



## School Choice in Colorado

**By Adam Alemzada**

In Colorado, all children between the ages of six and twenty-one years old have the right to a free education through public schools.<sup>1</sup> State law also permits non-public education, such as private or homeschooling. This issue brief provides information on the laws that govern public and non-public education.

### Public Education

The General Assembly is responsible for providing a thorough and uniform system of public schools, and the State Board of Education is responsible for the general supervision of them. State policies include those related to content standards, instructional hours, educator regulation, testing, and accountability. Local school districts are responsible for instruction of the school in their district.

Public schools derive their funding in whole or in part from public funds.<sup>2</sup> Public schools include neighborhood schools, charter schools, and online schools, but do not include private schools. The Colorado Constitution prohibits public money from

being used to fund any schools administered by a church or other sectarian denomination.<sup>3</sup>

### Neighborhood Schools

Neighborhood schools must admit all children residing in their district and cannot charge tuition.<sup>4</sup> Colorado law also permits students to enroll in a school outside of the district in which they reside without paying tuition.<sup>5</sup> This is referred to as open enrollment. A school can only reject the application of a nonresident student for specific reasons specified in state law.

### Charter Schools

A charter school is a public school that is tuition free and open to all students. It operates under a charter (or contract) between the charter school and its authorizer, either a school district or the state Charter School Institute.<sup>6</sup>

A charter school generally has more flexibility than traditional public schools in terms of curriculum, fiscal management, and overall school operations, and may offer an education program that is more specialized than traditional public schools. A charter school

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<sup>1</sup> Colo. Const. Art. IX, Section 2

<sup>2</sup> Section 22-1-101, C.R.S.

<sup>3</sup> Colo. Const. Art. IX, Section 7

<sup>4</sup> Section 22-1-102, C.R.S.

<sup>5</sup> Section 22-36-101, C.R.S.

<sup>6</sup> Section 22-30.5-104, C.R.S.

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may request waivers from provisions of state law and any state or local rule, regulation, policy, or procedure relating to schools in the school district.

## Online Schools

School districts and the state Charter School Institute can create or oversee single-district online schools or programs. Districts can also join create or oversee a multi-district online school that serves students from any school district.<sup>7</sup> Students participating in an online school are still subject to the same requirements as other public school students, including compulsory attendance requirements and participation in state assessments.

## Non-Public Education

Non-public education includes non-public (private) schools and home-based education (homeschool) that receive no public funding. The State Board of Education does not have jurisdiction over the internal affairs of non-public education entities.

Private schools in Colorado may:

- charge tuition;
- be administered by a church or other sectarian denomination; and
- use any enrollment criteria they choose.

## Requirements in State Law

Private schools and homeschools must provide at least 172 days of instruction to be exempt from compulsory attendance requirements.<sup>8</sup> They must also provide a basic academic education that includes communication, reading, writing, and speaking; mathematics, history, civics, literature, and science.<sup>9</sup> The curriculum must include lessons on the United States Constitution.<sup>10</sup>

A parent who chooses to establish a homeschool program for their student shall first provide written notification to any school district in the state.

A child being homeschooled must be tested or evaluated when they reach grades three, five, seven, nine, and eleven. If the child's score is at or below the 13th percentile, or if the evaluation shows the child is not making sufficient academic progress, then the parent must place the child in a public or private school until the next testing grade period.<sup>11</sup>

## Exemptions from State Law

Private schools and homeschools are exempt from certain requirements that apply to public schools, such as teacher certification requirements and admission and curriculum standards.

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<sup>7</sup> Section 22-30.7-105, C.R.S.

<sup>8</sup> Section 22-33-104, C.R.S.

<sup>9</sup> Section 22-33-104.5, C.R.S.

<sup>10</sup> Section 22-1-108, C.R.S.

<sup>11</sup> Section 22-33-104.5, C.R.S.