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CSI offers this guidance to relay requirements and considerations for schools seeking to serve homeschool students on a part-time basis through the use of a formal part-time program designed and marketed to homeschool students or by opening up certain courses to homeschool students on a less-than part-time basis. It is provided for informational purposes only and is not to be construed as legal advice or a formal legal opinion on behalf of the author or CSI. Use of this information does not create an attorney-client relationship, nor is the creation of such relationship intended by the provision of this information. This information does not constitute a formal administrative opinion on behalf of CSI. CSI recommends that each school contacts its attorney to obtain legal advice with respect to any particular legal issue.

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Definitions

1. How is homeschool defined?

"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. C.R.S. 22-33-104.5.

2. What is the difference between part-time and homeschool students?

The difference is based on who is the primary person responsible for the education of the student:

- A **part-time student** may be enrolled part-time in a private or public school (e.g., a high school senior over the age of 17 needing only three classes who takes those three classes at a local public school).
- A **homeschool student** primarily receives home-based education, and the parent or guardian is considered the responsible party.

The definitions of part-time and homeschool students are not mutually exclusive; a homeschool student could enroll in a part-time program and the parents continue to be considered the responsible party. This guidance focuses on part-time programming for homeschool students. (Some schools draw a distinction between “enrichment” and other types of programming for homeschool students, but the distinction is merely colloquial and has no legal relevance.)

Funding

In general, it should be noted that, as a result of participating in public school options on a part-time basis, homeschool students may be subject to the same identification, assessment, and participation requirements as other public school students. Details about specific scenarios can be found throughout this guide.

3. Can a school receive funding for homeschool students?

If a student is receiving *only* a homeschool education (e.g., taking no classes offered through the district or CSI school, whether at a brick-and-mortar public school or a public online school), no school is eligible for state funding for that student.

If a homeschool student is receiving *some* regular education services provided by a public school, the school may be eligible for a maximum of part-time funding if the student is scheduled for a minimum of 90-hours of teacher-pupil instruction and contact time in the semester of the pupil enrollment count date.

Please see the CDE Student October Count Audit Resource Guide (found here: https://www.cde.state.co.us/cdefinance/auditunit_pupilmount) for more details regarding appropriate documentation to be eligible for funding. Also note that additional student

types identified in the Audit Guide (ex: supplemental online courses, contractual education students) may *also* apply to homeschool students, and the additional documentation would also be required to be eligible for funding. 1 CCR 301-39:2254-R-5.00; Student October Count Audit Resource Guide.

In order for the school to receive part-time funding, a student must meet the membership and scheduling requirements set forth in the October Count Audit Resource Guide. Only one district (or charter school) can receive part-time funding for the same student. All part-time funding must go to the school and cannot be passed along to the family.

4. Can a school charge a fee for part-time students?

Generally, a school cannot charge tuition to part-time students for participation in any activity or course that is free to its full-time students even if the school is not receiving part-time state funding.

Although a charter school cannot charge tuition, the school may charge a student participating in an extracurricular, academic, artistic, athletic, recreational, or other extracurricular activity an activity or participation fee not to exceed 150 percent of the fee amount the school would charge to its full-time students. C.R.S. 22-32-116.5(6). Any fee collected must be used to fund the particular activity for which it is charged and cannot be used for any other purpose. Also, the school must still adhere to the CSI Student Fees Policy (found here: <http://go.boarddocs.com/co/csi/Board.nsf/goto?open&id=AV6N3W5B41F8>). C.R.S. 22-32-116.5(6). Students participating only in an extracurricular or interscholastic activity cannot be counted for part-time per pupil funding. C.R.S. 22-32-104.5(6)(c).

State Reporting

5. Are there compulsory attendance implications for homeschool students?

Compulsory attendance laws apply to students age six to 17 who have not yet graduated the 12th grade. C.R.S. 22-33-104(1)(a). Homeschool students are exempt from the state compulsory attendance laws. C.R.S. 22-33-104(2)(i), 22-33-104.5(3)(b). Please note that schools are still responsible for taking attendance for students participating in homeschool programming and that this attendance data must be submitted as part of the End of Year and October Count collections for students participating in a school's homeschool programming.

6. Are homeschool students required to be included in state reporting?

Yes, homeschool students who are receiving programming from a CSI school should be included in the school's student information system so that they are included in state reporting.

Coding reminders regarding homeschool students:

- Public School Funding Status code = see guidance for determining funding eligibility in Question 3 above as well as funding code options included in the [Student School Association File Layout](#).
- Home Based Education = 1 (Yes)
- Exit/withdraw coding guidance for homeschool can be found in [CSI's Entry/Exit Files-Quick Reference resource](#) as coding can impact accountability measures.

