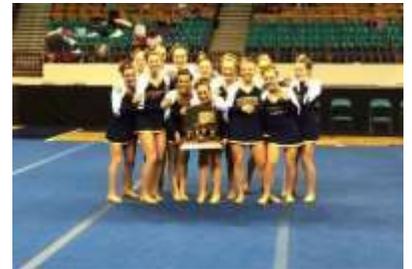


2018-2019 Colorado High School Activities Association

State Statutes Handbook

(A review of the Colorado State Laws affecting High School Activities Participation)



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Colorado House Chambers



Colorado Senate Chambers

Table of Contents

<u>Summary of State Statutes</u>	4
<u>State Law Text: CRS 22-32-116.5 (HS Activities Participation)</u>	9
<u>Outside Competition</u>	14
<u>Participation Opportunities for Public School and Private School Students</u>	16
<u>State Law Text: CRS 22-33-104.5 (Home School)</u>	21
<u>Participation Opportunities for Home Based Students</u>	25
<u>State Law Text: CRS 13-21-108.2 (Good Samaritan)</u>	28
<u>Good Samaritan Laws</u>	30
<u>Required Head Trauma Guidelines (Jake Snakenberg Youth Concussion Act)</u>	32
<u>Youth Concussion Act General Interpretations</u>	35
<u>Instruction in Cardiopulmonary Resuscitation and Operation of AEDs</u>	37
<u>CPR/AED General Information</u>	42
<u>Athletic Trainer Practice Act General Information</u>	44
<u>Colorado Mandatory Reporting Law</u>	46

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NOTE: The following is the Colorado High School Activities Association's analysis of this legislation (CRS 22-32-116.5, 22-33-104.5, 13-21-108.2, 22-1-129 and 22-1-125.5). This is only the CHSAA's opinion and is designed for use as a guideline by member schools.

2018-2019 State Statutes Summary

State Statutes Addressed:

CRS 22-32-116.5 – Extracurricular and interscholastic activities

CRS 22-33-104.5 – Home-based education – legislative declaration – definitions - guidelines

CRS 13-21-108.2 - Persons rendering emergency assistance – competitive sports - exemption from civil liability.

CRS 43-25-101 – Required Head Trauma Guidelines – Jake Snakenberg Youth Concussion Act

CRS 22-1-129 – Instruction in cardiopulmonary resuscitation and the use of automated external defibrillators

CRS 22-1-125.5 – Requirement for certification of public school athletic coaches in cardiopulmonary resuscitation – use of automated external defibrillators

CRS 12-29.7-101. - Concerning the regulation of athletic trainers by the division of professions and occupations in the department of regulatory agencies, and, in connection therewith, making an appropriation.

CRS 19-3-304 – Colorado Mandatory Reporting Law

Note: Changes to this document from the previous year are shown as underlined in the narrative (non-statute) copy

Please Note: 22-34-101 High School Fast Track has been eliminated from the Colorado Revised Statutes.

State Statutes Summary

State law and the Colorado High School Activities Association bylaws have overlapped for nearly two-and-half decades and the following narrative is a brief history of the blending of the two sets of rules and regulations.

CHSAA entered the 2016 session without any planned legislative activity, but with the introduction of SB16-161 (Athletic Trainer Practice Act), the Association had to work with the bill's sponsor to protect the interests of school districts that could not afford to have a licensed athletic trainer on site.

While the CHSAA supported the athletic trainers in strengthening their position under the law, there were some unintended consequences that could have significantly impacted many member schools:

- As originally written, CHSAA heard concerns from our small schools, and others, that because of the definitions in the bill, it could inadvertently impact their coaches and administrators. Most schools cannot afford a Certified Athletic Trainer and that in many areas, coaches have been trained to tape ankles and are educated in an appropriate way to handle emergencies and provide direction to students when additional help is needed. This is all done within the scope of their training, experience and education.
- No one wants a non-certified athletic trainer to identify himself or herself as an Athletic Trainer. But there are some overlaps in duties between coaches and trainers that can create confusion with the current wording and put coaches and school personnel at risk of violating this proposed Act.

In the end, CHSAA successfully protected its schools, but also helped the athletic trainers get legislation established to support the work of these important people.

That new legislation came on the heels of the 2015 work the Association accomplished to remove binding arbitration from the statutes.

The brief history of this statute shows that in 2000, the CHSAA supported the adoption of the existing arbitration statute believing it would result in expedited resolution process and lower costs for both students and CHSAA than seeking relief in the Courts. In the 14 years that this law had been in place, there were 6 cases that went to arbitration and 4 cases brought by students for injunctive relief in the Civil Courts. Senate Bill SB15-051 removed the Arbitration option.

CHSAA discovered the arbitration cases were significantly more expensive and time-consuming than the court cases. Several of the arbitration cases involved hearings of up to three full days before a paid arbitrator. The arbitrations usually occurred several weeks after the final CHSAA decision. Final decisions from the arbitrator took up to several weeks after the initial hearing for resolution hearing. Occasionally, the arbitrators permitted the student's counsel to conduct extensive discovery, including depositions and production of documents. As a result, the arbitrations cost at least twice as much as court hearings, and in three cases, exceeded \$10,000, including the arbitrator's fees.

The court cases involved an expedited temporary restraining order (TRO) hearing. These occur within a week to ten days after commencement of the suit and were resolved after court hearings of a half day or less. The expenses for CHSAA and, presumably the student, were below \$3,000 in each case.

More importantly from the CHSAA perspective, the arbitration provision unintentionally set up two standards for determining whether a CHSAA decision had conformed to CHSAA by-laws. Under arbitration, a decision can be reached that the by-laws were applied properly, yet the arbitrator may grant eligibility for the student on items that could not be considered by the CHSAA Commissioner when reviewing a waiver. When a student seeks injunctive relief, decisions are based on the same standards that the CHSAA Commissioner uses when determining whether to grant a waiver.

On May 6, 2015, Colorado Governor John W. Hickenlooper signed Senate Bill 15-051 striking binding arbitration from state statutes, specifically 22-32-116.5 (9.5) (b). A student who has been declared ineligible may now go through the CHSAA appeals process or seek civil injunctive relief.

CHSAA remains diligent in its work with the state legislature and several reminders of what has transpired in the statehouse over the past several years is appropriate. In 2014, the state legislature passed House Bill 1276, mandating CPR training for coaches in public and public charter schools.

This bill mirrors similar legislation passed across the nation and requires coaches to have CPR and AED operation training. It also encourages school districts to implement programs for students in the use of CPR and AEDs. The CRS citations are 22-1-129 and 22-1-125.5.

Previous changes initiated by the CHSAA sought to clarify that when a student at a school without a program or a home-based education student wanted to participate at a school, the school district would determine at which school that student would participate. The legislators were kind enough to also provide a legislative declaration that outlined why the pieces of 22-32-116.5 are necessary. That entire declaration is outlined prior to the actual CRS language for 22-32.116.5

The major change with the law now requires school districts with multiple high schools to develop a policy on how they will place students that fall into the category noted in the opening paragraph. No longer does the statute say that the student/parents choose the school of participation in any situation; rather, the school district has the duty to place the student at the appropriate school. The Association will ask each of those districts to provide the CHSAA Office with a copy of that policy for its files.

The law now requires a collaborative effort, having the student/parents and schools working together. The school district has the final determination with consideration be given to the number of sports a student wants to play, including proximity of a school to the student's residence, preferences of the student and parents and any other issues that may be presented for the school district's consideration by the CHSAA.

A second clarification in the law that impacts 22-32-116.5 and 22-33-104.5 (Home School Law) was passed. The wording of that amendment mirrors the CHSAA's interpretation of the statute that said a public school could not require a student to enroll in order to participate unless that participation was in an activity that was related to a curricular area, such as speech and music.

During the 2011 legislative session, the CHSAA was instrumental in working with the state legislature to add a new section of law relating to concussion education. Named the Jake Snakenberg Youth Concussion Act in memory of the Grandview student who died nearly a decade ago from a brain injury, the statute mirrors the CHSAA's by-laws regarding concussions. What is important for schools and administrators to know is that outside team (clubs, recreation district programs, etc.) coaches are also required to have the same education that is required of our schools under the CHSAA by-laws.

The CHSAA by-law reads, (1620.5) All coaches must annually complete one of the following: 1) the online NFHS Concussion Course or 2) a school organized sports medicine review that includes a head trauma/concussion component, and emergency evacuation procedures.

State statutes that affect your athletic and activities programs are detailed below.

The CHSAA transfer rule was removed from state statute several years ago. While the CHSAA's transfer rule is no longer contained in state statute, there are several other pieces of legislation that still apply to schools' athletics/activities programs. One law has significant impact on the CHSAA cooperative programs by-laws. (See end of this section)

One section of the statutes gives home-based education students the ability to try out for a team in a school in the district in which they are registered as a home schooled student.

