

2011-2012 Colorado High School Activities Association

State Statutes Handbook

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



State Statutes Handbook

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



Colorado House Chambers



Colorado Senate Chambers

Table of Contents

<u>Summary of State Statutes</u>	3
<u>State Law Text: CRS 22-32-116.5 (HS Activities Participation)</u>	8
<u>Outside Competition</u>	12
<u>Students at Schools Without Specific Programs</u>	14
<u>Binding Arbitration</u>	19
<u>State Law Text: CRS 22-33-104.5 (Home School)</u>	21
<u>Home School Student Participation</u>	25
<u>State Law Text: CRS 13-21-108.2 (Good Samaritan)</u>	28
<u>Good Samaritan Interpretations</u>	30
<u>State Law Text: CRS 22-34-101 (Fast Track Program)</u>	32
<u>State Law Text: CRS 43-25-101 (Jake Snakenberg Youth Concussion Act)</u>	34
<u>Concussion Act Interpretations</u>	37

Prepared by: Bert Borgmann, Assistant Commissioner

NOTE: The following is the Colorado High School Activities Association's analysis of this legislation (CRS 22-32-116.5, 22-34-101, 22-33-104.5 and 13-21-108.2). This is only the CHSAA's opinion and is designed for use as a guideline by member schools.

2011-2012 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 22-34-101 – High school fast track program

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
(New Information for 2011-2012)**

Note: Changes in previous statutes are shown by ~~striketrough~~ of repealed or deleted language and by CAPS AND UNDERLINE for any new language. This applies only to those sections identified as “Actual CRS Language.”

State Statutes Summary

The Colorado High School Activities Association remains vigilant on behalf of its membership with the state legislature. The CHSAA was instrumental in working with the state legislature this year to add a new section of law relating to concussion education. The new state law has been named the Jake Snakenberg Youth Concussion Act in memory of the Grandview student who died nearly a decade ago from a brain injury.

The one critical piece for schools to remember with the state law is that it 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, (1620.4) **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.

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 the day of injury and until the athlete obtains a written release from a licensed practitioner.

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 schooled 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 particular 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

The CHSAA has implemented a transfer rule that is reasonable for students and schools alike. Essentially a transfer from one high school to another, during the summer without a permanent change of domicile (bona fide family move) by the student and his/her family from one attendance area to another, will render the student ineligible for varsity competition for the first half of the season in any sport in which the student competed during the last 12 months. A mid-year transfer will generally result in restricted eligibility for the remainder of the school year, then application of the CHSAA transfer rule the next school year for up to one calendar year after the mid-year transfer.

Two exceptions to the information above include the “non-school/club coach transfer” and the “transfer for athletic purposes” by-laws in the CHSAA Handbook. If a student, after entering high school, transfers to another school where his/her non-school or club team coach is coaching, then that student will be restricted to sub-varsity participation for 12 months in any sport that student participated in at the previous school. That same consequence exists for the student who transfers for athletic purposes. Please note these are CHSAA by-laws.

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

Under state statute, any student who is found to be ineligible to participate in any activity for any reason, except for unsportsmanlike conduct or ejection from an activity, may appeal the decision. The appeal may be made through the normal process at the school, league or CHSAA.

The student must, however, complete the appeals process before making the request. The student, upon completion of the CHSAA Appeals Process, may file a request with a group of neutral arbitrators approved by the CHSAA. The arbitrator shall consider whether the rule was properly applied and whether to grant a waiver of the rule. The final decision must be rendered by the arbitrator within 30 days of the request and shall be binding on the student, school, school district and CHSAA.

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 registered 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.

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

Student Placement: The district can designate the school at which the student shall participate. The district should 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 2011-2012 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
**Extracurricular and interscholastic
activities**

(Actual CRS Language)

22-32-116.5. Extracurricular and interscholastic activities.

(Note – new language of 22-32-116.5 (9.5) (b) is underlined in this text.)