7. How do I verify that a student is homeschooled?

Parents who wish to begin homeschooling must provide written notification to a school district in the state. C.R.S. 22-33-104.5. Because CSI is not recognized as a school district, CSI schools should not accept notice and should instead refer the family to the district of residence. There are also various recordkeeping requirements that apply to homeschool students, which include maintenance of attendance, test and evaluation results, and immunization records. Accordingly, the parent should be able to provide evidence that the student is homeschooled.

Assessments

8. What assessments are homeschool students required to take?

Homeschool students are required to take a nationally standardized achievement test in grades in 3, 5, 7, 9 and 11 and it is the parent/guardian's responsibility to ensure a homeschool student is meeting assessment requirements. C.R.S 22-33-104.5(3)(f).

9. Are homeschool students required to take CMAS/CoAlt?

Students who are enrolled part-time must be tested unless the student has registered as being homeschooled or dually enrolled in a private school. C.R.S. 22-7-1006.3(3)(b). A student who is enrolled in a nonpublic homeschool program is not required to take the state ELA, math, science, and social studies assessments even if the child is attending a public school for a portion of the school day and is included in the enrollment of the school, but the student may elect to take state assessments. C.R.S. 22-7-1006.3(3)(b). If the parent or legal guardian of a homeschool student requests permission to take the CMAS/CoAlt assessments at the school, the school must honor the request and must also provide the parent or legal guardian the results of the state assessment administered. The parent or legal guardian of the child must pay all costs associated with administering and providing results for the state assessments. C.R.S. 22-7-1006.3(9)(b).

If a homeschool student takes an assessment administered by a school, provided that the school properly identifies the student as a homeschool student, the assessment results will not be included in the school's overall assessment results. The CMAS Procedures Manual describes how to properly identify a student who is part-time public and part-time homeschool.

10. Are homeschool students required to take PSAT/SAT?

A school is not required to administer the PSAT for grades 9 and 10 or the SAT to a homeschool student.

11. Are kindergarten homeschool students required to take the Kindergarten School Readiness Assessment?

Kindergarten homeschool students who meet the definition of part-time are subject to the requirements of Kindergarten School Readiness legislation (CAP4K). This includes the administration of an approved School Readiness assessment within the first 60 days of school and the subsequent development of an individualized school readiness plan. Part-time homeschool families may choose to opt out of this process; the school must follow their opt-out policy to document and maintain evidence of each family's opt-out decision.

12. Are K-3 homeschool students required to comply with READ Act?

Homeschool students in grades K- 3 who meet the definition of part-time are subject to the requirements of READ Act legislation. This includes administration of an approved READ Act assessment, use of the results to identify students requiring a READ plan, implementation of the READ plan, and data reporting in the spring READ Act Data Collection. Currently, there are no waivers for any portion of the READ requirements.

Special Populations

In general, schools are expected to *identify* all students, regardless of part- or full-time status so students are accurately reported. Identification includes, but is not limited to, areas such as English Learner, special education, 504 plan, Gifted/Talented, and military connected.

13. English Learners

What requirements exist for the identification, services, and evaluation of homeschool students who may be English Learners?

If a homeschool student meets the definition of part-time (90 hours of teacher-pupil instruction/contact hours per semester) schools must adhere to state and federal requirements related to the identification, service, and evaluation of English Learners. This includes administering the state-required identification screener (WIDA Screener) to all students indicating a language other than English on the Home Language Survey. Students identified as NEP or LEP based on the results of the screener should be provided appropriate supports and resources for any course they are taking at a CSI school. Additionally, students identified as NEP or LEP must take the annual ACCESS for ELLs exam, even if they have chosen to deny EL services. Schools with a part-time homeschool program must submit an additional EL Program Plan that outlines the processes for identification, communication, providing equitable access to courses based on language acquisition status, assessment, and re-designation/progress monitoring.

14. Students Eligible for Free- or Reduced-Price Lunch

What requirements exist for the identification of students eligible for free- or reduced-price lunch?

A FRL eligibility status (students *eligible* for free- or reduced-lunch) is required for all students, including students participating in a school's homeschool programming, and is required for multiple state reporting collections throughout the year.

Regardless of whether the student is accessing meals through the federal school nutrition program, every effort should be made to include part-time families in the FRL eligibility process.

- Schools that participate in a School Food Authority (SFA) should check with their SFA to ensure that part time students, including homeschool students, will be included in the eligibility determination process. If an SFA will not include these students, then the school will need to determine the eligibility status by encouraging families to complete the state Family Economic Data Survey (FEDS).
- Schools participating with the CSI SFA will find policies and additional information specific to that SFA on the CSI Operations [School Food Authority](#) webpage.
- Schools that do not participate with an SFA will also need to determine FRL eligibility for all students using the state FEDS forms.