State law also allows a student who attends a school which does not offer a specific program the ability to try out for a program in another school in their school district of attendance or school district of

residence first; then if that program is not offered at a school in their school district of attendance or residence; then at the nearest public school that has the facilities and offers that activity, even if the public school is not in a contiguous school district.

Legislation also gives schools the ability to hold positions on their athletic teams for students enrolled in that school district.

Once a student chooses a particular school for a sport(s), he/she must stay at that school. If he/she chooses to participate at a different school with no corresponding bona fide move then the CHSAA Transfer Rule will apply.

Additional language in the statute allows schools to require a student, who is not enrolled in the school, to pay actual expenses of sending that student to postseason competition where that student is the only member of the team participating.

A brief synopsis of the areas affected by the state legislation follows. Additional, in-depth information is found on later pages in this handbook.

NOTE: The following is the Colorado High School Activities Association's analysis of state statute (CRS 22-32-116.5, 22-33-101, 22-33-104.5 13-21-108.2 and 43-25-101). This is only the CHSAA's opinion and is designed for use as a guideline by member schools.

Applications: The state statutes apply to all extracurricular and interscholastic activities, including intramurals, music, speech, student council, clubs, etc.

Transfer Rule

Following a comprehensive review of CHSAA bylaws, a committee of member school personnel recommended an overhaul of the CHSAA Transfer Rule. CHSAA's Legislative Council passed the new rule overwhelmingly.

CHSAA supports school choice in academic pursuits and encourages its student participants to enhance their academic achievement. In concert with this approach, the Association's philosophy addresses the establishment of a fair playing field for all student athletes. A student entering high school for the first time shall be varsity eligible for all interscholastic athletic competition.

However, a student who establishes his/her high school eligibility at a member school and subsequently transfers, will be ineligible for varsity competition for 365 days from the date of their transfer, in the sports they participated in during the last 365 days.

Students who transfer are still able to apply for full athletic eligibility through the Association's hardship rules. Rules related to the "outside coach transfer" and the "transfer for athletic purposes" by-laws remain in place.

The transfer rule addresses athletic eligibility only as it relates to transfer between schools. Rules related to age, semesters, academic requirements and other CHSAA Bylaws may result in an eligible transfer being declared ineligible.

Private school attendance boundaries will be defined, for admission purposes, by the public school district in which the private school is physically located.

Outside Competition

A school or school district may not adopt rules that will prohibit a student from participating on an outside team during the season of sport unless such participation would compromise class attendance. The student must meet CHSAA and school academic eligibility requirements for all team members, while competing on the outside team.

Binding Arbitration

This was removed from the statutes in 2015.

Participation Opportunities for Public School and Private School Students

A student enrolled in a school (public or private) may participate at a public school in his/her school district of residence or in the student's school district of attendance if his/her school does not sponsor a specific activity.

If the public school(s) in the student's school district of attendance or residence does not offer the specific activity, the student may participate at a public school in a school district contiguous to the school district of residence or at the nearest public school that has the facilities for and offers that activity, even if the public school is not in a contiguous school district.

Participation Opportunities for Home-Based Students

A home-based student may participate at a public school in any school district in the state provided he/she has filed of letter of intent to have a home-based educational program for their student with that public school district. The home-based student may participate at a school in a contiguous school district if the activity is not available at a school in his/her district of registration or at the nearest public school that has the facilities and offers that activity, even if the public school is not in a contiguous school district. A multi-school district can determine at which school the student competes. Additionally, the selected school must provide the greatest number of programs in which the student competes.

A home-based student may participate at a private school at the private school's discretion. If the specific activity is not offered in the student's district of residence or attendance, he may participate at a private school contiguous to the school district of residence.

The CHSAA transfer rule applies to home based students if they change their district of registration without a corresponding family move. A transfer by a home-based educational program student will be considered an athletic transfer and the student will be required to follow the resulting consequences of an athletic transfer.

General Information That Applies to Public, Private and Home School Students

Student Placement: The district - designate the school at which the student shall participate. The district shall assign a multi-sport/activity student to a school where he/she can compete in all his/her activities, rather than playing for more than one school during a year.

Transfer Rule: Please see the 2015-2016 CHSAA Handbook for the applicable Transfer Rule.

Student Responsibilities in Standards and Behavior: The student who is participating under the state statute must fulfill the same responsibilities and standards of behavior and performance, including related classroom or practice requirements, as students at the school participating in the same sport or activity. All students must meet the same requirements whether they come to that school only to participate, or are an enrolled student of the school.

Eligibility All Students: A student who has not met all eligibility requirements for participation, or who would have become ineligible to participate in activities at a school cannot gain or regain eligibility by applying to participate in activities at another school.

Fees: A school may charge a student up to one hundred and fifty percent of the fee it charges its own students for participating in an activity. Additional information on fees can be found under the "Participation Opportunities for Public and Private School Students" section. Please Note: No CHSAA fees are attached to this legislation.

Cooperative Programs: At the April 2005 Board of Control (now called Legislative Council) Meeting, the membership voted to reinstate the CHSAA Cooperative Program by-laws. The state statutes and those by-laws can work together, but some complications may occur. It is the responsibility of the schools to adhere to both CHSAA by-laws and state law. If any questions arise, please contact a CHSAA administrator for clarification.

CRS 22-32-116.5
STATE LAW TEXT: CRS 22-32-116.5
(HS Activities Participation)

22-32-116.5. Extracurricular and interscholastic activities.

Legislative declaration (4/26/13)

(1) The general assembly hereby declares that all students enrolled in schools of public school districts, district charter schools, institute charter schools, nonpublic home-based educational programs, on-line education programs, and private schools should have a fair and equitable opportunity to participate in extracurricular activities as part of their educational experience.

(2) The general assembly hereby finds that current state laws concerning students' participation in extracurricular activities provide that:

(a) A student may participate in activities only at the student's school of attendance unless the school of attendance does not offer an activity in which the student wishes to participate;

(b) If a student's school of attendance does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence;

(c) If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district; and

(d) If an activity is not offered at the student's school of attendance and the student chooses to participate in the activity at a public school in a contiguous school district, the school district in which the student chooses to participate chooses the public school at which the student participates. In choosing a public school, the school district must choose the public school that offers the greatest number of activities in which the student wishes to participate.

(3) The general assembly further finds that:

(a) Current state law concerning students' participation in extracurricular activities also includes a provision that suggests that in cases where a student may participate in an activity at a school other than the student's school of attendance, the student, rather than the school district where the student wishes to participate, may choose the school where he or she will participate in the activity;

(b) This provision conflicts with the other statutory provisions concerning students' participation in extracurricular activities and has created the opportunity for parties to circumvent the intent of state law and violate rules of the Colorado high school activities association, a statewide high school activities association, regarding:

(I) Recruiting of players;

(II) The creation of "super teams" composed of recruited students, which teams may establish long-term dominance and ongoing championships, thereby creating the public perception of unfairness in interscholastic athletic competition; and

(III) The displacement and exclusion of in-district students from their own schools' teams.

(4) Now, then, the general assembly hereby declares that:

(a) If an activity is not offered at a student's school of attendance and the student chooses to participate in the activity at another public school, the school district in which the student chooses to participate shall choose the public school at which the student shall participate; and

(b) In choosing a public school, the school district shall seek to maximize all students' opportunities to participate in extracurricular activities and shall consider certain factors, including but not limited to:

(I) Which public school of the school district offers the most activities in which the student wishes to participate;

(II) Which public school or schools of the school district are nearest to the student's residence;

(III) The preferences of the student's parents or legal guardians; and

(IV) Such issues as may be presented for the school district's consideration by a statewide high school activities association.

22-32-116.5 CRS Language

(1) (a) Notwithstanding any other provision of this article, each school district and each public school, subject to the requirements of this section, shall allow any student enrolled in a school or participating in a nonpublic home-based educational program to participate on an equal basis in any activity offered by the school district or the public school that is not offered at the student's school of attendance or through the student's nonpublic home-based educational program. A school district or school shall not adopt or agree to be bound by any rule or policy of any organization or association that would prohibit any participation allowed by this section. Each nonpublic school may allow a student to participate in a particular activity offered by the nonpublic school, at the nonpublic school's discretion.

(b) Any student may participate in an activity through any amateur association or league of which the school or school district is not a member, and such participation shall not prevent the student from participating or affect the student's eligibility to participate in the same activity at any school, subject to the limitations specified in this section. Prior to participating in any activity through such an amateur association or league, the student shall obtain the express written permission of the principal of the school at which the student participates in the activity, which permission shall be granted if:

(I) The student's class attendance is not compromised; and

(II) The student is in good academic standing under the school's activities policy applicable to all students.

