A BILL FOR AN ACT

CONCERNING A PROHIBITION AGAINST DISCRIMINATION BASED ON A PERSON'S TRAITS THAT ARE HISTORICALLY ASSOCIATED WITH RACE.

Bill Summary

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

The bill specifies that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race includes traits historically associated with race, such as hair texture, hair type, and protective hairstyles.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 22-30.5-104, amend (3) as follows:

22-30.5-104. Charter school - requirements - authority - rules - definitions. (3) (a) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the chartering school district. Enrollment in a charter school must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

(b) For purposes of this subsection (3):

(I) "PROTECTIVE HAIRSTYLE" includes such hairstyles as braids, locks, and twists.

(II) "RACE" includes traits historically associated with race, including hair texture, hair type, and protective hairstyles.

SECTION 2. In Colorado Revised Statutes, 22-30.5-507, amend (3) as follows:

22-30.5-507. Institute charter school - requirements -
authority - rules - definitions. (3) (a) An institute charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services. Enrollment in an institute charter school shall MUST be open to any child who resides within the state; except that an institute charter school shall not be required to make alterations in the structure of the facility used by the institute charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the applicant in the institute charter school application.

(b) For purposes of this subsection (3):

(I) "Protective hairstyle" includes such hairstyles as braids, locks, and twists.

(II) "Race" includes traits historically associated with race, including hair texture, hair type, and protective hairstyles.

SECTION 3. In Colorado Revised Statutes, 22-32-109, amend (1) introductory portion and (1)(ll) as follows:


(1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(II) (I) To adopt written policies specifying that:

(II) (A) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the
basis of disability, race, creed, color, sex, sexual orientation, national
origin, religion, ancestry, or need for special education services;

(II) (B) Enrollment in a school in the district shall MUST be open
to any child who resides within the state; except that a school shall not be
IS NOT required to make alterations in the structure of the facility used by
the school or to make alterations to the arrangement or function of rooms
within the facility, except as may be required by state or federal law; and

(III) (C) Enrollment decisions shall be made in a
nondiscriminatory manner.

(II) FOR PURPOSES OF THIS SUBSECTION (1)(II):

(A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
BRAIDS, LOCKS, AND TWISTS.

(B) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
HAIRSTYLES.

SECTION 4. In Colorado Revised Statutes, 22-32-110, amend
(1) introductory portion and (1)(k) as follows:

22-32-110. Board of education - specific powers - definitions.

(1) In addition to any other power granted to a board of education of a
school district by law, each board of education of a school district shall
have HAS the following specific powers, to be exercised in its judgment:

(k) (I) To adopt written policies, rules, and regulations, not
inconsistent with law, that may relate to the efficiency, in-service training,
professional growth, safety, official conduct, and welfare of the
employees, or any classification thereof, of the district. The practices of
employment, promotion, and dismissal shall be unaffected by the
employee's religion, creed, color, sex, sexual orientation, marital status,
racial or ethnic background, national origin, ancestry, or participation in
community affairs.

(II) FOR PURPOSES OF THIS SUBSECTION (1)(k):

(A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
BRAIDS, Locks, and TWISTS.

(B) "RACIAL OR ETHNIC BACKGROUND" INCLUDES TRAITS
HISTORICALLY ASSOCIATED WITH RACE, INCLUDING HAIR TEXTURE, HAIR
TYPE, AND PROTECTIVE HAIRSTYLES.

SECTION 5. In Colorado Revised Statutes, 22-38-104, amend
(1)(d) as follows:

22-38-104. Pilot schools - requirements - authority -
definitions. (1) The state board may provide for the establishment and
operation of not more than one full-time residential pilot school and not
more than three year-round nonresidential pilot schools pursuant to the
following provisions:

(d) (I) A pilot school shall be subject to all federal and state
laws and constitutional provisions prohibiting discrimination on the basis
of disability, race, creed, color, sex, sexual orientation, national origin,
religion, or ancestry. Enrollment decisions shall be made in a
nondiscriminatory manner specified by the pilot school applicant in the
pilot school application.

(II) FOR PURPOSES OF THIS SUBSECTION (1)(d):

(A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
BRAIDS, LOCKS, AND TWISTS.

(B) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
HAIRSTYLES.
SECTION 6. In Colorado Revised Statutes, 22-63-206, amend (1) as follows:

22-63-206. Transfer - compensation - definitions. (1) (a) A teacher may be transferred upon the recommendation of the chief administrative officer of a school district from one school, position, or grade level to another within the school district, if the transfer does not result in the assignment of the teacher to a position of employment for which the teacher is not qualified by virtue of academic preparation and certification and if, during the then current school year, the amount of salary of the teacher is not reduced except as otherwise provided in subsections (2) and (3) of this section. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of sex, sexual orientation, marital status, race, creed, color, religion, national origin, ancestry, or membership or nonmembership in any group or organization.

(b) For purposes of this subsection (1):

(I) "PROTECTIVE HAIRSTYLE" includes such hairstyles as braids, locks, and twists.

(II) "RACE" includes traits historically associated with race, including hair texture, hair type, and protective hairstyles.

SECTION 7. In Colorado Revised Statutes, 24-34-301, amend the introductory portion and (5.3); and add (5.1) and (5.8) as follows:

24-34-301. Definitions. As used in parts 3 to 8 of this article, "PLACE OF PUBLIC ACCOMMODATION" or "PUBLIC
ACCOMMODATION" has the same meaning as set forth in Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181 (7), and its related amendments and implementing regulations.

(5.3) "Place of public accommodation" or "public accommodation" has the same meaning as set forth in Title III of the federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181 (7), and its related amendments and implementing regulations.

"PROTECTIVE HAIRSTYLE" includes such hairstyles as braids, locks, and twists.

(5.8) "Race" includes traits historically associated with race, including hair texture, hair type, and protective hairstyles.

SECTION 8. In Colorado Revised Statutes, 24-50-112.5, amend (1)(b) as follows:

24-50-112.5. Selection system - definitions.

(1) (b) (I) Appointments and promotions to positions shall be based on a fair and open comparative analysis of candidates based on objective criteria. Selections shall be made without regard to race, color, creed, religion, national origin, ancestry, age, sexual orientation, marital status, or political affiliation and without regard to sex or disability except as otherwise provided by law.

(II) FOR PURPOSES OF THIS SUBSECTION (1)(b):

(A) "PROTECTIVE HAIRSTYLE" includes such hairstyles as braids, locks, and twists.

(B) "Race" includes traits historically associated with race, including hair texture, hair type, and protective hairstyles.
SECTION 9. In Colorado Revised Statutes, 22-32-109.1, amend (1)(b) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions - repeal. (1) Definitions. As used in this section, unless the context otherwise requires:

(b) "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her THE STUDENT'S academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

SECTION 10. Act subject to petition - effective date - applicability. (1) 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 5, 2020, if adjournment sine die is on May 6, 2020); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to conduct occurring on or after the applicable effective date of this act.