More details on both federal and state methods, including information that may impact the current year are available on the CSI [Free and Reduced Lunch Eligibility](#) webpage.

15. Students with Disabilities

a. What are the FAPE obligations for part-time students with disabilities?

Under the Individuals with Disabilities Education Act (IDEA), students who attend a public school are entitled to a Free and Appropriate Public Education (FAPE). The law defines "FAPE" as special education and related services that are provided at public expense, meet the standards of the state, include preschool, elementary school, or secondary school, and "are provided in conformity with an individualized education program that meets the requirements of [the law]." 34 C.F.R. 300.17. IEPs are statements of "the special education and related services and supplementary aids and services ... to be provided to the child" to allow the child to make progress. IEPs represent the school's comprehensive offer to meet the child's educational needs; it may not be accepted piecemeal.

Homeschool students are not entitled to special education and related services, even if they participate in programming and are counted as part-time students. Please note that this limit applies only to students formally enrolled in a nonpublic home-based educational program (i.e., homeschool). This differs from the rare instance in which an

IEP team has determined that a student must be educated in the home (e.g., because of a health-related issue). In that case, the school would provide the IEP related services and would count the student on the December Count submission.

b. What if a parent still wants to enroll a student with disabilities and agrees to waive services?

A school cannot deny admission to a student with disabilities in any program, whether the student seeks to enroll in a core course, enrichment course, or extracurricular or interscholastic activity. However, the school should have policies in place which clarify that the school is not required to provide special education services to students with disabilities who are not enrolled in the school on a full-time basis, aside from accommodations in accordance with Section 504. Though a 504 may or may not be implemented, schools must provide the accommodations needed to provide equal access to students with disabilities (more information in subsection (d) below).

c. What are the Child Find obligations for part-time students with disabilities?

CSI schools are responsible for meeting the Child Find requirements of IDEA, Part B for students age 3 through 21 who attend their school. This means that if a homeschool student enrolls in the school on a part-time basis, the CSI school has the obligation to identify and evaluate those students for suspected disabilities. Conversely, for students not enrolled in a public school, the Child Find responsibility is that of the administrative unit of residence. 1 CCR 301-8, Rule 4.02(1)(a)(ii).

Often, a homeschool parent may know or suspect that his or her student has a disability and will waive the evaluation. If the student is evaluated and found eligible for special education services, the parents should be notified that if they choose to enroll their child in public school, they are entitled to special education and related services pursuant to an IEP. An IEP would not be developed or implemented if the parents elect to keep the student in homeschool.

d. What accommodations must be provided to part-time students with disabilities?

If a homeschool student enrolls in a school for a course or activity, or on a part-time basis, and that student requires specific accommodations related to a disability in order to access the course, activity, or part-time program, the school must allow the accommodation(s) and follow any 504 plan that is already in place, or if a 504 plan is not in place, consider evaluating for one. If a student is found eligible, the school must develop and implement the plan.

Accordingly, it becomes more important to consider the courses that the school will make available to part-time students. Providing accommodations in a core course, such as math, may look very different than the accommodations that may need to be provided in an enrichment course such as art.

e. Is categorical funding available for part-time students with disabilities?

The [December Count data collection](#) is used to identify the number of students with disabilities enrolled at the school on December 1st, which then determines the amount of special education funding the school receives. A student can be reported in the

December Count data collection if the student is receiving special education services, although it would be uncommon in the instance of homeschool students participating in a part-time program at a school. December Count does not take into consideration instruction and contact time to determine funding like the October Count data collection does to determine the level of funding a student should receive; rather, pupil count is utilized to determine funding for each administrative unit.

16. Gifted Students

a. What requirements exist for the identification of part-time homeschool students who may qualify for gifted education services?

CSI schools are responsible for meeting the identification requirements of the Exceptional Children's Educational Act (ECEA) for students aged 4 through 21 who attend their school. This means that if a homeschool student enrolls in the school on a part-time basis, the school has the obligation to follow the identification procedures outlined in the school's Gifted Education Program Plan in regard to that student.

ECEA Portability Rules apply to part-time homeschool students who were previously identified at a former Colorado public school, as do the rules of the Military Compact.

CSI schools are not required to accept referrals for gifted identification from homeschool students who are not enrolled and attending the school part-time.

b. Are CSI schools required to include part-time homeschool students in Universal Screening?

Yes. CSI schools must offer the universal screening assessment to all students enrolled at the grade level being tested. The parent or legal guardian of the part-time homeschool student can opt out of the universal screening assessment.

c. What requirements exist for the provision of gifted education services to part-time homeschool students?