(c) No school or school district that receives funds under article 54 of this title shall belong to any organization or association nor enforce any rule of a coach or principal that would prohibit a student's participation in any school or interscholastic school activity based upon the student's participation in lawful activities during out-of-school hours and off of school property.

(2) (a) A student may participate in activities only at the student's school of attendance or through the student's nonpublic home-based educational program, whichever is applicable, unless the school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate.

(b) If a student's school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district.

(c) If an activity is not offered at the student's school of attendance and the student chooses to participate in the activity at a public school as provided in paragraph (b) of this subsection (2), the school district in which the student chooses to participate shall choose the public school at which the student shall participate. In choosing a public school, the school district shall seek to maximize all students' opportunities to participate in extracurricular activities and shall consider certain factors, including but not limited to:

(I) Which public school of the school district offers the most activities in which the student wishes to participate;

(II) Which public school or schools of the school district are nearest to the student's residence;

(III) The preferences of the student's parents or legal guardians; and

(IV) Such issues as may be presented for the school district's consideration by a statewide high school activities association.

(d) A student may participate in activities at more than one school of participation during the same school year only if the original school of participation does not offer an activity in which the student wishes to participate. This limitation applies regardless of whether the student participates in activities at a public or nonpublic school.

(3) (a) If a student's school of attendance does not offer a particular activity, the student may choose to participate in the activity at a nonpublic school. The nonpublic school has discretion whether to allow the student to participate in an activity at the nonpublic school.

(b) A student may participate at a nonpublic school located in the student's school district of attendance or school district of residence. If the activity is not offered at a school in the student's school district of attendance or school district of residence, the student may apply to participate in the

activity at a nonpublic school in a school district contiguous to the student's school district of residence.

(c) Repealed. (see 2 c)

(4) (a) To participate in an activity at the school of attendance, a student shall meet all of the requirements imposed by the school of attendance.

(b) To participate in an activity at a school of participation, a student shall:

(I) If the student is participating in a nonpublic home-based educational program, comply with all laws governing said programs;

(II) Comply with all eligibility requirements imposed by the school of participation;

(III) Comply with the same responsibilities and standards of behavior, including related classroom and practice requirements, as are imposed on other students participating in the activity at the school of participation.

(c) Notwithstanding any provision of this subsection (4) to the contrary, a school district or a public school shall not require a student 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 activity at the district-selected school of participation; except that the school district or public school 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.

(5) A student who has not met all eligibility requirements for or who would have become ineligible to participate in activities at a school cannot gain or regain eligibility by applying to participate in activities at another school pursuant to this section. A student shall pay any penalty assessed against the student at the student's school of attendance or school of participation before the student may regain eligibility at the school of attendance or school of participation or become eligible to participate in any activity at another school.

(5.5) For each athletic activity offered, a school district may:

(a) For a team athletic activity, reserve for students enrolled in the district of the school of participation up to twice the number of starting positions on a team at each level of competition;

(b) For an individual athletic activity, reserve for students enrolled in the district of the school of participation up to one-half the total number of team members at each level of competition.

(6) (a) A school may charge any student participating in an activity a participation fee as a prerequisite to participation. The fee amount that a school of participation charges a nonenrolled student shall not exceed one hundred fifty percent of the fee amount the school of participation would charge an enrolled student to participate in the activity.

(b) If any fee is collected pursuant to this section for participation in an activity, the fee shall be used to fund the particular activity for which it is charged and shall not be expended for any other purpose.

(c) In addition to the fees allowed under paragraph (a) of this subsection (6), a school may charge a nonenrolled student participating in postseason competition in an individual athletic activity the actual cost of that postseason participation if the school is sponsoring only nonenrolled students in the postseason competition.

(7) For purposes of article 54 of this title, no student who participates in an activity in a school district other than the student's school district of attendance shall be included in the pupil enrollment of the school district where the student participates.

(8) The provisions of this section are intended to allow students to participate on an equal basis in extracurricular and interscholastic activities who would otherwise be denied the opportunity to do so and are not intended to sanction or encourage the recruitment of students for participation in such activities by schools or school districts.

(9) If a student transfers enrollment to another school without an accompanying change of domicile by the student's parent or legal guardian, the student's eligibility to participate in activities at the new school of attendance shall be determined under the rules of participation adopted by the school district in which the new school of attendance is located.

(9.5) (a) Notwithstanding any rule adopted or agreed to by any public school or school district, any student who is sanctioned or is found by the school, school district, or any organization or association to which the school or school district belongs to be ineligible to participate in any activity for any reason, except unsportsmanlike conduct or ejection from an activity, may appeal the sanction or finding. The appeal may be made through the applicable process at the school, any league to which the

school or school district belongs, or any other organization to which the school or school district belongs.

(b) A student who has completed the appeal process described in paragraph (a) of this subsection (9.5) may seek a preliminary injunction or restraining order from a court of competent jurisdiction.

(c) This subsection (9.5) shall not apply to any coach's team rules that are uniformly applicable to all team members; except that no coach may adopt a rule that is contrary to any provision of this section.

(10) As used in this section, unless the context otherwise requires:

(a) "Activity" means any extracurricular or interscholastic activity, including but not limited to any academic, artistic, athletic, recreational, or other activity offered by a school.

(b) "Nonpublic home-based educational program" has the same meaning as in section 22-33-104.5 (2).

(c) "Nonpublic school" means any independent or parochial school that provides a basic academic education, as defined in section 22-33-104 (2)(b).

(d) "Public school" means any school that is under the direction and control of a school district, including but not limited to a charter school.

(e) "School" includes any public school and nonpublic school.

(f) "School of attendance" means the school in which a student is enrolled and attends classes.

(g) "School district of attendance" means the school district in which a student is enrolled and attends classes or, if the student is participating in a nonpublic home-based educational program, except as provided for in section 22-33-104.5 (6)(b)(II)(B), the school district in which the student participates in said program.

(h) "School district of residence" means the school district in which a student resides.

(i) "School of participation" means a school, other than the student's school of attendance, in which the student participates in an activity.

Outside Competition

Competing on a non-school team during the high school sports season.

(CRS22-32-116.5-1)

**General Interpretations
Questions & Answers**

Outside Competition

A school or school district may not adopt rules that will prohibit a student from participating on an outside team during the season of sport unless such participation would compromise class attendance. The student must meet CHSAA and school academic eligibility requirements for all team members, while competing on the outside team.

Coaches may adopt team policies related to attendance at practices, games and contests. These rules must be applied equally to all team members and not be in conflict with the provision outlined in 22-32-116.5.

The following questions and answers are designed to help schools deal with the different situations that arise related to students playing on non-school teams,

Q1: Does the law presume that a student may participate on an outside team during the high school season?

A1: Yes.

Q2: Is a student, who is a member of a school team, required to get the permission of the school's principal prior to participating on an outside team during the sports season?

A2: Yes. The written permission of the principal is required prior to that student's participation on an outside team during the sports season. Note: Permission must be granted when any student becomes a candidate for a school team.

Q3: May a coach establish team rules that apply to all members of the team (i.e., attendance at games and practices)?

A3: Yes.

Q4: Do games played on an outside team count toward a student's CHSAA game limits?

A4: No.

Q5: A coach establishes a rule that any student who misses a practice the day before a game shall not play in that game. A student misses the practice prior to a game to play in an outside game. As a consequence, the coach benches the student for the next high school game. May she do so?

A5: Yes. The coach is also required to sit a player out of a contest who missed a practice before a game for any other reason. Please note: A coach's rules must be applied equally to all players, whether they are members of an outside team or not.

Q6: A student on the basketball team at a school which has a 2.0 grade point average requirement for activities participants falls below that standard and is declared ineligible for high school competition. May he still play on his outside team?

A6: Yes. A school or school district may only declare a student ineligible for a school activity.

Participation Opportunities for Public School and Private School Students

For students at schools without a specific program.

(CRS22-32-116.5-2)

**General Interpretations
Questions & Answers**

Participation Opportunities for Public School and Private School Students

A student at a school (public or private) may participate at a public school in his/her school district of residence or in the student's school district of attendance if his/her school does not sponsor a specific activity. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district.

The student must meet all receiving school eligibility requirements.

A public or private school student whose school does not offer a specific activity may participate at a private school at the private school's discretion, provided the private school is located in the student's district of residence or attendance. If the specific activity is not offered in the student's district of residence or attendance, the student may participate at a private school contiguous to the school district of residence.

State legislation allows a school to: (1) reserve up to twice the number of starting positions in a team sport at all levels for students enrolled in its building; and 2) reserve up to one-half the number of team members in an individual sport at each level of competition.

Additional language allows schools to require a student, who is not enrolled in the school, to pay actual expenses of sending that student to postseason competition where that student is the only member of the team participating.

The following questions and answers are designed to help schools deal with the different situations that arise related to students wishing to participate under this portion of the state law. Contact the CHSAA.

