

# **State Regulation of Private Schools**

**U.S. Department of Education  
Office of Innovation and Improvement  
Office of Non-Public Education**

**2009**

The content of this report does not necessarily reflect the view or policies of the U.S. Department of Education, nor does the mention of trade names, commercial products, curricula, and curricular materials and approaches, or organizations imply endorsement by the U.S. government. This publication also contains Internet Uniform Resource Locators (URLs) for information created and maintained by private organizations. This information is provided for the reader's convenience. The U.S. Department of Education is not responsible for controlling or guaranteeing the accuracy, relevance, timeliness, or completeness of outside information mentioned in this report. Further, the inclusion of information or a URL does not reflect the importance of the organization, nor is it intended to endorse any views expressed, or products or services offered.

**U.S. Department of Education**

Arne Duncan  
*Secretary*

**Office of Innovation and Improvement**

James H. Shelton  
*Assistant Deputy Secretary for Innovation and Improvement*

**Office of Non-Public Education**

Jack Klenk  
*Director*

July 2009

This report is in the public domain. Authorization to reproduce it in whole or in part is granted. While permission to reprint this publication is not necessary, the citation should be: U.S. Department of Education, Office of Innovation and Improvement, *State Regulation of Private Schools*, Washington, D.C., 2009.

This report is available on the Department's Web site at:  
<[www.ed.gov/admins/comm/choice/regprivschl/index.html](http://www.ed.gov/admins/comm/choice/regprivschl/index.html)>.

**WORK WITH PARENTS & THE COMMUNITY**  
**State Regulation of Private Schools**  
Revised July 2009

- Full Report [PDF](#) (3.28MB)

## **INTRODUCTION**

*State Regulation of Private Schools* provides a brief description for each state of state legal requirements that apply to K-12 private schools in the United States. This document is intended to serve as a reference for public and nonpublic school officials, state policy-makers, researchers, and others. This report is an update of the 2000 publication by the Office of Non-Public Education (ONPE), *State Regulation of Private Schools*, which in turn was an update of the 1993 publication by the (then) Office of Private Education, *The Regulation of Private Schools in America: A State by State Analysis*.

To ensure the accuracy of each state summary, ONPE first updated the information published in the 2000 report for that state, using information from the state's Web site. Then, the update was submitted to appropriate state officials for their consideration, revision, and approval. The individuals in each state who reviewed these summaries were critical to ensure timely and accurate updates. ONPE appreciates their participation, cooperation, and expertise. The end of each chapter includes the date when the state last provided comment. As this report is an electronic publication, chapters will be revised and updated as new information becomes available from the states.

The report includes information in several areas of state regulation of private schools. The topics include: Accreditation/Registration/Licensing/Approval, Teacher Certification, Length of School Year/Days, Curriculum, Recordkeeping/Reports, Health and Safety Requirements, Transportation, Textbooks, Testing, Special Education, Nursing and Health, Technology, Professional Development, Reimbursement for Performing State/Local Functions, Tax Exemption, Public Aid for Private Education, Homeschooling, and Information Resources. Charts are included at the end of the state-by-state chapters that summarize key information from the report.

The contents illustrate the nation's ability to approach similar areas of education in a variety of ways. Not one of the states regulates private schools in exactly the same way as another. Rather, the statutes reflect the unique circumstances, concerns, and policy perspectives in each state.

The goal of the ONPE in publishing this document is to provide concise summaries of relevant state laws in an accessible format. It is our hope that this report will serve the needs of state and federal legislators, public and private school administrators, and the general public.