Advanced Learning Plans (ALP) must be developed in collaboration with the parent/legal guardian for part-time homeschool students who are identified as gifted. The ALP includes goals in the identified area(s) and a goal for affective support. If the student attends classes at the school in the area of identification, the school must outline the programming, accommodations and interventions that will be used by school staff to support the student in goal attainment. If the student is being homeschooled in their area of identification, the school is not required to provide programming. Services to support the student in attaining the affective goal must be provided by the school regardless of area of identification. Parents/legal guardians may decline gifted services. The school should document this on the ALP in lieu of goals and programming.

d. What requirements exist for evaluating the performance and growth of part-time homeschool students who are identified as gifted?

Schools must have a timeline for monitoring progress toward ALP goals that integrates with ongoing conference or reporting periods of the school. At a minimum, schools should report progress twice each year to parents/legal guardians.

Student Health

17. Are homeschool students exempt from immunization requirements?

Students participating in a nonpublic home-based educational program pursuant to C.R.S. 22-33-104.5 are not required to comply with the immunization requirements established under C.R.S. 25-5-902. However, a CSI school may require compliance with the immunization requirements if the student attends the CSI school for a portion of the school day.

18. Are CSI Schools require to provide nursing services (e.g. medication administration, vision/hearing screenings, etc.) to homeschool students?

Homeschools students participating in public school programming are subject to the same student-health duties as any other (general education) student. This includes, but is not limited to, administering medications and vision/hearing screenings. See C.R.S. 22-1-116, -119 to -119.5.

Extracurriculars

19. Can homeschool students participate in extracurricular and interscholastic activities?

State law requires that public schools allow homeschool students to participate on an equal basis in any extracurricular or interscholastic activity offered by the school that is not available through the homeschool program. C.R.S. 22-32-116.5. This would include academic, artistic, athletic, recreational, or other activity offered by a school. A school cannot adopt a policy or agree to be bound by any rule or policy of any organization that would prohibit any participation. At the high school level, schools should review CHSAA regulations to ensure they remain compliant with eligibility standards.

Establishing a Homeschool Program

20. Does CSI need to approve a part-time program?

The addition of a formalized part-time program for homeschool students may require advance CSI approval in accordance with the [Charter Modification Process](#) (e.g., the school develops a part-time program to be delivered on an ongoing basis and markets that part-time programming to homeschool students). However, if a school is opening certain extracurricular or interscholastic activities to homeschool students on a limited or infrequent basis, advance approval may not be required.

21. Does a CSI School's board need to approve a part-time or homeschool program?

The addition of a part-time or homeschool program should be considered by a CSI school's governing board as it involves significant financial, legal, and operational considerations. A CSI school's governing board should consider all of these implications and assist the school leader in setting parameters for the part-time program.

22. What parameters should be set for a part-time program?

The parameters to be considered and set by the governing board and school leader for a part-time program include, but are not limited to:

- The courses or enrichment activities in which a part-time student would have the option to participate (e.g., whether core courses are available to part-time students or only certain enrichment courses);
- Service to students with disabilities and/or those requiring accommodations;
- The school policies by which a part-time student must abide and consequences for failing to abide (e.g., student handbook and whether you need a separate handbook for part-time students);
- Enrollment timelines for part-time students (if any);
- Enrollment policies for part-time students (e.g., what happens if the school has a waitlist for its regular academic program?);
- Processes for enrolling part-time students (registration, collection of immunization forms, waivers, physicals, etc.);
- The program meets the mission and vision of the school and maintains fidelity with the core instructional philosophies in the charter contract; and
- If seeking part-time funding, a plan for ensuring part-time students meet membership and scheduling requirements for the school to be eligible to receive part-time funding.

These parameters should be clear and established prior to enrollment of a part-time student so that they can be clearly communicated with the student and parent.

Resources

- CMAS Procedures Manual available at <http://www.cde.state.co.us/assessment>
- [C.R.S. 22-7-1006.3](#). State assessments – administration – rules
- [C.R.S. 22-32-116.5](#). Extracurricular and interscholastic activities - definitions
- [C.R.S. 22-33-104](#). Compulsory school attendance
- [C.R.S. 22-33-104.5](#). Home-based education - legislative declaration - definitions – guidelines

- Rules for the Administration of the Exceptional Children’s Educational Act, [1 CCR 301-8](#)
- Rules for the Administration of the Public School Finance Act, [1 CCR 301-39](#), Rule 5
- “Student October Count Audit Resource Guide”, Colo. Dep’t. of Educ. Office of School Finance, available at https://www.cde.state.co.us/cdefinance/auditunit_pupilcount

CONTACT INFORMATION

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