

## COLORADO

- Compulsory Attendance Ages:** “Every child who has attained the age of seven years and is under the age of seventeen years.” Colorado Revised Statutes § 22-33-104(1)(a). Effective July 1, 2008, the compulsory attendance age will be from age 6 to 17. However, the compulsory attendance age for those who are homeschooling under the Home School Statute (Option 1) is only from age 7 to 16. 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.
- 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).

*Home schools have three options:*

**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 non-public home-based educational programs should be sufficiently flexible to accommodate a variety of circumstances. The General Assembly further declares that non-public home-based educational programs shall be subject only to minimum state controls which are currently applicable to other forms of non-public education.” § 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. § 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.”
- 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 is not required to establish nor to provide written notification of this program to a school district within the state until the parent’s child is seven years of age, nor is the parent required to continue the program or provide the notification after the child is sixteen 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. § 22-33-104.5(3)(g).

### Alternative Statutes Allowing for Home Schools:

**Option 2:** Parents can enroll their children in a Colorado “independent school” but teach them at home. The 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.

- 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, once parents enroll their children in a Colorado independent school, they are exempt from the compulsory attendance law and the home school law, and can still teach their children at home. Registration with the public school is not required. No testing or evaluation is mandated.
- b. Under this option, parents can establish an independent school by keeping minimal records, and provide instruction in the required subjects. The independent school must be comprised of at least two home school 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. § 22-33-104(2)(i).

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

**Standardized Tests:** Children complying with the home school law, must do **one** of the following:

I. Testing Option: Be tested with any national standardized achievement test for “grades 3, 5, 7, 9, and 11.” [§ 22-33-104.5(3)(f)]. “The test results shall be submitted to the district in which the initial notice is filed 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. If test results show “a composite score ... above the thirteenth percentile,” the child will continue to be exempt from compulsory public school attendance requirements. § 22-33-104.5(5)(a). If the child scores below the thirteenth percentile, the private school must notify the public school. Then the child will have a chance 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.” § 22-33-104.5(5)(b).

***or***

II. Evaluation Option: 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” for grades 3, 5, 7, 9, and 11. Evaluations can be sent to either the public or private school.

#### PLEASE NOTE:

Children enrolled in a virtual charter school, public on-line 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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