- Q1: Under what conditions may a private or public school student seek participation in an activity at a public school he is not attending?
- A1: A student may participate only if his school does not sponsor a specific activity and he meets all requirements of the state statutes.
- Q2: Is each student allowed an equal opportunity to make the team?
- A2: Yes. If the specific activity is a non-cut activity, then the student must be allowed to participate. However, if students are cut from teams, then the student must be given only the same opportunity as the students enrolled at the school to earn a position on the team.
- Q3: Do the CHSAA's undue influence rules apply to students under the state statutes?
- A3: Yes. Undue influence (or recruiting) is prohibited by this law and the CHSAA by-laws.
- Q4: Must a school change its academic or athletic schedule to accommodate an athlete who competes in an activity not offered by his school?
- A4: No.
- Q5: The law notes that the student must meet the receiving school's eligibility requirements. What are those requirements?
- A5: The requirements are established by the school at which the student will compete. If the receiving school has stricter academic eligibility standards than the school that the student is attending, the stricter standards must be followed. General eligibility rules related to the student's conduct, citizenship, use of alcohol and other drugs, attendance, age, requirement for physical examination and team rules established by the coach in the receiving school, practice requirements and all other eligibility rules of the CHSAA must be followed.

Q6: School A does not have a track team and, under state law, several of its students become members of School B's track team. School B is located in a contiguous school district. Must the enrollments of School A and School B be combined to determine the classification in which the track team will compete?

A6: No. But the CHSAA reserves the right to review any program and to immediately, or in the future, change its classification.

Q7: May School A reserve 10 of the 15 spots on its basketball rosters for students enrolled at the school?

A7: Yes. Under state law, a school may reserve up to twice the number of starting positions at all levels in a team sport for students enrolled in the school district. In this case, twice the number of starting positions is 10, so the school may reserve those spots. Home school students and students coming from schools without a basketball program will have an opportunity to compete for the remaining spots on the team.

Q8: School C is holding seven weights on its wrestling team for students enrolled in the school. What does state law say about this practice?

A8: As in the question above, state statute allows a school to reserve up to one-half of the positions in an individual athletic activity. There are 14 weights in wrestling, so this is permissible under the law.

Public School

Q9: School A does not have enough students to field a volleyball team. Students from School A, under the provisions of the state law, request to compete for a berth on the School B team. May School B refuse?

A9: No. Under state statute, a student whose school does not offer a specific activity may participate at a public school in his/her school district of residence or in the student's school district of attendance if his/her school does not sponsor a specific activity. If the public school(s) in the school district of attendance or residence do not offer the specific activity, the student may participate at a public school in a school district contiguous to the school district of residence or at the nearest public school that has the facilities for and offers that activity, even if the public school is not in a contiguous school district.

Q10: Schools A and B have formed a cooperative program in wrestling under CHSAA by-laws. A student from School C which has contiguous boundaries to School A wishes to compete for a berth on that wrestling team under state law. May he do so?

A10: Yes. The student must be given the opportunity to earn a berth as a member of the combined School A/B team, but the student may be subject to the limitations set forth under state statutes.

Q11: May a public school charge a student to participate in its activities?

A11: Yes. It may charge the student up to one hundred and fifty percent of the fee it charges its own students to participate.

Q12: What are the requirements for a school district with multiple high schools under this statute? May the district establish a procedure for the distribution of students participating under this legislation?

A12: Under the clarification passed in 2013, the school district is required to have a placement policy for students participating when their schools do not have a specific program. This also applies to home school students seeking participation opportunities. The specific district procedure must incorporate input from the student/parent, but the school district holds the final determination of placement.

Q13: A student whose school does not offer any athletic programs wishes to play football, basketball and baseball during the year. Where can the student participate?

A13: Schools (or school districts) should ask students if they intend to play more than one sport, or participate in more than one activity. If the student is interested in participation in more than one activity, steps should be taken to place that student at a school that offers all activities. In this case, a school sanctioning all three sports.

Q14: If School A drops its swimming program, may a student choose to participate at School B even though it is in a neighboring school district and there are other schools in his district which have swimming?

A14: No. State statute delineates the students' choices. If a program is available at a school in his/her school district of residence or school district of attendance, the student must participate at one of those schools and the district will place the student. If a program is not available, then the student may go to a contiguous school district or the nearest public school that has the facilities for and offers that activity, even if the public school is not a contiguous school district.

Q15: A student from School A played varsity soccer last season at School B (which is in a contiguous school district) because his school did not provide a team. School A has now added a junior varsity soccer program this year. Must the student compete at School A?

A15: No. As long as School A is playing only at the junior varsity level, the student may remain on School B's varsity team. The student may not compete below the varsity level at School B. If School A offers a varsity program next year, the student must compete for School A.

Q16: A student resides in the district of School A for which he played interscholastic football and wrestling last year. This year, the student enrolls at contiguous School B which offers football but not wrestling. The student competes on School B's football team, then wishes to wrestle for School A (a) while still attending School B, or (b) after transferring back to School A following the football season. What is the student's status as a wrestler at School A?

A16: In (a), the student is eligible to wrestle at any level at School A. In (b), the CHSAA Transfer Rule makes him ineligible for varsity competition because he is transferring after attending 15 days at School B. He may apply for a restricted waiver to compete at the sub-varsity level at School A.

Please Note: In 22-32-116.5 2 (d), it notes that a student can participate at more than one school during the same school year if the student's original school of participation does not offer an activity in which the student wishes to participate. Then, in 22-32-116.5 3 (c), it notes that it is the student's obligation to select the school that offers the most activities in which that student wishes to participate. It is the school district's responsibility to place students who come to participate under the state statute in a school based on the number of activities in which they will participate.

Q17: School A has a gymnastics team on which all students in the multi-high school district compete. A student from School District B, which is contiguous to School A's district, wants to participate on the School A team. The student lives in School District C. What are her participation options?

A17: State law says that a student may participate at the nearest public school that offers the sport and has a facility for that sport, even if it is not in a contiguous district if there is not another school in School District A that offers that sport.

Private School

Q20: May a student who attends a private school in a school district that is outside of her school district of residence compete in the public school district where her private school is located, if the private school does not offer the specific sport?

A20: Yes. The law allows for a private school student to have the opportunity to participate in a public school in his/her school district of residence or school district of attendance. Should no school in either district offer the program, the student may choose to participate in a school district contiguous to her school district of residence or at the nearest public school that has the facilities for and offers the activity even if that school is not in a contiguous school district. Please note: The "district of attendance" is NOT the private school's attendance area, but the public school district in which the private school is located.

Q21: Under what conditions may a private school student or public school student compete for a private school he is not attending?

A21: State statute says that students may participate at a private school, at that school's discretion, provided the private school is located in the student's district of residence or attendance.

Q22 School A has a number of participants on its track team from School B. It calls its team Team C. Is this permissible?

A22: No. The school that administers the program is the school of record and name. All participants are recognized as members of that school's team.

Note on Private School participation: In 22-32-116.5 2 (d), it notes that a student can participate at more than one school during the same school year if the student's original school of participation does not offer an activity in which the student wishes to participate. Then, in 22-32-116.5 3 (c), it notes that it is the student's obligation to select the school that offers the most activities in which that student wishes to participate. It is the school district's responsibility to place students who come to participate under the state statute in a school based on the number of activities in which they will participate.

CRS 22-33-104.5

**Home-based education – legislative
declaration – definitions – guidelines**

(Actual CRS Language)

22-33-104.5. 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 establish nor to provide written notification of said program to a school district within the state until the parent's child is seven years of age, nor is the parent required to 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.

(6) (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 sub-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).

(d) As used in this subsection (6), "extracurricular or interscholastic activities" shall have the same meaning as "activity" as set forth in section [22-32-116.5](#)(10).

(e) If any fee is collected pursuant to this subsection (6) for participation in an activity, the fee shall be used to fund the particular activity for which it is charged and shall not be expended for any other purpose.

Source: **L. 88:** (6) amended, p. 812, § 12, effective May 24; entire section added, p. 766, § 1, effective July 1. **L. 93:** (6) amended, p. 457, § 2, effective April 19. **L. 94:** (2)(c) added and (3)(e), (3)(f), and (5) amended, p. 618, §§ 1, 2, effective April 14; (3)(b), IP(6)(b), (6)(b)(II), and (6)(b)(V) amended, p. 677, § 2, effective April 19; (6)(a) amended, p. 813, § 29, effective April 27; (6)(e) added, p. 1283, § 8, effective May 22; (6)(b) and (6)(b)(V) amended and (6)(f) added, p. 2837, § 2, effective June 7. **L. 96:** (6)(b) and (6)(d) amended, p. 1022, § 2, effective May 23. **L. 2000:** (3)(b), (3)(e), (3)(f), (3)(g), (4), (5), (6)(a), and (6)(b) amended, p. 369, § 22, effective April 10; (2)(c) and (3)(a) amended, p. 1857, § 61, effective August 2. **L. 2001:** (3)(b), (3)(f), (4), and (6)(b)(I) amended, p. 1494, § 17, effective June 8. **L. 2006:** (3)(e) amended, p. 1213, § 4, effective July 1, 2007.

