

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0641.02 Julie Pelegrin x2700

SENATE BILL 22-071

SENATE SPONSORSHIP

Woodward, Hisey, Kirkmeyer, Liston, Lundeen, Rankin, Simpson, Smallwood,
Sonnenberg

HOUSE SPONSORSHIP

Van Beber,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING AUTHORIZATION OF THE USE OF LEARNING PODS BY
102 NONPUBLIC, HOME-BASED EDUCATIONAL PROGRAMS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill allows a child who is participating in a nonpublic home-based educational program to receive the program by participating in a learning pod, which is defined as a group of children who receive educational services delivered by an adult who is selected by the parents of the participating children. If a child who receives a hope scholarship is participating in a learning pod, the child's parent may use the money

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

received to pay the costs of participating in the learning pod.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-33-104.5, **amend**
3 (2) and (3)(a); and **add** (3)(e.5) as follows:

4 **22-33-104.5. Home-based education - legislative declaration -**
5 **definitions - guidelines.** (2) As used in this section:

6 (a) "LEARNING POD" MEANS A GROUP OF CHILDREN, EACH OF
7 WHOM IS PARTICIPATING IN A NONPUBLIC HOME-BASED EDUCATIONAL
8 PROGRAM ESTABLISHED AS PROVIDED IN SUBSECTION (3)(e) OF THIS
9 SECTION, WHOSE PARENTS VOLUNTARILY BRING THE CHILDREN TOGETHER
10 TO RECEIVE EDUCATIONAL SERVICES AS A GROUP, WHICH EDUCATIONAL
11 SERVICES ARE PROVIDED BY AN ADULT SELECTED JOINTLY BY THE
12 PARENTS OF THE PARTICIPATING CHILDREN. THE SELECTED ADULT MAY BE,
13 BUT IS NOT REQUIRED TO BE, A PARENT OR AN ADULT RELATIVE OF ONE OF
14 THE CHILDREN PARTICIPATING IN THE LEARNING POD.

15 ~~(a)~~ (b) "Nonpublic home-based educational program" means the
16 sequential program of instruction for the education of a child ~~which~~ THAT
17 takes place in a home; ~~which~~ is provided by the child's parent, ~~or~~ by an
18 adult relative of the child designated by the parent, OR AN ADULT
19 SELECTED JOINTLY BY THE PARENTS OF CHILDREN PARTICIPATING IN A
20 LEARNING POD; and ~~which~~ is not under the supervision and control of a
21 school district. This educational program is not intended to be and does
22 not qualify as a private and nonprofit school.

23 ~~(b)~~ (c) "Parent" includes a parent, ~~or~~ guardian, OR LEGAL
24 CUSTODIAN OF A STUDENT.

25 ~~(c)~~ (d) "Qualified person" means an individual who is selected by

1 the parent of a child who is participating in a nonpublic home-based
2 educational program to evaluate ~~such~~ THE child's progress and who is a
3 teacher licensed pursuant to article 60.5 of this ~~title~~ TITLE 22, a teacher
4 who is employed by an independent or parochial school, a licensed
5 psychologist, or a person with a graduate degree in education.

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

8 (a) A parent, or ~~an adult relative designated by a parent to provide~~
9 OTHER ADULT WHO PROVIDES instruction in a nonpublic home-based
10 educational program ~~shall not be~~ EITHER TO AN INDIVIDUAL CHILD OR IN
11 A LEARNING POD, IS NOT subject to the requirements of the "Colorado
12 Educator Licensing Act of 1991", article 60.5 of this ~~title~~ TITLE 22, nor to
13 the provisions of article 61 of this ~~title~~ TITLE 22 relating to teacher
14 employment.

15 (e.5) A PARENT WHO ESTABLISHES A NONPUBLIC HOME-BASED
16 EDUCATIONAL PROGRAM MAY ALLOW THE PARENT'S CHILD TO RECEIVE
17 ALL OR A PORTION OF THE EDUCATIONAL PROGRAM THROUGH
18 PARTICIPATION IN A LEARNING POD;

19 **SECTION 2.** In Colorado Revised Statutes, 22-33-104.5, **add**
20 (3.5) as follows:

21 **22-33-104.5. Home-based education - legislative declaration -**
22 **definitions - guidelines.** (3.5) A PARENT WHO ESTABLISHES A NONPUBLIC
23 HOME-BASED EDUCATIONAL PROGRAM FOR A CHILD WHO RECEIVES A HOPE
24 SCHOLARSHIP PURSUANT TO ARTICLE 106 OF THIS TITLE 22 MAY USE THE
25 SCHOLARSHIP MONEY RECEIVED TO PAY THE COSTS INCURRED IN
26 PROVIDING THE NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM,
27 INCLUDING THE COSTS ASSOCIATED WITH PARTICIPATION IN A LEARNING

1 POD.

2 **SECTION 3. Act subject to petition - effective date.** (1) This
3 act takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly; except
5 that:

6 (a) If a referendum petition is filed pursuant to section 1 (3) of
7 article V of the state constitution against this act or an item, section, or
8 part of this act within such period, then the act, item, section, or part will
9 not take effect unless approved by the people at the general election to be
10 held in November 2022 and, in such case, will take effect on the date of
11 the official declaration of the vote thereon by the governor; and

12 (b) Section 2 of this act takes effect only if Senate Bill 22-____
13 becomes law, in which case section 2 of this act takes effect on the
14 effective date of this act or the effective date of Senate Bill 22-____,
15 whichever is later.