***This document is for informational purposes only. It creates no new rights or responsibilities. Nothing in this report reflects the position of the U.S. Department of Education as to the meaning or effect of any state legal requirement. Readers are encouraged to consult state constitutions and the full text of relevant case law, statutes, and regulations. In addition, readers should be aware that this document is not intended to offer information about the requirements of federal law.***

[June 2000 edition of this publication](#)

# COLORADO

## **Accreditation/Registration/Licensing/Approval**

- *Accreditation* is optional.
- The Colorado State Board of Education does not require private schools to acquire accreditation, but allows private schools to voluntarily choose to seek accreditation by one of the state-approved private agencies. *C.R.S. 22-2-107*.
- The Colorado Department of Education (CDE) provides contact information for some accrediting agencies as a courtesy to those interested in private schools; however, it does not endorse any particular group or organization.
- No requirements for *Registration*.
- *Licensing* is mandatory.
- Nonpublic schools (private, non-state independent and parochial) are considered to be small businesses in the state of Colorado. School owners must obtain a license from the secretary of state's office to operate. *C.R.S. 24-48.5-101*.
- Neither the State Board of Education nor any local board of education has jurisdiction over the internal workings of a nonpublic school since these schools are considered to be small businesses. However, there are legal requirements all Colorado schools must follow, including nonpublic schools.
- No requirements for *Approval*.

## **Teacher Certification**

- Certification of teachers in private schools is not required. A nonpublic institution may request the state board to review the content of its teacher preparation program to determine if it meets the states specifications for licensure endorsement. *C.R.S. 22-2-109*.
- For employment purposes nonpublic schools may make an inquiry to the Colorado Department of Education regarding a potential employee's past unlawful conduct i.e. whether an individual has been dismissed or resigned from a school district as a result of an allegation of unlawful behavior involving a child that was supported by a preponderance of the evidence. To facilitate the inquiry, the governing board of the nonpublic school shall require an applicant or employee to submit to the governing board a complete set of his or her fingerprints taken by a qualified law enforcement agency or an authorized school employee. *C.R.S. 22-1-121*.

## **Length of School Year/Days**

- 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 shall attend public school. However, compulsory school attendance law is satisfied if at an independent, private or parochial school a child is enrolled for a minimum of one hundred seventy-two (172) days and is provided with a basic academic education (sequential program of instruction). *C.R.S. 22-33-104*.

State Regulations of Private Schools—Colorado

32

## **Curriculum**

- The basic academic educational program at the private school shall include, but not be limited to, communication skills of reading, writing, and speaking, mathematics,

history, civics, literature, and science. *C.R.S. 22-33-104 (2)(b)*.

■ All teachers in the grade and high schools in the state of Colorado shall be provided the necessary instruction and information to teach pupils the proper respect of the flag of the United States, to honor and properly salute the flag, and to properly use the flag in decorating and displaying. *C.R.S. 22-1-106*.

■ It is the duty of each teacher in such schools to see that pupils receive such instruction and information on the use of the United States flag. *C.R.S. 22-1-107*.

■ All public and private schools located within the state of Colorado shall give regular courses of instruction in the Constitution of the United States. *C.R.S. 22-1-108*.

■ Instruction in the constitution of the United States shall begin not later than the opening of the junior high schools or seventh grade and shall continue through high school courses. *C.R.S. 22-1-109*.

### **Recordkeeping/Reports**

■ Colorado Department of Education (CDE) annually posts on its Web site a nonpublic schools directory as a courtesy to those interested in private schools. Private schools can voluntarily submit their contact information to CDE, but are under no obligation to notify CDE when they open, if their address changes or if they close.

■ Whenever requested by the board of education of the school district in which the private school is located, the person or corporation in charge and control of any school other than a public school shall certify in writing a statement containing the name, age, place of residence, and number of days of attendance of all children of school age, during the preceding month, who are or have been attending the school. *C.R.S. 22-1-114*.

■ Private schools are required to maintain a file of the official certificates of immunization for every enrolled student. The Department of Health may examine, audit or verify the records of immunizations. *C.R.S. 25-4-906(2), (3)*.