Editor's note: Section [22-33-104.5](#) (6)(d) as enacted by section 7 of chapter 154, Session Laws of Colorado 1994, was subsequently repealed by section 6 of chapter 224, resulting in the relettering of the remaining provisions of subsection (6), as enacted by chapters 224 and 351.

Cross references: (1) For further provisions concerning student participation in interscholastic activities in a school in which they do not attend, see § [22-32-116.5](#).

(2) For the legislative declaration contained in the 2006 act amending subsection (3)(e), see section 1 of chapter 265, Session Laws of Colorado 2006.

ANNOTATION

Am. Jur.2d. See 68 Am. Jur.2d, Schools, §§ 259-262, 379.

C.J.S. See 78A C.J.S., Schools and School Districts, § 738.

Participation Opportunities for Home-Based Students

Students in home school programs may try out.

**General Interpretations
Questions & Answers**

Participation Opportunities for Home-Based Students

A home-based student may participate at a public school in any school district in the state provided he/she has provided that school district with a “letter of intent to home school” as a home school student with that public school district. The home-based student may participate at a school in a contiguous school district if the activity is not available at a school in his/her district of registration or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district. A multi-school district can determine at which school the student competes. Additionally, the selected school must provide the greatest number of programs in which the student competes.

In order to meet state statute requirements, a student in a home based educational program wishing to participate in high school activities must:

1. Provide written notification of the home based program (by parents/guardians) to any Colorado public school district 14 days in advance of the start of the home based program (Exception: this notification is NOT required if the student is over 16 years of age, but the CHSAA requires that in order for a student to participate);
2. The program must include: reading, writing and speaking components, mathematics, history, civics, literature, science and a regular course of instruction in the constitution of the United States;
3. The home based program shall have no fewer than 172 days of instruction;
4. The home based education student must be tested at grades 3, 5, 7, 9 and 11. Failure to comply with testing and evaluation can lead to the student being removed from the home based program;
5. Parents/guardians must maintain permanent records that include attendance data, test and evaluation results and immunization records;
6. The student must meet all receiving school eligibility requirements, except for class attendance.

Other items of note include:

1. In all cases, a home-schooled student must choose to participate at the school that offers the greatest number of athletic opportunities.
2. A home-based student may participate at a private school at the private school's discretion, but must be registered as a home-based student in that private school's public school district.
3. The home school student shall have the same rights and is subject to the same rules as enrolled students. A student cannot become a home school student to save his/her eligibility, nor can he/she become a home school student after the first 15 days of the school year to transfer eligibility from one school to another. After the first 15 days of the school year, a student may not become a home school student in another district and retain his/her eligibility.
4. The home school student must provide the receiving school with materials that document enrollment in a program, that he student is enrolled in the appropriate number of credit hours, and provide the appropriate information for the student's school of participation's periodic eligibility checks.
5. A student may not drop out of a traditional school and become a home schooled student in order to avoid a disciplinary sanction or to regain eligibility lost at the former school.

The following questions and answers are designed to help schools deal with the different situations that arise related to home school students wishing to participate under this portion of the state law.

- Q1: May a home school student participate in an activity at a private school which is located in her school district of residence?
- A1: Yes, provided the private school agrees to allow the student in the activity. A private school has the discretion of allowing home-based students to participate in its programs and may place any stipulations (including any fees it establishes or classification enrollment) on that participation.
- Q2: May a home-schooled student go to any school district in the state to compete?
- A2: Yes, but he/she must be registered as a home school student in that district and the district shall designate the school at which school the student will compete. 22-33-104.5 6 (b) notes that the home-schooled student must follow the regulations set forth in 22-32-116.5 which mandates that school districts `designate the school of competition, among other aspects to that student's participation.
- Q3: May a home-schooled student participate in a program at a school in a contiguous district?
- A3: Yes. However, the home-schooled student must first seek participation opportunities in his/her school district of registration. If no participation opportunity exists, then he/she may seek to play at a school in a contiguous district or at the nearest public school that has the facilities for and offers that activity, even if the public school is not in a contiguous school district.
- Q4: How is eligibility certified for home-schooled students?
- A4: The parent(s) must supply to the athletic director verification that the student is meeting the school's and the CHSAA's eligibility requirements. The athletic director should request this information by the same deadline required for the teachers of the students in attendance at the school.
- Q5: Do students competing as home-schooled students need to be registered as home schooled students with the district before they can compete?
- A5: Yes. The home-based educational program is required by law to be registered with the school district or state. All aspects of the home school statutes apply, including the 14-day registration period before they are determined to be home schooled students.
- Q6: A student is registered as a home-schooled student and competes at District A and later changes his/her home school registration to District B without moving to District B. Can he/she compete at District B?
- A6: No, he/she shall be granted only sub-varsity eligibility. Under CHSAA by-laws, this change can only be determined to be athletically-motivated. If a bona-fide move has taken place, a hardship eligibility waiver may be filed.

CRS 13-21-108.2

**Persons rendering emergency assistance –
competitive sports - exemption from civil
liability.**

(Actual CRS Language)

13-21-108.2 - Persons rendering emergency assistance – competitive sports - exemption from civil liability.

(1) (a) except as provided in subsection (2) of this section, a person licensed as a physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or certified as an emergency medical technician under title 25,C.R.S., who, in good faith and without compensation, renders emergency care or emergency assistance, including but not limited to sideline or on-field care as a team health care provider, to an individual requiring emergency care or emergency assistance as a result of having engaged in a competitive sport, is not liable for civil damages as a result of acts or omissions by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or person certified as an emergency medical technician under Title 25, C.R.S.

(b) the provisions of this subsection (1) shall apply to the rendering of emergency care or emergency assistance to a minor even if the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or person certified as an emergency medical technician under Title 25, C.R.S., does not obtain permission from the parent or legal guardian of the minor before rendering the care or assistance, provided however, that if a parent or guardian refuses the rendering of emergency care, this subsection (1) shall not apply.

(2) the exemption from civil liability described in subsection (1) of this section shall not apply to:

(a) acts or omissions that constitute gross negligence or willful and wanton conduct; or

(b) acts or omissions that are outside the scope of the license held by the physician, osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or optometrist or person certified as an emergency medical technician under Title 25, C.R.S.

(3) as used in this section, “competitive sport” means a sport conducted as part of a program sponsored by a public or private school that provides instruction in any grade from kindergarten through twelfth grade, or sponsored by a public or private college or university or by any league, club, or organization that promotes sporting events.

(4) the general assembly declares that the intent of this section is to clarify and not to expand or limit the scope of Section 13-21-108.

Please note: the language above was the entirety of SB07-043 that was signed into law by Colorado Governor Bill Ritter. It was added to the Colorado Revised Statutes July 1, 2007.

Good Samaritan Law

Statute gives expanded civil liability protection to licensed medical personnel rendering emergency assistance at school sporting events

(CRS13-21-108.2)

General Interpretations

State Law Gives High School Medical Personnel Increased Immunity

In 2007, The Colorado High School Activities Association was instrumental in creating legislation that provides those medical professionals volunteering their time with your programs additional immunity from civil liability when rendering emergency medical assistance during practice or games.

Senate Bill 07-043, sponsored by senator Shawn Mitchell and representative Nancy Todd, provides “Good Samaritan” immunity to physicians, osteopaths, chiropractors, nurses, physical therapists, podiatrists, dentists or optometrists or persons certified as emergency medical technicians (as defined under Title 25 CRS), provided they are:

- Volunteers (acting without compensation);
- Are rendering care on the sideline or on-field event as a team health care provider to an individual requiring emergency medical assistance;
- Acting in good faith and within the scope of their license to practice;
- Not providing care that is contrary to the wishes of a parent or guardian;
- The care rendered is not of such a standard that constitutes gross negligence or willful or wanton conduct.

Schools must designate their health care providers so that they meet the parameters of this state statute. Please consult your district risk manager or attorney to clarify this statute further as it pertains to your programs.

CRS 43-25-101

**Required Head Trauma Guidelines – Jake
Snakenberg Youth Concussion Act**

(Actual CRS Language)

Article 43 - Required Head Trauma Guidelines

25-43-101. Short title. This article shall be known and may be cited as the "Jake Snakenberg Youth Concussion Act".

25-43-102. Definitions. As used in this article, unless the context otherwise requires:

(1) "health care provider" means a doctor of medicine, doctor of osteopathic medicine, licensed nurse practitioner, licensed physician assistant, or licensed doctor of psychology with training in neuropsychology or concussion evaluation and management.

