

## COLORADO

- Compulsory Attendance Ages:** “Every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen years.” Colorado Revised Statutes § 22-33-104(1)(a). For children in a home-based educational program (Option 1), the compulsory ages of instruction are from 7 to 16. However, under Option 1, a parent must submit a notice of intent beginning in the year a child is six by August 1. (Actual instruction does not have to begin until age seven.) Colo. Rev. Stat. § 22-33-104.5(3)(e).
- Required Days of Instruction:** 172 days, averaging four hours per day. Colo. Rev. Stat. § 22-33-104.5(3)(c).
- Required Subjects:** Including, but not limited to, Constitution of the United States, reading, writing, speaking, math, history, civics, literature, and science. Colo. Rev. Stat. § 22-33-104.5(3)(d).

*Parents have three legal options for educating their children at home:*

**Home School Statute:** Colo. Rev. Stat. § 22-33-104.5.

**Option 1:** “It is the primary right and obligation of the parent to choose the proper education and training for children under his care and supervision. It is recognized that home-based education is a legitimate alternative to classroom attendance for the instruction of children and that any regulation of nonpublic home-based educational programs should be sufficiently flexible to accommodate a variety of circumstances. The general assembly further declares that nonpublic home-based educational programs shall be subject only to minimum state controls which are currently applicable to other forms of nonpublic education.” Colo. Rev. Stat. § 22-33-104.5(1).

- a. Instruction in a non-public home-based educational program may be provided by a parent, guardian, or an adult relative designated by a parent. Colo. Rev. Stat. § 22-33-104.5(2)(a) and (b).
- b. A home school “is not intended to be and does not qualify as a private and nonprofit school.” Colo. Rev. Stat. § 22-33-104.5(2)(a).
- c. Parents must give notice 14 days before starting home schooling and annually thereafter. The parents have the choice to file the notice in any school district in the state. A parent who intends to establish a nonpublic home-based educational program must provide written notification of this program to a school district for all children between the ages of six (by August 1) and 16 but is not required to establish the program until the child is seven years of age. Colo. Rev. Stat. § 22-33-104.5(3)(e).
- d. The notice must include names, ages, residence, and hours of attendance of children taught. There is no requirement to use the local school district’s forms.
- e. Parents must keep records of attendance, test and evaluation results, and immunization records which the school district which has the original notice of intent may see with fourteen days’ notice if the superintendent “has probable cause to believe” the home school program is not in compliance with the law. Colo. Rev. Stat. § 22-33-104.5(3)(g).

### Alternative Statutes Allowing for Educating a Child at Home:

**Option 2:** Parents can enroll their children in a Colorado “independent school” but teach them at home. The decisive case, *People in Interest of D.B.*, 767 P.2d 801 (Colo. App. 1988), held that, according to Colo. Rev. Stat. § 22-33-104(2)(b), children “enrolled in” (changed from the word “attending” in 1983) an independent or parochial school that provides a basic academic education can be allowed by that school to be taught at home. Such students are legally classified as private school students.

- a. In the *D.B.* case, the Court of Appeals stated: “Since the district has not challenged the adequacy of the education provided by the academy, the matter of the sufficiency of the children’s attendance is between them [the home schoolers] and the independent school in which they are enrolled.” 767 P.2d at 802. In other words, children that are enrolled in a Colorado independent school are exempt from the compulsory school attendance and homeschool laws and can still be instructed by their parents at home. Registration with the public school is not required. No testing or evaluation is mandated.
- b. Parents can establish an independent school by keeping minimal records and providing instruction in the required subjects, in addition to complying with other statutory requirements (see HSLDA’s memorandum on satellite schools). The independent school must be comprised of *at least* two homeschool families.
- c. The administrator can be one of the parents. The teachers are the parents, and all teaching is done in separate campus sites in each home.

**Option 3:** If a home schooling parent or other person is certified in Colorado to teach, the home school in which they are providing instruction is exempt from all other requirements, including testing. Colo. Rev. Stat. § 22-33-104(2)(i)(I).

**Teacher Qualifications:** None, unless a child is taught by a private tutor, who must be certified.

**Standardized Tests:** Children enrolled in a home-based educational program must be tested or evaluated in grades 3, 5, 7, 9, and 11. Colo. Rev. Stat. § 22-33-104.5(3)(f).

I. **Testing:** Must be with a national standardized achievement test. If test results show a composite score above the thirteenth percentile, the child will continue to be exempt from compulsory public school attendance requirements. If the child scores at or below the thirteenth percentile, “the school district 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 alternative version of the same test or a different nationally standardized achievement test selected by the parent from a list of approved tests.” Colo. Rev. Stat. § 22-33-104.5(5)(a).

**or**

II. **Evaluation:** Must be evaluated by a “qualified person” who is “selected by the parent” and is a Colorado certified teacher **or** a teacher employed by a private school **or** a licensed psychologist **or** a person with a graduate degree in education. The evaluation must “show that the child is making sufficient academic progress according to the child’s ability. . . . If the evaluation results show that the child is not making sufficient academic progress, the school district shall require the child’s parents to place the child in a public or independent or parochial school until the next testing period.” Colo. Rev. Stat. § 22-33-104.5(a)(II).

“The test or evaluation results, whichever is appropriate, shall be submitted to the school district that received the notification . . . 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 school district that received the notification required by paragraph (e) of this subsection (3).” Colo. Rev. Stat. § 22-33-104.5(3)(f).

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PLEASE NOTE: Children enrolled in a virtual charter school, public online school, or public school independent study program are not eligible for HSLDA membership. Enrollment in these secular programs is enrollment in public school, which gives the public school authority over the student to impose state assessment, approval of curriculum, and supervision by a certified teacher. HSLDA membership extends only to students whose education is primarily administered and controlled by parents privately. If you have any questions please call our office.

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