and regularly eats or sleeps there, or both, during the entire school year as defined in section 22-1-112; but the child shall be deemed not to have the requisite intent if he regularly returns to another dwelling place during summer vacations or weekends;

(h) The child is found to be homeless pursuant to the provisions of section 22-1-102.5 and the child presently seeks shelter or is located in the school district; except that a homeless child shall be deemed to reside in another school district if the child attended school in such school district at 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;

(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 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.

(3) School districts shall follow the procedures specified in section 22-33-103.5 in determining where a homeless child shall attend school and the educational services provided to homeless children.

History

Source: **G.L.** § 2522. **G.S.** § 3072. **L. 1889:** P. 301, § 3. **R.S. 08:** § 6009. **C.L.** § 8496. **L. 31:** P. 831, § 1. **CSA:** C. 146, § 290. **CRS 53:** § 123-21-2. **C.R.S. 1963:** § 123-21-2. **L. 67:** Pp. 37, 824, §§ 1, 2. **L. 73:** P. 1280, § 3. **L. 90:** (2)(h) added, p. 1040, § 1, effective April 3. **L. 98:** (2)(a) amended, p. 1410, § 74, effective February 1, 1999. **L. 2002:** (2)(h) amended and (2)(i) and (3) added, pp. 204, 205,

§§ 2, 3, effective July 1. **L. 2005:(1)** amended, p. 69, § 2, effective March 25. **L. 2023:(2)(i)** amended and (2)(j) added,(HB 23-1089), ch. 112, p. 401, § 1, effective April 25.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 22

State Notes

ANNOTATION

This section implements § 2 of art. IX, Colo. Const., which requires the establishment and maintenance of public schools

by the general assembly. *Simonson v. Sch. Dist. No. 14*, 127 Colo. 575, 258 P.2d 1128 (1953).

The right to attend the public schools is a civil right or privilege.

Zavilla v. Masse, 112 Colo. 183, 147 P.2d 823 (1944).

Hence, unauthorized expulsion of pupils from school deprives them of a civil right.

Zavilla v. Masse, 112 Colo. 183, 147 P.2d 823 (1944).

A school district bylaw does not justify a refusal to accept a transfer student

from a school of another state. *Simonson v. Sch. Dist. No. 14*, 127 Colo. 575, 258 P.2d 1128 (1953).

Research References & Practice Aids

Cross references:

For the constitutional requirement for establishment and maintenance of public schools, see [§ 2 of article IX of the state constitution](#).

Colorado Revised Statutes Annotated

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