(2) "public recreation facility" means a recreation facility owned or leased by the state of Colorado or a political subdivision thereof.

(3) "youth athletic activity" means an organized athletic activity where the majority of the participants are eleven years of age or older and under nineteen years of age, and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. A "youth athletic activity" does not include college or university activities. "Youth athletic activity" does not include an activity that is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program, or a lesson.

25-43-103. Organized school athletic activities - concussion guidelines required.

(1) (a) each public and private middle school, junior high school, and high school shall require each coach of a youth athletic activity that involves interscholastic play to complete an annual concussion recognition education course.

(b) each private club or public recreation facility and each athletic league that sponsors youth athletic activities shall require each volunteer coach for a youth athletic activity and each coach with whom the club, facility, or league directly contracts with, formally engages, or employs who coaches a youth athletic activity to complete an annual concussion recognition education course.

(2) (a) the concussion recognition education course required by subsection (1) of this section shall include the following:

(i) information on how to recognize the signs and symptoms of a concussion;

(ii) the necessity of obtaining proper medical attention for a person suspected of having a concussion; and

(iii) information on the nature and risk of concussions, including the danger of continuing to play after sustaining a concussion and the proper method of allowing a youth athlete who has sustained a concussion to return to athletic activity.

(b) an organization or association of which a school or school district is a member may designate specific education courses as sufficient to meet the requirements of subsection (1) of this section.

(3) if a coach who is required to complete concussion recognition education pursuant to subsection (1) of this section suspects that a youth athlete has sustained a concussion following an observed or suspected blow to the head or body in a game, competition, or practice, the coach shall immediately remove the athlete from the game, competition, or practice.

(4) (a) if a youth athlete is removed from play pursuant to subsection (3) of this section and the signs and symptoms cannot be readily explained by a condition other than concussion, the school coach or private or public recreational facility's designated personnel shall notify the athlete's parent or legal guardian and shall not permit the youth athlete to return to play or participate in any supervised team activities involving physical exertion, including games, competitions, or practices, until he or she is evaluated by a health care provider and receives written clearance to return to play from the health care provider. The health care provider evaluating a youth athlete suspected of having a concussion or brain injury may be a volunteer.

(b) notwithstanding the provisions of paragraph (a) of this subsection (4), a doctor of chiropractic with training and specialization in concussion evaluation and management may evaluate and provide clearance to return to play for an athlete who is part of the united states Olympic training program.

(c) after a concussed athlete has been evaluated and received clearance to return to play from a health care provider, an organization or association of which a school or school district is a member, a private or public school, a private club, a public recreation facility, or an athletic league may allow a registered athletic trainer with specific knowledge of the athlete's condition to manage the athlete's graduated return to play.

(5) nothing in this article abrogates or limits the protections applicable to public entities and public employees pursuant to the "Colorado governmental immunity act", article 10 of title 24, C.R.S.; volunteers and board members pursuant to sections 13-21-115.7 and 13-21-116, C.R.S.; or ski area operators pursuant to sections 33-44-112 and 33-44-113, C.R.S.

Section 2. Act Subject to Petition - effective date. This act shall take effect January 1, 2012; except that, if a referendum petition is filed pursuant to section 1 (3) of article v of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2012 and shall take effect on January 1, 2012, or on the date of the official declaration of the vote thereon by the governor, whichever is later.

CRS 43-25-101

**Required Head Trauma Guidelines – Jake
Snakenberg Youth Concussion Act**

General Interpretations

Colorado High School Activities Association Concussion Policy

Any athlete who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from participation and shall not return to play until cleared by a licensed healthcare practitioner (MD, DO, Nurse Practitioner, or Physician Assistant).

Any health care professional or CHSAA coach may identify concussive signs, symptoms or behaviors of a student athlete during any type of athletic activity. Once concussive signs are identified, only a licensed healthcare practitioner (as defined above) can clear the athlete to return to play.

It is the responsibility of the physician to determine the “Return to Play” guidelines with the aid of the certified athletic trainer. Certified Athletic Trainers are to act as the “liaison” between the physician, coaching staff, parents, etc., to aid in determining the “Return to Play” guidelines with a physician.

Head Trauma & Concussions

The CHSAA promotes and supports a Community-Based Approach to Concussion Management (School Team, Family Team, and a Medical Team). This is outlined in the REAP Project, found online at www.chsaanow.org. Please visit our CHSAA Sports Medicine page for more information and resources.

The Role of the Coach

1620.5 BYLAW: All coaches must annually complete one of the following: The online NFHS Concussion Course or a school organized sports medicine review that includes a head trauma/concussion component, and emergency evacuation procedures. If you suspect that an athlete has a concussion, you should remove the athlete from play, ensure the athlete is evaluated by a health care professional experienced in evaluating for concussions, inform the athlete’s parents about the possible concussion, and keep the athlete out of participation until the athlete obtains a written release from a licensed practitioner.

The Role of the Official

The contest official can look for signs, symptoms and conditions of head trauma and if observed shall send the player to the sideline for assessment by school personnel and/or a licensed practitioner. At that time the role of the contest official ceases.

The Role of the Licensed Practitioner & Trainer

If at any time during participation, a student-athlete is removed from participation due to head trauma, the student-athlete must obtain a written release from a licensed practitioner (as defined in the CHSAA bylaws) before participating again. The athlete may then begin a gradual return to play as determined by the school’s trainer (where applicable).

Effective Implementation Of Cardiopulmonary Resuscitation (CPR) And Effective Operation Of Automated External Defibrillators (AED)

**Instruction in cardiopulmonary resuscitation and the use of automated
external defibrillators**

(CRS22-1-129, CRS22-1-125.5)

(Actual CRS Language)

CONCERNING INSTRUCTION IN CARDIOPULMONARY RESUSCITATION IN PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AND REDUCING APPROPRIATIONS.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

- (a) Heart disease affects men, women, and children of every age and race in the United States and continues to be the leading cause of death in America;
- (b) Approximately two hundred ninety-five thousand emergency medical services-treated, out-of-hospital cardiac arrests occur annually nationwide, and roughly ninety-two percent of out-of-hospital sudden cardiac arrest victims do not survive;
- (c) Sudden cardiac arrest results from an abnormal heart rhythm in most adults, often ventricular fibrillation;
- (d) An automated external defibrillator, or "AED", even when used by a bystander, is safe, easy to operate, and, if used immediately after the onset of sudden cardiac arrest, is highly effective in terminating ventricular fibrillation so that the heart can resume a normal, effective rhythm;
- (e) Prompt delivery of cardiopulmonary resuscitation, or "CPR", more than doubles a victim's chance of survival by helping to maintain vital blood flow to the heart and brain, increasing the amount of time in which an electric shock from a defibrillator may be effective;
- (f) Unfortunately, only thirty-two percent of out-of-hospital cardiac arrest victims receive bystander CPR;
- (g) For every minute without bystander CPR, survival from witnessed cardiac arrest decreases seven to ten percent;
- (h) Because the interval between a 911 telephone call and the arrival of emergency medical services personnel is usually longer than five minutes, a cardiac arrest victim's survival is likely to depend on a member of the public trained in CPR and the use of an AED and access to these life-saving measures;
- (i) Training high school students on the effective implementation of CPR and the use of defibrillators is an effective way to increase the number of Coloradans capable of performing CPR and using an AED to save lives;
- (j) Further, because public high schools' coaching staffs are often the first line of defense when a student athlete experiences cardiac arrest, coaches and athletic trainers have saved and will continue to save lives through the effective implementation of CPR and the use of defibrillators;
- (k) For example, Thompson Valley High School coaches Jay Denning and Chad Raabe saved the life of Tommy Lucero, a high school freshman and baseball player who went into cardiac arrest during baseball practice; and
- (l) Requiring coaching staff to obtain instruction in the effective implementation of CPR and use of an AED is an effective way to reduce risk to student athletes and to increase the number of adults in public schools who are able to apply and use these life-saving measures.

(2) Therefore, the general assembly declares that it is in the best interests of Colorado to create a grant program whereby public high schools have access to grant moneys to provide hands-on training for students in CPR and the use of an AED.

SECTION 2. In Colorado Revised Statutes, **add** 22-1-129 as follows:

22-1-129. Instruction in cardiopulmonary resuscitation and the use of automated external defibrillators - grants - fund created - definitions - rules. (1) as used in this section, unless the context otherwise requires:

(a) "department" means the department of education created and existing pursuant to section 24-1-115,CRS.

(b) "fund" means the school cardiopulmonary resuscitation and automated external defibrillator training fund created in subsection (5) of this section.

(c) "local education provider" means a school district, a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title, or a board of cooperative services created and operating pursuant to article 5 of this title that operates one or more public schools.