### **Health& Safety Requirements**

■ The Department of Health is under a duty to establish and enforce sanitary standards for the operation and maintenance of schools; all schools must meet health standards. Contact the Consumer Protection Division of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80222; phone: 303-692-3620. NOTE: If a nonpublic school exists in some county other than Denver County, the county office of the Colorado Department of Health should be contacted. *C.R.S. 25-1-107(1)(m)*.

■ Private school students must receive immunizations as specified by the State Board of Health. Exemptions are allowed based on religious belief, endangerment to life, or sound medical practice. *C.R.S. 24-4-901; 25-4-902; 25-4-904*.

■ Transfer students have 60 days in which to submit an official certificate of immunization provided by the Department of Health. *C.R.S. 25-4-903*.

■ Private schools are obligated to suspend or expel any student failing to obtain the proper school entry immunizations unless the student is otherwise exempt. Prior to State Regulations of Private Schools—Colorado

33

suspension or expulsion, the appropriate school authority must give direct personal notification to the student's parent or guardian, the emancipated student, or the student eighteen years of age, and inform them of the student's rights. *C.R.S. 25-4-*

902; 25-4-902.5; 25-4-903 and 25-4-907.

■ Private and nonpublic school officials have the responsibility of ensuring the buildings used meet local building codes, zoning requirements, and fire safety standards. School officials have the responsibility to check with the local city and/or county on these matters.

■ Private schools are prohibited from using toxic fire extinguishing agents in any fire extinguisher device. *C.R.S. 9-3-101.*

■ Any person, firm, or organization maintaining any private schools must provide eye protective devices for the use of all students, teachers, and visitors when participating in courses, substances and activities dangerous to eyes. *C.R.S. 22-3-101.*

■ Private schools providing food services are required to obtain an annual certificate of inspection for food service establishments. Parochial and private schools are granted certificates without incurring fees. *C.R.S. 12-44-201; 12-44-207(2); 12-44-208.*

■ Private school officials and employees are required to report suspected child abuse or neglect to the county department or local law enforcement agency. *C.R.S. 19-3-304.*

### **Transportation**

■ There is no state policy at this time.

### **Textbooks**

■ The board of education of a school district has in its discretion to provide library resources for the benefit of children and the use of teachers to benefit children in the nonpublic schools out of federal grants made for this purpose. The provision of resources must be made without discrimination on the basis of race, color, religion, sex or national origin. *C.R.S. 2-32-110(dd).*

### **Testing**

■ A child enrolled in a nonpublic school is not required to take the CSAP, which is the Colorado Student Assessment Program test. *C.R.S. 22-7-409(111).*

■ A nonpublic school shall be permitted to administer the assessments and shall be provided with the results. The nonpublic school shall be required to pay all costs associated with administering and providing results for such assessments. *C.R.S. 22- 7-409(1.3)(a).*

### **Special Education**

■ The board of education of a school district has in its discretion to provide special educational services and arrangements for the benefit of educationally deprived children in the district who attend nonpublic schools out of federal grants designated for that purpose. The provision of services must be made without discrimination on the basis of race, color, religion, sex, or national origin. *C.R.S. 22-32-110(cc).*

### **Nursing and Health**

■ There is no state policy at this time.

State Regulations of Private Schools—Colorado

34

### **Technology**

■ There is no state policy at this time.

### **Professional Development**

■ Teachers, school nurses, or school administrators employed by a nonpublic school may participate as students in in-service education institutes or curriculum development programs conducted by school districts or boards of cooperative

services (BOCES). At the discretion of the school district or BOCES such participants may be required to pay the pro rata share for the cost of participation. *C.R.S. 22-25-108.*

■ Colorado law provides for cooperative ventures in teacher education programs between public and private schools and institutions of higher education. *C.R.S. 22-62102.*

### **Reimbursement for Performing State/Local Functions**

■ There is no state policy at this time.

