

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0035.01 Julie Pelegrin x2700

**HOUSE BILL 13-1095**

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**HOUSE SPONSORSHIP**

**Stephens,**

**SENATE SPONSORSHIP**

**Marble,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

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

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**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://www.leg.state.co.us/billsummaries>.)*

Under the bill, a school district, a public school, or an interscholastic organization cannot require a student who is enrolled in a nonpublic home-based educational program to enroll in or complete course credits as a condition of participating in an extracurricular activity,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

unless the activity is an extension of a course. The bill clarifies that the statute that governs a student's ability to enroll in a program or school other than the student's neighborhood school does not apply to student participation in extracurricular activities at a public school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-33-104.5, **amend**

3 (6) (b) (I) as follows:

4 **22-33-104.5. Home-based education - legislative declaration -**

5 **definitions - guidelines.** (6) (b) (I) For purposes of this subsection (6),

6 a child who is participating in a nonpublic home-based educational

7 program ~~shall have~~ HAS the same rights as a student enrolled in a public

8 school of the school district in which the child resides or is enrolled and

9 may participate on an equal basis in any extracurricular or interscholastic

10 activity offered by a public school or offered by a private school, at the

11 private school's discretion, as provided in section 22-32-116.5 and is

12 subject to the same rules of any interscholastic organization or association

13 of which the student's school of participation is a member. A SCHOOL

14 DISTRICT, A PUBLIC SCHOOL, OR AN INTERSCHOLASTIC ORGANIZATION OR

15 ASSOCIATION SHALL NOT REQUIRE A CHILD WHO IS PARTICIPATING IN A

16 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM TO ENROLL IN A

17 COURSE OR TO COMPLETE ANY COURSE CREDITS AS AN ELIGIBILITY

18 REQUIREMENT OR OTHER CONDITION FOR PARTICIPATION IN AN

19 EXTRACURRICULAR ACTIVITY; EXCEPT THAT THE SCHOOL DISTRICT, PUBLIC

20 SCHOOL, OR INTERSCHOLASTIC ORGANIZATION MAY REQUIRE THE STUDENT

21 TO ENROLL IN A COURSE IF THE EXTRACURRICULAR ACTIVITY IS AN

22 EXTENSION OF THE COURSE, SUCH AS A PERFORMING ARTS GROUP.

23 **SECTION 2.** In Colorado Revised Statutes, 22-32-116.5, **add** (4)

1 (c) as follows:

2 **22-32-116.5. Extracurricular and interscholastic activities.**

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

12 **SECTION 3.** In Colorado Revised Statutes, 22-36-101, **add** (6)  
13 as follows:

14 **22-36-101. Choice of programs and schools within school**  
15 **districts.** (6) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO  
16 STUDENT PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OFFERED BY  
17 A PUBLIC SCHOOL OF THE STUDENT'S DISTRICT OF RESIDENCE OR BY A  
18 PUBLIC SCHOOL OF ANOTHER DISTRICT OR BY AN INSTITUTE CHARTER  
19 SCHOOL. STUDENT PARTICIPATION IN EXTRACURRICULAR ACTIVITIES IS  
20 GOVERNED BY SECTION 22-32-116.5 AND BY SECTION 22-33-104.5 FOR  
21 STUDENTS WHO PARTICIPATE IN NONPUBLIC HOME-BASED EDUCATIONAL  
22 PROGRAMS.

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