

CHAPTER 107

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 94-004

BY SENATORS Meiklejohn, Bird, Blickensderfer, Mutzebaugh, Norton, Roberts, Tebedo, and Traylor;
also REPRESENTATIVES Foster, Acquafresca, Adkins, Kaufman, Lawrence, Owen, and Tucker.

AN ACT**CONCERNING REQUIREMENTS FOR NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAMS.**

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

SECTION 1. 22-33-104.5 (2), Colorado Revised Statutes, 1988 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (2) As used in this section:

(c) "QUALIFIED PERSON" MEANS AN INDIVIDUAL WHO IS SELECTED BY THE PARENT OF A CHILD WHO IS PARTICIPATING IN A NON-PUBLIC HOME-BASED EDUCATIONAL PROGRAM TO EVALUATE SUCH CHILD'S PROGRESS AND WHO IS A TEACHER CERTIFIED PURSUANT TO ARTICLE 60 OF THIS TITLE, A TEACHER WHO IS EMPLOYED BY AN INDEPENDENT OR PAROCHIAL SCHOOL, A LICENSED PSYCHOLOGIST, OR A PERSON WITH A GRADUATE DEGREE IN EDUCATION.

SECTION 2. 22-33-104.5 (3) (e), (3) (f), and (5), Colorado Revised Statutes, 1988 Repl. Vol., are amended to read:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (3) The following guidelines shall apply to a non-public home-based educational program:

(e) Any parent establishing a non-public home-based educational program shall provide written notification of the establishment of said program to the local school district of residence fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of

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

a non-public home-based educational program shall certify, in writing, ~~and, if so requested, upon forms furnished by the school district for that purpose,~~ only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program.

(f) Each child participating in a non-public home-based educational program shall be evaluated when ~~he~~ SUCH CHILD reaches ~~the equivalent age for~~ grades three, five, seven, nine, and eleven. Each child shall be given ~~the same~~ A nationally standardized achievement test ~~used by the local school district of residence to evaluate children in such child's age group, and~~ THE CHILD'S ACADEMIC PROGRESS, OR A QUALIFIED PERSON SHALL EVALUATE THE CHILD'S ACADEMIC PROGRESS. The test OR EVALUATION results, WHICHEVER IS APPROPRIATE, shall be submitted to the local school district of residence or an independent or parochial school within the state of Colorado. If the test OR EVALUATION results are submitted to an independent or parochial school, the name of such school shall be provided to the local school district of residence. The purpose of such tests OR EVALUATIONS shall be to evaluate the educational progress of each child. ~~as compared to the child's age group in the public school system.~~

(5) (a) (I) If test results submitted to the local school district of residence pursuant to the provisions of paragraph (f) of subsection (3) of this section show that a child participating in a non-public home-based educational program received a composite score on said test which was above the thirteenth percentile, such child shall continue to be exempt from the compulsory school attendance requirement of this article. If the child's composite score on said test is at or below the thirteenth percentile, the local school district of residence shall require the parents to place said child in a public or independent or parochial school until the next testing period; except that no action shall be taken until the child is given the opportunity to be retested using an alternate version of the same test or a different nationally standardized achievement test selected by the parent from a list of approved tests supplied by the state board.

(II) IF EVALUATION RESULTS SUBMITTED TO THE LOCAL SCHOOL DISTRICT OF RESIDENCE PURSUANT TO THE PROVISIONS OF PARAGRAPH (f) OF SUBSECTION (3) OF THIS SECTION SHOW THAT THE CHILD IS MAKING SUFFICIENT ACADEMIC PROGRESS ACCORDING TO THE CHILD'S ABILITY, THE CHILD WILL CONTINUE TO BE EXEMPT FROM THE COMPULSORY SCHOOL ATTENDANCE REQUIREMENT OF THIS ARTICLE. IF THE EVALUATION RESULTS SHOW THAT THE CHILD IS NOT MAKING SUFFICIENT ACADEMIC PROGRESS, THE LOCAL SCHOOL DISTRICT OF RESIDENCE SHALL REQUIRE THE CHILD'S PARENTS TO PLACE THE CHILD IN A PUBLIC OR INDEPENDENT OR PAROCHIAL SCHOOL UNTIL THE NEXT TESTING PERIOD.

(b) If the child's test OR EVALUATION results are submitted to an independent or parochial school, said school shall notify the local school district of residence if the composite score on said test was at or below the thirteenth percentile OR IF THE EVALUATION RESULTS SHOW THAT THE CHILD IS NOT MAKING SUFFICIENT ACADEMIC PROGRESS. The local school district of residence shall then require

the parents to proceed in the manner specified in paragraph (a) of this subsection (5).

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: April 14, 1994