### **Tax Exemption**

■ Real and personal property used solely for religious worship or schools is exempt from taxation unless otherwise provided by general law. *Colorado Constitution, Art. X, Section 5.*

■ Nonprofit private schools are exempt from real and personal property tax. *8 Colorado Code Regs. § 1304-2.*

### **Public Aid for Private Education**

■ **Constitutional provisions:** Public aid, *i.e.* aid from the general assembly, any county, city, town, township, school district or public corporation, to sectarian schools is expressly prohibited. *Colorado Constitution, Art. IX, Section 7.* The state legislature is expressly prohibited from appropriating money for education purposes to any person, corporation, or community not under the absolute control of the state, or to any denominational, or sectarian institution or association. *Colorado Constitution, Art V, Section 34.*

The state legislature is expressly prohibited from appropriating money for educational purposes to any person, corporation, or community not under the absolute control of the state, or to any denominational, or sectarian institution or association.

■ **Programs for financial assistance for attendance at private schools:** There is no such program at this time.

### **Homeschooling**

■ Home-based education is a legitimate alternative to classroom attendance for the instruction of children. It is permissible under Colorado law and is distinguished from private and nonpublic schools. *C.R.S. 22-33-104.5.*

■ The parent or guardian must provide a written notification to the local school district office 14 days in advance, explaining his or her intent to homeschool. Written notification is to be given for each child, for each year the program is maintained. *C.R.S. 22-33-104.5.*

### **State Regulations of Private Schools—Colorado**

35

■ All costs of home education are assumed by the parents. *C.R.S. 22-33-104.5.*

■ The instructor of a child being homeschooled must be a parent, guardian, or adult relative. The parent must keep records of attendance, test and evaluation results, and immunization records. *C.R.S. 22-33-104.5.*

■ The nonpublic, home-based educational program must be a minimum of 172 days, averaging four instructional contact hours per day, and shall include, but 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. *C.R.S. 22-33-104.5.*

■ 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. Testing is administered at the parent's expense. *C.R.S. 22-33-104.5.*

■ A district diploma is issued only to students who complete a public education school program. There is no state diploma issued to home-schooled students; however, parents may issue a diploma when the student completes the home-based program. Homeschooled children have the option of taking the GED. *C.R.S. 22-33-104.5.*

#### **Information resources**

■ Colorado Department of Education - Colorado Non-Public Schools

<[http://www.cde.state.co.us/choice/nonpublic\\_index.htm](http://www.cde.state.co.us/choice/nonpublic_index.htm)>

■ Colorado Department of Education — Colorado Legal Requirements for Non-Public Schools

<[http://www.cde.state.co.us/choice/nonpublic\\_law.htm](http://www.cde.state.co.us/choice/nonpublic_law.htm)>

■ Colorado Department of Education - Colorado Private School Resources

<[http://www.cde.state.co.us/choice/nonpublic\\_resources.htm](http://www.cde.state.co.us/choice/nonpublic_resources.htm)>

■ Colorado Department of Education - Homeschooling

<<http://www.cde.state.co.us/cdeedserv/homeschool.htm>>

■ *Colorado Revised Statutes*

<[http://www.state.co.us/gov\\_dir/leg\\_dir/olls/colorado\\_revised\\_statutes.htm](http://www.state.co.us/gov_dir/leg_dir/olls/colorado_revised_statutes.htm)>

■ Colorado Regulations <[http://www.cde.state.co.us/index\\_law.htm](http://www.cde.state.co.us/index_law.htm)>

■ Colorado School Laws 2008 (book)

To purchase a copy, contact the Deputy Commissioner's Office of Learning Service and Results at (303) 866-6678.

■ Colorado Department of Education

Schools of Choice Office

201 East Colfax Avenue, Room 300

Denver, CO 80203-1704

Contact: Pahlmela Hines

E-mail: [hinesp@cde.state.co.us](mailto:hinesp@cde.state.co.us)

Phone: 303-866-6771

Fax: 303-866-4739

Web site: <http://www.cde.state.co.us/>

■ U.S. Department of Education, Colorado

*Updated December 24, 2008*