

NOTE: The governor signed this measure on 4/26/2013.

# An Act

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.

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

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

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:

**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.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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John P. Morse  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO