

Everything you need to know

# About the Colorado Homeschool Law

## 3 Ways to Homeschool in Colorado

### Home-Based Education Program

- ✓ File a Notice of Intent (NOI) with any Colorado School District and follow the home-based education law.
- ✗ Enroll in an Independent School
- ✗ Obtain a Colorado Teacher's License



### Independent (Umbrella) School

- ✓ Enroll in an Independent School and follow their rules.
- ✗ File a Notice of Intent (NOI) with any Colorado School District
- ✗ Obtain an Colorado Teachers License



### Certified Colorado Teacher

- ✓ Obtain/maintain a Colorado Teachers License and that's it!
- ✗ File a Notice of Intent (NOI) with a Colorado School District
- ✗ Enroll in an Independent School



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Christian Home Educators of Colorado



Defending your freedom and helping you homeschool with confidence

# The Colorado Homeschool Law

Colorado homeschool law provides three different options to home educate your children. Consider which one works best for your family, then get started following the simple steps on this page.

Here's a quick run-down of all three options to homeschool in Colorado:

- **Home-Based Education Program** – You are required to provide written notification of the establishment of a home-based education program (Notice of Intent or NOI) with a Colorado school district 14 days prior to beginning.
- **Independent (Umbrella) School** – Under the Colorado Non-Public School Law, you can enroll with a Colorado-based independent or private school (as an “umbrella” school) and follow that school’s requirements. You are NOT REQUIRED to file a Notice of Intent with a school district. Learn more about the security, privacy, flexibility, and perks that come with enrollment in the CHEC Independent School.
- **Colorado Teaching License** – Obtain and maintain a certified Colorado teaching license. (No reporting or testing requirements exist for a parent holding a current Colorado teaching license [according to CRS 22-33-104 (2)(b)(i)(I)].)

# Summary of the NOI vs. Independent School

## Legal Summary of Colorado Homeschool Law Options

Please note: The information listed in this table is just a summary of the complete requirements. Please see the full law attached at the end of the pdf.

	1. HOMESCHOOL LAW (NOTICE OF INTENT)	2. NON-PUBLIC SCHOOL LAW (INDEPENDENT SCHOOL)
Basic info:	<ol style="list-style-type: none"> <li>1. File a Notice of Intent with a Colorado school district 14 days prior to beginning.</li> <li>2. Follow the Homeschool Law requirements. <i>(Known as Non-Public Home-Based Education)</i></li> </ol>	<ol style="list-style-type: none"> <li>1. Enroll in a Colorado-based Independent School</li> <li>2. Follow that independent school's policies <i>Please Note: Each independent school has its own policies. A policies listed here are those of the <a href="#">CHEC Independent School</a>. Learn more about independent schools in general by scrolling down on this page.</i></li> </ol>
How to begin:	File a Notice of Intent (NOI) annually with the school district.	Enroll with the CHEC Independent School.
Deadline:	Families must submit an NOI at least 14 days prior to beginning homeschool program.	Enrollment is open from June through April 30th for each school year. Families may enroll anytime, and there is not a summer deadline for enrollment. However, to comply with the compulsory education law, we recommend applying for
Policies:	Abide by the requirements of the homeschool law.	Abide by the policies of the CHEC Independent School. (You are NOT subject to the requirements of homeschool law.)
Teacher requirements:	Parent, guardian, or adult relative is responsible to provide the teaching.	The CHEC Independent School requires a parent, legal guardian, or adult relative to provide at least 50% of their student's education. Exceptions require director approval. See policies for more information.
Compulsory attendance ages:	Students age 6 by August 1st (until they turn 16) must file a NOI annually. Note: under homeschool law, although you must file an NOI at age 6, teaching is not required until age 7.	Students age 6 by August 1st (until they turn 17) must be enrolled in the CHEC Independent School and follow its policies.
Attendance:	Student must be educated for 172 days (with an average of 4 hours a day).	Student must be educated for 172 days. No average hour requirement.
Record keeping:	Must be maintained permanently by the parent. Should include at least attendance days, test or evaluation results, and immunization/exemption records.	An attendance record must be maintained by the parent and submitted to the CHEC Independent School by August 31st. Records of subjects taught, curriculum used, and immunizations/exemptions must be maintained by the parent.

