

CHAPTER 144

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 13-1095

BY REPRESENTATIVE(S) Stephens, Court, Fields, Ginal, Pabon, Priola, Rosenthal, Saine, Schafer, Singer, Williams, Young;
also SENATOR(S) Marble, Crowder, Grantham, Jahn, Kefalas, King, Lambert, Lundberg, Roberts, Scheffel, Todd.

AN ACT

**CONCERNING PARTICIPATION IN EXTRACURRICULAR SCHOOL ACTIVITIES BY STUDENTS ENROLLED
IN NONPUBLIC HOME-BASED EDUCATIONAL PROGRAMS.**

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

SECTION 1. In Colorado Revised Statutes, 22-33-104.5, **amend** (6) (b) (I) as follows:

22-33-104.5. Home-based education - legislative declaration - definitions - guidelines. (6) (b) (I) For purposes of this subsection (6), a child who is participating in a nonpublic home-based educational program ~~shall have~~ HAS the same rights as a student enrolled in a public school of the school district in which the child resides or is enrolled and may participate on an equal basis in any extracurricular or interscholastic activity offered by a public school or offered by a private school, at the private school's discretion, as provided in section 22-32-116.5 and is subject to the same rules of any interscholastic organization or association of which the student's school of participation is a member. A SCHOOL DISTRICT, A PUBLIC SCHOOL, OR AN INTERSCHOLASTIC ORGANIZATION OR ASSOCIATION SHALL NOT REQUIRE A CHILD WHO IS PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM AND WHO CHOOSES TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT A PUBLIC SCHOOL SELECTED BY THE DISTRICT TO ENROLL IN A COURSE OR TO COMPLETE ANY COURSE CREDITS AS AN ELIGIBILITY REQUIREMENT OR OTHER CONDITION FOR PARTICIPATING IN THE EXTRACURRICULAR ACTIVITY AT THE DISTRICT-SELECTED SCHOOL OF PARTICIPATION; EXCEPT THAT THE SCHOOL DISTRICT, PUBLIC SCHOOL, OR INTERSCHOLASTIC ORGANIZATION MAY REQUIRE THE STUDENT TO ENROLL IN A COURSE IF THE EXTRACURRICULAR ACTIVITY IS AN EXTENSION OF THE COURSE, SUCH AS A PERFORMING ARTS GROUP.

SECTION 2. In Colorado Revised Statutes, 22-32-116.5, **add** (4) (c) as follows:

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

22-32-116.5. Extracurricular and interscholastic activities.

(4) (c) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (4) TO THE CONTRARY, A SCHOOL DISTRICT OR A PUBLIC SCHOOL SHALL NOT REQUIRE A STUDENT WHO IS PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM AND WHO CHOOSES TO PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT A PUBLIC SCHOOL SELECTED BY THE DISTRICT TO ENROLL IN A COURSE OR TO COMPLETE ANY COURSE CREDITS AS AN ELIGIBILITY REQUIREMENT OR OTHER CONDITION FOR PARTICIPATING IN THE ACTIVITY AT THE DISTRICT-SELECTED SCHOOL OF PARTICIPATION; EXCEPT THAT THE SCHOOL DISTRICT OR PUBLIC SCHOOL MAY REQUIRE THE STUDENT TO ENROLL IN A COURSE IF THE EXTRACURRICULAR ACTIVITY IS AN EXTENSION OF THE COURSE, SUCH AS A PERFORMING ARTS GROUP.

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 26, 2013