(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 in a contiguous school district, the school district in which the student chooses to participate, as provided in paragraph (b) of this subsection (2), shall choose the public school at which the student shall participate. In choosing a public school, the school district shall choose the public school that offers the greatest number of activities in which the student wishes to participate.

(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.

(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) In choosing whether to participate in activities at a public or nonpublic school, the student shall choose the school of participation that offers the greatest number of activities in which the student wishes to participate. The limitation on the number of schools of participation specified in paragraph (d) of subsection (2) of this section applies regardless of whether the student participates in activities at a public or nonpublic school.

(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.

(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 file a petition or complaint with a group of sitting or retired judges or other group of neutral arbitrators approved by the school, school district, or any organization or association to which the school or school district belongs. In rendering his or her decision, the judge or arbitrator shall consider whether any rule was properly applied to the student and whether a waiver of any rule should be granted. A final decision shall be rendered by the judge or arbitrator no later than thirty days after the filing of the petition or complaint and shall be binding on the student, the school, the school district, and any association or organization to which the school or school district belongs. Any cost associated with a judge or arbitrator shall be charged equally to the student and any association or organization to which the school or school district belong.

(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.

History

Source: **L. 93:** Entire section added, p. 337, § 1, effective April 12. **L. 94:** (3) added, p. 1282, § 7, effective May 22; entire section amended, p. 2836, § 1, effective June 7. **L. 96:** Entire section amended, p. 1018, § 1, effective May 23. **L. 97:** (1) and (6)(a) amended and (9.5) added, p. 166, § 1, effective March 28; (1)(c) added, p. 587, § 19, effective April 30. **L. 2000:** (10)(g) amended, p. 372, § 23, effective April 10. **L. 2001:** (5.5) added and (6) amended, p. 11, § 1, effective February 22. **L. 2003:** (9) amended, p. 1220, § 1, effective April 22. **L. 2004:** (2)(b) and (2)(c) amended, p. 17, § 1, effective March 1.

Annotations

Editor's note: This section was amended by chapters 224 and 351, Session Laws of Colorado 1994. Each chapter added a new subsection (3), therefore, the subsections have been renumbered to conform to C.R.S. standard numbering format.

Annotations

Cross references: For further provisions concerning student participation in interscholastic activities in a school they do not attend, see § [22-33-104.5](#).

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, he 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. 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: May a school district with multiple high schools establish a procedure for the distribution of students participating under this legislation?

- A12: Yes. The law stipulates that a school district may establish and implement a policy for placement of students under this law. School districts may also elect not to establish this type of policy.
- 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. 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 resides in the attendance area of School A, but attends School B in a different school district. School B does not offer soccer. May she play soccer at School A?
- A15: Yes.
- Q16: 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?
- A16: 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.
- Q17: 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?
- A17: 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.
- Q18: 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?
- A18: 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

- Q19: 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?

- A19: 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.
- Q20: Under what conditions may a private school student or public school student compete for a private school he is not attending?
- A20: 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.
- Q21: School A has a number of participants on its track team from School B. It calls its team Team C. Is this permissible?
- A21: 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.

Binding Arbitration

By-passing established school, league and CHSAA appeals processes.

(CRS22-32-116.5-9.5)

General Interpretations

Binding Arbitration

Under this state statute any student who is found to be ineligible to participate in any activity for any reason, except for unsportsmanlike conduct or ejection from an activity, may appeal the decision.

The appeal must first be made through the normal process at the school, league or CHSAA.

The student may, after completion of the appeals process may file a request with a group of neutral arbitrators approved by the CHSAA. The arbitrator shall consider whether the rule was properly applied and whether to grant a waiver of the rule. The final decision must be rendered by the arbitrator within 30 days of the request and shall be binding on the student, school, school district and CHSAA.

Note: Once the student has completed the CHSAA appeals process, he/she may request the decisions be heard through the Binding Arbitration statute.