# Summary Continued

Assessment (testing/evaluation):	Student must be evaluated (via a test or by a qualified person) at 3rd, 5th, 7th, 9th, and 11th grades. Test composite score must be above the 13th percentile. Evaluation must show sufficient academic progress according to their ability.	Student must be tested, evaluated, or parent-evaluated in spring of odd calendar years while in the age range/grades 3-12. (See school policies for information on grade modifications and acceptable assessments.)
Submission of assessment (testing/evaluation) results:	Results must be submitted to the school district (where the NOI was submitted) OR to an independent or parochial school (as indicated on the NOI).	Results must be submitted to the CHEC Independent School by August 31st.
Subjects:	Subjects must include at least: communication skills of reading, writing, and speaking; mathematics; history; civics; literature; science; US Constitution.	Subjects must include at least: communication skills of reading, writing, and speaking; mathematics; history; civics; literature; science; US Constitution; honor/use of the flag
Curriculum:	Specific curriculum not required.	Specific curriculum not required.
Grade level assignment or changes:	Not required to submit a grade level with an NOI.	Grade assigned based on birthdate but can be modified by the parent. If grade changes during the year, inform the CHEC Independent School.
High school graduation:	Colorado does not have homeschool graduation requirements. Each high school (and therefore family) sets its own requirements based on post-high school plans (including college requirements). Learn more on our <a href="#">high school resources page</a> .	
Participation in sports/extracurricular:	Students have the right to participate in any extracurricular or interscholastic activities in the same school district the NOI was submitted OR in a private school (subject to the private school's discretion).	Varies on grade of student and local school district policies. (See full CHEC Independent School policies.)
Part-time public/private school programs:	Students may attend classes at a public school for a portion of the day (at the public school's discretion), and the school district may count the student as included in their enrollment.	Students may participate as private school students as long as at least 50% of the academic subjects (including at least 50% of the core subjects) are taught at home. (Must ensure the program doesn't automatically file a Notice of Intent.)
Enrollment of a truant student:	See the full homeschool law (scroll down on this page) for details.	In cases where a student has been charged with truancy or social services is involved, enrollment is considered on a case-by-case basis.

# Option #1: Home-Based Education Program

## Required to File Notice of Intent

The Colorado Revised Statutes (CRS 22-33-104.5(2)(a)) states that “homeschooling,” or a “non-public home-based education program,” means:

- The sequential program of instruction for the education of a child which takes place in a home,
- Which is provided by the child’s parent (or by an adult relative of the child designated by the parent),
- And which is not under the supervision and control of a school district.
- (Keep in mind that this educational program is not intended to be and does not qualify as a private and non-profit school. See Option #2, Non-Public School Law, if you prefer to homeschool under the umbrella of a private school, or visit [CHECIS.org](http://CHECIS.org).)
- We strongly recommend reading the entire Colorado Homeschool Law so you’re familiar with it yourself. (See last two pages).

# Begin: File a Notice of Intent

## CRS 22-33-104.5(3)(e)

A Notice of Intent is a document the parent must file annually with a school district in the state of Colorado. It must be filed 14 days prior to starting the home education program and should include:

- The student(s) name and age
- The student(s) address
- The number of hours of attendance
- The parent's signature

Additional information that may be included on the NOI: You have the option of submitting your test/evaluation results to an independent or parochial school in the state of Colorado, such as the CHEC Independent School. If you prefer this option, the name of the independent, private, or parochial school must be noted on your Notice of Intent.

# Teacher Requirements

## CRS 22-33-104.5(2)(a)

The student's parent, guardian, or adult relative (designated by the parent or guardian) is responsible to provide a sequential program of instruction in the home.

# Compulsory Attendance Ages

## CRS 22-33-104.5(5)(a) and (b)

The Colorado compulsory attendance law requires students from ages 6 (by August 1) to 17 to attend public school. If not enrolled in a public school, all children within these ages must be enrolled in a non-public school (private, parochial, or independent) or abide by the home-based education law. Under the home-based education law, the following exceptions apply:

- The NOI must be in place for students who are age 6 by August 1st, but teaching does not need to begin until age 7.
- Once the student reaches 16 years of age, the NOI no longer needs to be submitted.

# Attendance

## CRS 22-33-104.5(3)(c)

Homeschooling students must be educated for 172 days with an average of 4 hours per day. (To obtain an average, add up the total hours and divide by the total days.)