(d) "psychomotor skills development" means the use of hands-on practice that supports cognitive learning.

(e) "state board" means the state board of education created and existing pursuant to section 1 of article ix of the state constitution.

(2) On and after September 1, 2014, each local education provider may apply for a grant or grants to provide instruction to students in any of grades nine through twelve and school staff in any of grades nine through twelve in cardiopulmonary resuscitation and the use of an automated external defibrillator. The instruction funded pursuant to this section must include a nationally recognized, psychomotor-skills-based instructional program that reflects current, national, evidence-based, emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator. The department shall administer the grant program pursuant to state board rules adopted pursuant to subsection (3) of this section.

(3) The state board shall promulgate rules concerning the grants awarded pursuant to this section, which rules must include, at a minimum:

(a) The process by which a local education provider may apply for and receive grant moneys pursuant to this section, including application requirements and deadlines;

(b) The number and amount of each grant and whether grants moneys will be awarded in the order applications are received or through some other method;

(c) The process for achieving a balanced distribution of grant moneys to applicants including rural, urban, and suburban local education providers; and

(d) Procedures for monitoring a local education provider's compliance with the provisions of this section and specifically that moneys awarded pursuant to this section are used for reasonable costs associated with psychomotor-skills-based cardiopulmonary resuscitation training and training on the use of automated external defibrillators, including but not limited to training materials and the temporary employment of cardiopulmonary resuscitation instructors or other trainers qualified to teach skills-based CPR training.

(4) Notwithstanding any other provision of this section to the contrary, the department shall not award any grants pursuant to this section unless the department determines that there are sufficient moneys in the fund to implement the program.

(5) (a) there is created in the state treasury the school cardiopulmonary resuscitation and automated external defibrillator training fund. The fund consists of:

(I) Two hundred fifty thousand dollars, which the state treasurer shall transfer from the general fund to the fund on the effective date of this section;

(II) Any other moneys that the general assembly appropriates to it; and

(III) Any gifts, grants, or donations credited to the fund pursuant to paragraph (b) of this subsection (5).

(b) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section; except that the department may not accept a gift, grant, or donation that is subject to conditions that are inconsistent with this section or any other law of the state. The department shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the fund. Nothing in this section requires the department to solicit moneys for purposes of implementing this section.

(c) The moneys in the fund are subject to annual appropriation by the general assembly to the department for the purpose of awarding grants allowed by this section and for the department's reasonable and necessary administrative expenses associated with implementation of this section. The department's administrative expenses for a fiscal year shall not exceed two percent of the money transferred or appropriated to the fund in the fiscal year.

(d) The state treasurer may invest any moneys in the fund not expended for the purpose of this section as provided by law. The state treasurer shall credit all interest and income derived from the investment and deposit of moneys in the fund to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall not be credited or transferred to the general fund or another fund.

Section 3. In colorado revised statutes, **add** 22-1-125.5 as follows:

22-1-125.5. Requirement for certification of public school athletic coaches in cardiopulmonary resuscitation - use of automated external defibrillators - definitions.(1) as used in this section, unless the context otherwise requires:

(a) "currently certified in cpr" means that the person has completed training in cardiopulmonary resuscitation from a nationally recognized evidence-based certification program within the preceding two years.

(b) "local education provider" means a school district, a charter school authorized by a school district pursuant to part 1 of article 30.5 of this title, a charter school authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title, or a board of cooperative services created and operating pursuant to article 5 of this title that operates one or more public schools.

(c) "state board of education" means the state board of education created and existing pursuant to Section 1 of Article IX of the state constitution.

(2) No later than January 1, 2015, coaches of athletic programs employed by local education providers must be currently certified in CPR and must have received instruction in the effective use of an automated external defibrillator. The state board shall promulgate rules concerning the coaching staff positions that are included in this requirement.

(3) Nothing in this section abrogates or limits:

(a) The protections applicable to:

(I) Any person or entity that renders emergency assistance through the use of an automated external defibrillator pursuant to section 13-21-108.1, CRS.; or

(II) Volunteers and board members pursuant to sections 13-21-115.7 and 13-21-116, CRS

(b) The limits or protections applicable to public entities and public employees pursuant to the "Colorado Governmental Immunity Act", Article 10 of Title 24, CRS

SECTION 4. Appropriation - adjustments to 2014 long bill. For the implementation of this act, the general fund appropriation made in the annual general appropriation act to the controlled maintenance trust fund created in section 24-75-302.5 (2) (a), Colorado Revised Statutes, for the fiscal year beginning July 1, 2014, is decreased by \$250,000.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the school cardiopulmonary resuscitation and automated external defibrillator training fund created in section 22-1-129, Colorado Revised Statutes, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$250,000 and 0.3 FTE, or so much thereof as may be necessary, for allocation to grant programs, distributions, and other assistance for implementation of this act.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 16, 2014

Effective Implementation Of Cardiopulmonary Resuscitation (CPR) And Effective Operation Of Automated External Defibrillators (AED)

**Instruction in cardiopulmonary resuscitation and the use of automated
external defibrillators**

(CRS22-1-129 and CRS22-1-125.5)

General Information

GENERAL INFORMATION – CPR/AED STATE STATUTE

The state legislature passed a law which mandates CPR training for coaches in public and charter schools. While the CHSAA was aware of the bill, it did not take a formal position on it.

This bill mirrors a number of similar legislation passed across the nation and requires coaches to have CPR and AED operation training. It also encourages school districts to implement programs for students in the use of CPR and AEDs.

The major focus of this legislation is to create education programs for coaches and students to learn Cardiopulmonary Resuscitation (CPR) and the effective use of Automated External Defibrillators (AED). The legislature has tasked the Colorado State Board of Education with developing a fund to assist in the education of coaches and students in CPR and AED (22-1-129).

The greatest impact of this bill is the mandates in 2-1-125.5 where the bill requires that after “January 1, 2015, coaches of athletic programs employed by local education providers (public schools, all charter schools) must be currently certified in CPR and must have received instruction in the effective use of AEDs.” It is the responsibility of the State Board of Education to develop the rules concerning the coaching staff positions that are included in this requirement.

Until such time as the State Board develops these rules, there is no more that the CHSAA can advise its member schools about this requirement.

Athletic Trainer Practice Act

**CONCERNS THE REGULATION OF ATHLETIC TRAINERS BY THE DIVISION
OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF
REGULATORY AGENCIES.**

(CRS 12-29.7-101)

General Information

GENERAL INFORMATION - ATHLETIC TRAINER PRACTICE ACT

A new law was enacted on July 1, 2016, addressing the regulation of athletic trainers and those calling themselves athletic trainers. As any athletic person is aware, there are those trainers that are certified by the National Athletic Trainers Association (NATA) and then there are those that have “adopted” the title because they have been trained by NATA personnel in aspects of the profession of athletic training, such as taping ankles.

Then, there are those that call themselves athletic trainers without the certification or proper training in athletic training. Those are the people that SB16-161 was trying to protect athletes from. But in writing the bill, the definition captured many school people that would be performing some aspect of the definition of athletic training and, thus, be in violation of the proposed statute.

While the CHSAA supported the athletic trainers in strengthening their position under the law, there were those “unintended consequences” that could have significantly impacted many member schools:

- As originally written, we heard concerns from our small schools, and others, that because of the definitions in the bill, it could inadvertently impact their coaches and administrators.
- Most schools cannot afford a Certified Athletic Trainer and that in many areas, coaches have been trained to tape ankles and are educated in an appropriate way to handle emergencies and provide direction to students when additional help is needed.
- This is all done within the scope of their training, experience and education.
- No one wants a non-certified athletic trainer to identify himself or herself as an Athletic Trainer. But there are some overlaps in duties between coaches and trainers that can create confusion with the current wording and put coaches and school personnel at risk of violating this proposed Act.

In the end, we were able to provide protection for our schools, but also helping the athletic trainers get legislation established to support the work of these important people.

Colorado Mandatory Reporting Act

PERSONS IDENTIFIED BY THE LIST IN THE LAW WHO HAS REASONABLE CAUSE TO KNOW OR SUSPECT THAT A CHILD HAS BEEN SUBJECTED TO ABUSE OR NEGLECT IS REQUIRED TO REPORT SUCH KNOWLEDGE OR SUSPICION TO LAW ENFORCEMENT

CCRS (19-3-304)

General Information

COLORADO MANDATORY REPORTING LAW

Under CRS 3-19-304, a detailed list of those persons who have a legal obligation to report suspected or have reasonable cause to suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111.

