

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0035.01 Julie Pelegrin x2700

HOUSE BILL 13-1095

HOUSE SPONSORSHIP

Stephens,

SENATE SPONSORSHIP

Marble,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

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

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.

HOUSE
Amended 2nd Reading
February 7, 2013

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.

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 AND WHO CHOOSES TO
17 PARTICIPATE IN AN EXTRACURRICULAR ACTIVITY AT A PUBLIC SCHOOL
18 SELECTED BY THE DISTRICT TO ENROLL IN A COURSE OR TO COMPLETE ANY
19 COURSE CREDITS AS AN ELIGIBILITY REQUIREMENT OR OTHER CONDITION
20 FOR PARTICIPATING IN THE EXTRACURRICULAR ACTIVITY AT THE
21 DISTRICT-SELECTED SCHOOL OF PARTICIPATION; EXCEPT THAT THE SCHOOL
22 DISTRICT, PUBLIC SCHOOL, OR INTERSCHOLASTIC ORGANIZATION MAY
23 REQUIRE THE STUDENT TO ENROLL IN A COURSE IF THE EXTRACURRICULAR

1 ACTIVITY IS AN EXTENSION OF THE COURSE, SUCH AS A PERFORMING ARTS
2 GROUP.

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

5 **22-32-116.5. Extracurricular and interscholastic activities.**

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

18 
19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.