# Record Keeping

## CRS 22-33-104.5(3)(g)

Records for each child must be maintained on a permanent basis by the parent. These records should include, but are not limited to:

- Attendance data
- Assessment (test and/or evaluation) results
- Immunization records

If you choose exemption from some or all immunizations, you must maintain a statement of exemption updated annually. A simple statement is all that is necessary

# Assessment (Testing/ Evaluation)

## CRS 2-33-104.5(3)(f) and CRS 22-33-104.5(5)(a)(I, II)

Home educated students must either be tested at the 3rd, 5th, 7th, 9th, and 11th grades OR be evaluated by a qualified person (see the full Colorado Homeschool Law attached at the end of this pdf for definition of “qualified”).

Students must achieve a composite score above 13% on a nationally standardized achievement test or receive an evaluation that shows the child is making sufficient academic progress according to their ability.

See more at [CHEC.org/testing](http://CHEC.org/testing).



# Submission of Assessment Results

## CRS 2-33-104.5(3)(f) and CRS 22-33-104.5(5)(a)(I, II)

These test/evaluation results must be submitted to the school district where the NOI was filed OR to an independent or parochial school that holds test scores. (For example, you can submit them to the CHEC Independent School.)

# Subjects

## CRS 22-33-104.5(3)(d)

A non-public home-based educational program shall include, but need not be limited to these curriculum subjects:

- Communication skills of reading, writing, and speaking
- Mathematics
- History
- Civics
- Literature
- Science
- Regular courses of instruction in the constitution of the United States as provided in section 22-1-108.

Each family may use the curriculum of their choice as long as it covers the required subjects.

# Curriculum

Colorado law does not require a specific curriculum.

# Grade Level Assignments/Changes

A grade level does not need to be included on your Notice of Intent, nor do you have to notify the district if you change your student's grade level.

It is not uncommon for a home educated student to span more than one grade or to move through more than one grade level in a single school year. However, when selecting a grade for your own purposes, take into consideration:

- The reading level of the student
- The grade at which most of the subjects are being taught

# High School Graduation

Colorado does not have homeschool graduation requirements. Each high school (and therefore family) sets its own requirements based on post-high school plans (including college requirements).

Because you are overseeing your child's education, you set the requirements. Once your student has met your set requirements, you graduate them. This means you sign the diploma — but don't panic! It's no different than a private school issuing and signing a diploma.

# Participation in Sports, Etc.

## CRS 22-33-104.5(6)(b)(I)

Homeschooled students have the right to participate on an equal basis as public school students in any extracurricular or interscholastic activity offered by the school district where the NOI was filed or a private school (at the private school's discretion). In a district with multiple schools, the district has the authority to decide where the student will participate. The student will also be subject to the same rules of any interscholastic organization or association of which the school is a member. The district shall not require the student to enroll in a course or to complete any course credits as an eligibility requirement, unless the extracurricular activity is an extension of the course.

# Part-Time Public School Programs

## CRS 22-33-104.5(6)(a)

Homeschooled students may attend classes at a public school for a portion of the school day. The district may count this student for the purposes of determining pupil enrollment. The district can also require additional information, such as the new requirements for immunizations or whatever else they deem necessary for enrollment).

# Enrollment of a Truant Student

## CRS 22-33-104.5(3)(b)

Be sure to read the section of the Colorado Homeschool Law to understand special rules that apply to students who have been charged with truancy (included in the back of this ebook).

## Option #2: Independent (Umbrella) School

### **Families are NOT Required to File a Notice of Intent**

Under the Non-Public School Law, independent schools serve as an “umbrella” for Colorado homeschooling families. Each school is responsible to follow the Non-Public School Laws (found on the Colorado Department of Education’s website), and then set policies for enrolled families to abide by.

When you choose to homeschool with an independent (umbrella) school, you can . . .

- Decide on the school that’s best for your family (Colorado offers many)
- Educate your children at home
- Submit records directly to the independent school instead of the school district
- Follow the policies of your chosen independent school instead of the laws governing the Home-Based Education Program

## Option #2: Independent (Umbrella) School

Colorado has a number of independent schools available to choose from, each having their own policies for families to follow. We loved this option so much, we created our very own – the CHEC Independent School, offering homeschool families across the state security, privacy, and flexibility. Just for fun we added some great perks for the enrolled families. Go to [CHECIS.org](http://CHECIS.org) to learn more.

## Option #3: Colorado Certified Teachers License

Obtain and maintain a certified Colorado teaching license. (No reporting or testing requirements exist for a parent holding a current Colorado teaching license [according to CRS 22-33-104 (2)(b)(i)(I)].)