Item (l) identifies public or private school officials or employees as one of the many who are required by state law to report this information. Be aware of this law, as criminal charges may be filed if one is found to have violated the mandatory reporting piece of the statutes

COLORADO MANDATORY REPORTING LAW

CRS 19-3-304

- (1)** (a) Except as otherwise provided by section 19-3-307, section 25-1-122 (4)(d), C.R.S., and paragraph (b) of this subsection (1), any person specified in subsection (2) of this section who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect or who has observed the child being subjected to circumstances or conditions that would reasonably result in abuse or neglect shall immediately upon receiving such information report or cause a report to be made of such fact to the county department, the local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.
- **(b)** The reporting requirement described in paragraph (a) of this subsection (1) shall not apply if the person who is otherwise required to report does not:
 - **(I)** Learn of the suspected abuse or neglect until after the alleged victim of the suspected abuse or neglect is eighteen years of age or older; and
 - **(II)** Have reasonable cause to know or suspect that the perpetrator of the suspected abuse or neglect:
 - **(A)** Has subjected any other child currently under eighteen years of age to abuse or neglect or to circumstances or conditions that would likely result in abuse or neglect; or
 - **(B)** Is currently in a position of trust, as defined in section 18-3-401 (3.5), C.R.S., with regard to any child currently under eighteen years of age.
- (2)** Persons required to report such abuse or neglect or circumstances or conditions include any:
- **(a)** Physician or surgeon, including a physician in training;
 - **(b)** Child health associate;
 - **(c)** Medical examiner or coroner;
 - **(d)** Dentist;
 - **(e)** Osteopath;
 - **(f)** Optometrist;
 - **(g)** Chiropractor;
 - **(h)** Podiatrist;
 - **(i)** Registered nurse or licensed practical nurse;
 - **(j)** Hospital personnel engaged in the admission, care, or treatment of patients;
 - **(k)** Christian science practitioner;
 - **(l)** Public or private school official or employee;
 - **(m)** Social worker or worker in any facility or agency that is licensed or certified pursuant to part 1 of article 6 of title 26, C.R.S.;
 - **(n)** Mental health professional;
 - **(o)** Dental hygienist;
 - **(p)** Psychologist;
 - **(q)** Physical therapist;
 - **(r)** Veterinarian;
 - **(s)** Peace officer as described in section 16-2.5-101, C.R.S.;
 - **(t)** Pharmacist;
 - **(u)** Commercial film and photographic print processor as provided in subsection (2.5) of this section;
 - **(v)** Firefighter as defined in section 18-3-201 (1.5), C.R.S.;
 - **(w)** Victim's advocate, as defined in section 13-90-107 (1)(k)(II), C.R.S.;
 - **(x)** Licensed professional counselors;
 - **(y)** Licensed marriage and family therapists;
 - **(z)** Registered psychotherapists;
 - **(aa)**
 - **(I)** Clergy member.
 - **(II)** The provisions of this paragraph (aa) shall not apply to a person who acquires reasonable cause to know or suspect that a child has been subjected to abuse or neglect during a communication about which the person may not be examined as a witness pursuant to section

13-90-107 (1)(c), C.R.S., unless the person also acquires such reasonable cause from a source other than such a communication.

- **(III)** For purposes of this paragraph (aa), unless the context otherwise requires, "clergy member" means a priest, rabbi, duly ordained, commissioned, or licensed minister of a church, member of a religious order, or recognized leader of any religious body.
- **(bb)** Registered dietitian who holds a certificate through the commission on dietetic registration and who is otherwise prohibited by 7 CFR 246.26 from making a report absent a state law requiring the release of this information;
- **(cc)** Worker in the state department of human services;
- **(dd)** Juvenile parole and probation officers;
- **(ee)** Child and family investigators, as described in section 14-10-116.5, C.R.S.;
- **(ff)** Officers and agents of the state bureau of animal protection, and animal control officers;
- **(gg)** The child protection ombudsman as created in article 3.3 of this title;
- **(hh)** Educator providing services through a federal special supplemental nutrition program for women, infants, and children, as provided for in 42 U.S.C. sec. 1786;
- **(ii)** Director, coach, assistant coach, or athletic program personnel employed by a private sports organization or program. For purposes of this paragraph (ii), "employed" means that an individual is compensated beyond reimbursement for his or her expenses related to the private sports organization or program.
- **(ij)** Person who is registered as a psychologist candidate pursuant to section 12-43-304 (7), marriage and family therapist candidate pursuant to section 12-43-504 (5), or licensed professional counselor candidate pursuant to section 12-43-603 (5), or who is described in section 12-43-215;
- **(kk)** Emergency medical service providers, as defined in sections 25-3.5-103 (8) and 25-3.5-103 (12) and certified pursuant to part 2 of article 3.5 of title 25;
- **(ll)** [Editor's note: Paragraph (ll) is effective December 31, 2017.] Officials or employees of county departments of health, human services, or social services; and
- **(mm)** Naturopathic doctor registered under article 37.3 of title 12.
- **(2.5)** Any commercial film and photographic print processor who has knowledge of or observes, within the scope of his or her professional capacity or employment, any film, photograph, video tape, negative, or slide depicting a child engaged in an act of sexual conduct shall report such fact to a local law enforcement agency immediately or as soon as practically possible by telephone and shall prepare and send a written report of it with a copy of the film, photograph, video tape, negative, or slide attached within thirty-six hours of receiving the information concerning the incident.
- **(3)** In addition to those persons specifically required by this section to report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in abuse or neglect, any other person may report known or suspected child abuse or neglect and circumstances or conditions which might reasonably result in child abuse or neglect to the local law enforcement agency, the county department, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.
- **(3.5)** No person, including a person specified in subsection (1) of this section, shall knowingly make a false report of abuse or neglect to a county department, a local law enforcement agency, or through the child abuse reporting hotline system as set forth in section 26-5-111, C.R.S.
- **(4)** Any person who willfully violates the provisions of subsection (1) of this section or who violates the provisions of subsection (3.5) of this section:
 - **(a)** Commits a class 3 misdemeanor and shall be punished as provided in section 18-1.3-501, C.R.S.;
 - **(b)** Shall be liable for damages proximately caused thereby.

Source:

L. 87: Entire title R&RE, p. 764, § 1, effective October 1. L. 90: (2)(m) amended, P. 1394, § 2, effective May 24; (3.5) added and IP(4) amended, p. 1023, § 1, effective July 1. L. 93: (1) amended, p. 1609, § 1, effective June 6; (2) amended, p. 1735, § 29, effective July 1. L. 95: (2)(w) added, p. 949, § 5, effective July 1. L. 96: (2.5) amended, p. 83, § 8, effective March 20; (2)(m) amended, p. 265, § 16, effective July 1. L. 97: (2)(v) amended, p. 1013, § 19, effective August 6. L. 2001: (2)(x), (2)(y), and (2)(z) added, p. 160, § 1, effective July 1. L. 2002: (1) amended, p. 568, § 2, effective May 24; (2)(aa) added, p. 1145, § 1,

effective June 3; (1) amended, p. 1592, § 30, effective July 1; (4)(a) amended, p. 1527, § 231, effective October 1. L. 2003: (2)(m) amended and (2)(cc) added, p. 660, § 1, effective March 20; (2)(bb) added, p. 666, § 1, effective March 20; (2)(s) amended, p. 1616, § 18, effective August 6. L. 2005: (2)(dd), (2)(ee), and (2)(ff) added, p. 357, § 1, effective April 22; (2)(ee) amended, p. 963, § 9, effective July 1. L. 2010: (2)(gg) added, (SB 10-171), ch. 225, p. 982, § 4, effective May 14; (1) amended, (SB 10-066), ch. 418, p. 2060, § 1, effective June 10; (2)(h) amended, (HB 10-1224), ch. 420, p. 2161, § 25, effective July 1. L. 2011: IP(2) and (2)(z) amended, (SB 11-187), ch. 285, p. 1328, § 71, effective July 1; (2)(hh) added, (SB 11-034), ch. 125, p. 390, § 1, effective January 1, 2012. L. 2013: (2)(hh) amended and (2)(ii) added, (SB 13-012), ch. 51, p. 173, § 2, effective March 22; (1)(a), (3), and (3.5) amended, (HB 13-1271), ch. 219, p. 1021, § 2, effective May 14; (2)(jj) added, (HB 13-1104), ch. 77, p. 249, § 6, effective August 7; (2)(kk) added, (SB 13-220), ch. 220, p. 1023, § 1, effective July 1, 2014. L. 2014: (2)(v) amended, (HB 14-1214), ch. 336, p. 1499, § 11, effective August 6. L. 2016: (1)(a) amended, (SB 16-146), ch. 230, p. 918, § 13, effective July 1. L. 2017: (2)(jj) and (2)(kk) amended and (2)(mm) added, (SB 17-106), ch. 302, p. 1650, § 8, effective August 9; (2)(jj) and (2)(kk) amended and (2)(ll) added, (HB 17-1185), ch. 194, p. 710, § 2, effective December 31.