The student must notify the Association of his/her desire to have a hearing before the arbitrator in writing. Under the state statute, the group of neutral arbitrators will be determined by the CHSAA and the appealing party.

Any cost associated with the request for binding arbitration shall be charged equally to the student and CHSAA.

The option of appealing a rule does not apply to any coach's team rules that are applied equally to all team members, except that no coach may adopt a rule that is contrary to any other specific item in this section of law.

Because the scope of appeals can extend across numerous school, league and CHSAA rules and regulations, it is recommended that any question you have be addressed by a CHSAA administrator. Please contact the CHSAA Office for clarification.

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.

(b) (I) For purposes of this subsection (6), a child who is participating in a nonpublic home-based educational program shall have 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.

(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 registered 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);
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) 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 may 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 allows districts to 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 resides in School District A. She enrolled in a home school program that presents itself as a private high school in which students enroll and from which they graduate and receive a diploma upon completion of the required number of credits. The home school program is physically located in School District B, but students do not attend classes at the physical location. The program does not offer any interscholastic activities programs. The student wishes to run cross country. The high school in her school district of residence (A) offers the sport, but the student wishes to compete at a high school in B. May she do so?
- A6: No. She does not have a school or school district of attendance as an enrolled student in the home school program. This does not deprive her of the ability to participate. She may do so, though, only at the high school in her school district of residence (A).
- Q7: A student is registered as a home schooler 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?
- A7: No, he/she shall be granted only restricted eligibility. Because no bona fide move occurred, the CHSAA transfer rule applies just as it would to any other public or private school student.

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 will 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 22-34-101
High school fast track program

(Actual CRS Language)

22-34-101. High school fast track program.

(1) A school district may negotiate a written agreement with an accredited state institution of higher education in Colorado whereby any pupil in the district who fulfills the requirements for graduation from high school may take one or more higher education courses during his twelfth grade year. The college course may be taught at the high school facility or on the college campus depending on the course requirements and the agreement between the local school district and the state institution of higher education. For purposes of determining the enrollment of a state institution of higher education, the pupil shall be counted as a student of a state institution of higher education in accordance with the number of course hours in which he is enrolled.

(2) Any high school pupil taking college credit at a state institution of higher education pursuant to the provisions of this section shall be eligible for all sanctioned high school activities. Pupils complying with the provisions of this section shall be considered eligible for all sanctioned high school and interscholastic activities as if the pupil were attending classes at the high school until the time of graduation of the student's senior class. The high school pupil shall have none of the rights and privileges of any regularly enrolled student at the state institution of higher education.

(3) Nothing in this section shall mandate a school district to develop affiliation agreements with one or more state institutions of higher education located in this state to permit college courses to be taught in a high school facility or on a college campus.

(4) The school district of residence of a pupil taking courses at a state institution of higher education pursuant to subsection (1) of this section shall be entitled to state support for such pupil on the same basis as other pupils under section [22-54-103](#) (10). The school district shall forward to the state institution of higher education the amount of tuition to which the institution would be entitled on behalf of a regularly enrolled student taking such courses, up to seventy-five percent of the school district's per pupil operating revenues, as defined in section [22-54-103](#) (9). Nothing in this article shall be construed to authorize a school district to pay the costs of transportation, room and board, fees, books, or equipment or any other costs of taking higher education courses other than tuition.

(5) Any high school teacher who teaches a higher education course in the program under this section shall remain an employee of the school district.

Source: L. 81: Entire article added, p. 1067, § 1, effective July 1. **L. 88:** (4) amended, p. 812, § 14, effective January 1, 1989. **L. 94:** (4) amended, p. 814, § 30, effective April 27. **L. 97:** (2) amended, p. 168, § 2, effective March 28.

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.chsaa.org. **Please visit our CHSAA Sports Medicine page for more information and resources.**

The Role of the Coach

NEW 1620.4 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 the day of injury and 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).