# Colorado Homeschool Law

## **CRS 22-33-104 Compulsory School**

### **Attendance**

(1)(a) Except as otherwise provided in subsection (2) of this section, 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, except as provided by this section, shall attend public school .... a school or schools shall not be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education..

(2) The provisions of subsection (1) of this section shall not apply to a child:...

(b) Who is enrolled for a minimum of one hundred seventy-two days in an independent or parochial school which provides a basic academic education. "Basic academic education" for the purpose of this article means the sequential program of instruction provided by an independent or parochial school. Such program shall include, but not be limited to, communication skills of reading, writing, and speaking, mathematics, history, civics, literature, and science....

(i) Who is being instructed at home:

(I) By a teacher licensed pursuant to article 60.5 or 61 of this title; or

(II) Under a nonpublic home-based educational program pursuant to section 22-33-104.5.

(5)(a) The general assembly hereby declares that two of the most important factors in ensuring a child's educational development are parental involvement and parental responsibility. The general assembly further declares that it is the obligation of every parent to ensure that every child under such parent's care and supervision receives adequate education and training. Therefore, every parent of a 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 shall ensure that such child attends the public school in which such child is enrolled in compliance with this section.

(b) Parents whose children are enrolled in an independent or parochial school or a nonpublic home-based educational program pursuant to the pro-visions of subsection (2) of this section shall be exempt from the requirements of this subsection (5).

### **CRS22-33-104.5. Home-based education - legislative declaration - definitions guidelines.**

(1) The general assembly hereby declares that 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.

(2) As used in this section:

(a) "Nonpublic home-based educational program" means the sequential program of instruction for the education of a child which takes place in a home, which is provided by the child's parent or by an adult relative of the child designated by the parent, and which is not under the supervision and control of a school district. This educational program is not intended to be and does not qualify as a private and nonprofit school.

(b) "Parent" includes a parent or guardian.

(c) "Qualified person" means an individual who is selected by the parent of a child who is participating in a nonpublic home-based educational program to evaluate such child's progress and who is a teacher licensed pursuant to article 60.5 of this title, a teacher who is employed by an independent or parochial school, a licensed psychologist, or a person with a graduate degree in education.

(3) The following guidelines shall apply to a nonpublic home-based educational program:

(a) A parent or an adult relative designated by a parent to provide instruction in a nonpublic home-based educational program shall not be subject to the requirements of the "Colorado Educator Licensing Act of 1991", article 60.5 of this title, nor to the provisions of article 61 of this title relating to teacher employment.

(b) A child who is participating in a nonpublic home-based educational program shall not be subject to compulsory school attendance as provided in this article; except that any child who is habitually truant, as defined in section 22-33-107 (3), at any time during the last six months that the child attended school before proposed enrollment in a nonpublic home-based educational program may not be enrolled in the program unless the child's parents first submit a written description of the curricula to be used in the program along with the written notification of establishment of the program required in paragraph (e) of this subsection (3) to any school district within the state.

(c) A nonpublic home-based educational program shall include no less than one hundred seventy-two days of instruction, averaging four instructional contact hours per day.

(d) A nonpublic home-based educational program shall include, but need not be limited to, communication skills of reading, writing, and speaking, mathematics, history, civics, literature, science, and regular courses of instruction in the constitution of the United States as provided in section 22-1-108

(e) Any parent establishing a nonpublic home-based educational program shall provide written notification of the establishment of said program to a school district within the state fourteen days prior to the establishment of said program and each year thereafter if the program is maintained. The parent in charge and in control of a nonpublic home-based educational program shall certify, in writing, only a statement containing the name, age, place of residence, and number of hours of attendance of each child enrolled in said program. Notwithstanding the provisions of section 22-33-104 (1), a parent who intends to establish a nonpublic home-based educational program is not required to:

(I) Provide written notification of the program to a school district within the state until the parent's child is six years of age;

(II) Establish the program until the parent's child is seven years of age; or

(III) Continue the program or provide the notification after the child is sixteen years of age.

(f) Each child participating in a nonpublic home-based educational program shall be evaluated when such child reaches grades three, five, seven, nine, and eleven. Each child shall be given a nationally standardized achievement test to evaluate the child's academic progress, or a qualified person shall evaluate the child's academic progress. The test or evaluation results, whichever is appropriate, shall be submitted to the school district that received the notification required by paragraph (e) of this subsection (3) 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). The purpose of such tests or evaluations shall be to evaluate the educational progress of each child. No scores for a child participating in a nonpublic home-based educational program shall be considered in measuring school performance or determining accreditation pursuant to article 11 of this title.

(g) The records of each child participating in a nonpublic home-based educational program shall be maintained on a permanent basis by the parent in charge and in control of said program. The records shall include, but need not be limited to,

attendance data, test and evaluation results, and immunization records, as required by sections 25-4-901, 25-4-902, and 25-4-903, C.R.S. Such records shall be produced to the school district that received the notification required by paragraph (e) of this subsection (3) upon fourteen days' written notice if the superintendent of said school district has probable cause to believe that said program is not in compliance with the guidelines established in this subsection (3).

(4) Any child who has participated in a nonpublic home-based educational program and who subsequently enrolls in the public school system may be tested by the school district in which the child has enrolled for the purpose of placing the child in the proper grade and shall then be placed at the grade level deemed most appropriate by said school district, with the consent of the child's parent or legal guardian. The school district shall accept the transcripts for credit from the non-public home-based educational program for any such child; except that the school district may reject such transcripts if the school district administers testing to such child and the testing does not verify the accuracy of such transcripts.

(5) (a) (I) If test results submitted to the appropriate school district pursuant to the provisions of paragraph (f) of subsection (3) of this section show that a child participating in a nonpublic home-based educational program received a composite score on said test which was above the thirteenth percentile, such child shall continue to be exempt from the compulsory school attendance requirement of this article. If the child's composite score on said test is 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 alternate version of the same test or a different nationally standardized achievement test selected by the parent from a list of approved tests supplied by the state board.

(II) If evaluation results submitted to the appropriate school district pursuant to the provisions of paragraph (f) of subsection (3) of this section show that the child is making sufficient academic progress according to the child's ability, the child will continue to be exempt from the compulsory school attendance requirement of this article. 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.

(b) If the child's test or evaluation results are submitted to an independent or parochial school, said school shall notify the school

district that received the notification pursuant to paragraph (e) of subsection (3) of this section if the composite score on said test was at or below the thirteenth percentile or if the evaluation results show that the child is not making sufficient academic progress. The school district shall then require the parents to proceed in the manner specified in paragraph (a) of this subsection (5).

(6) (a) If a child is participating in a nonpublic home-based educational program but also attending a public school for a portion of the school day, the school district of the public school shall be entitled to count such child in accordance with the provisions of section 22-54-103 (10) for purposes of determining pupil enrollment under the "Public School Finance Act of 1994", article 54 of this title.

(b) (I) For purposes of this subsection (6), a child who is participating in a nonpublic home-based educational program 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 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.

(II) (A) Except as provided for in subparagraph (B) of this subparagraph (II), for purposes of section 22-32-116.5, the school district of attendance for a child who is participating in a nonpublic home-based educational program shall be deemed to be the school district that received the notification pursuant to paragraph (e) of subsection (3) of this section.

(B) For purposes of section 22-32-116.5, the school district of attendance for a child who withdraws from a public or private school more than fifteen days after the start of the school year and enters a non-public home-based educational program shall be the school district or private school from which

the child withdrew for the remainder of that school year. If, during the remainder of that academic year, the child chooses to participate in extracurricular or interscholastic activities at the same school and was eligible for participation prior to withdrawing from the school, the child remains eligible to participate at such school.

(c) No child participating in an extracurricular or interscholastic activity pursuant to paragraph (b) of this subsection (6) shall be considered attending the public school district where the child participates in such activity for purposes of determining pupil enrollment under paragraph (a) of this subsection (6).

(This above portion of the Colorado Revised Statutes, reprinted with permission of the Committee on Legal Services in accordance with section 2-5-118, C.R.S. is an unofficial publication of Colorado Revised Statutes.)

**The following section is provided by Home School Legal Defense Association (540) 338-5600**

Alternative Statutes Allowing for Home Schools: Home Schools have 2 additional options:

1. Homeschool children can enroll in a Colorado independent school but be taught 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" an independent or parochial school that provides a basic academic education can be allowed by that school to be taught at home.

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 home school children are enrolled in a Colorado independent school, they are exempt from the compulsory attendance law and the home school law, and can still be taught at home. Colorado independent schools are not regulated and may be comprised of several families.

2. OR, if a home schooling parent or anyone else 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).

PLEASE NOTE: The law represents the maximum the school district can require of you, not the minimum from which they can build.

This copy of the Colorado Home School Law is provided by Christian Home Educators of Colorado. It does not constitute legal advice.