

CHAPTER 419

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1323

BY REPRESENTATIVE(S) Velasco and Hernandez, Amabile, Bacon, Bird, Boesenecker, Brown, Clifford, deGruy Kennedy, Duran, English, Froelich, Garcia, Herod, Jodeh, Kipp, Lindsay, Lukens, Mabrey, Marvin, McLachlan, Ortiz, Ricks, Rutinel, Sirota, Story, Titone, Vigil, Weissman, Willford, Young, McCluskie, Hamrick, Lieder, McCormick;
also SENATOR(S) Fields, Bridges, Buckner, Coleman, Danielson, Exum, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Michaelson Jenet, Mullica, Priola, Roberts, Fenberg.

AN ACT**CONCERNING THE MANNER OF DRESS DURING SCHOOL GRADUATION CEREMONIES.**

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

SECTION 1. In Colorado Revised Statutes, **add 22-1-142.5** as follows:

22-1-142.5. Wearing cultural or religious objects at public school graduation ceremonies - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

(b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS BASED ON DISABILITY, RACE, ETHNICITY, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY. "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS DEFINED IN SECTION 22-1-142, INCITEMENT, DEFAMATION, FRAUD, OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

(c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE SERVICES REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) "PUBLIC SCHOOL" MEANS A SCHOOL, INCLUDING A DISTRICT CHARTER SCHOOL, OF A SCHOOL DISTRICT; A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES; AN INSTITUTE CHARTER SCHOOL; OR THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND.

(e) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE GRADUATION CEREMONY AS A GRADUATE.

(2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S GRADUATION CEREMONY. AN ADORNMENT WORN BY A STUDENT MUST COMPLY WITH THE PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(3) A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE SERVICES SHALL NOT IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(4) (a) THIS SECTION DOES NOT LIMIT A PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' ABILITY TO PROHIBIT AN ADORNMENT THAT IS LIKELY TO CAUSE SUBSTANTIAL DISRUPTION OF, OR MATERIAL INTERFERENCE WITH, THE GRADUATION CEREMONY.

(b) A PROHIBITION IMPOSED BY A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE SERVICES PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:

(I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

(II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

(5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE SERVICES SHALL DEVELOP AND ADOPT A POLICY THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

(6) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL GRADUATIONS, INCLUDING, BUT

NOT LIMITED TO, KINDERGARTEN, ELEMENTARY SCHOOL, MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL GRADUATIONS.

(7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC SCHOOL GRADUATION, AS DESCRIBED IN SECTION 22-1-142.

SECTION 2. In Colorado Revised Statutes, 22-2-117, **amend** (1)(b)(IX) and (1)(b)(X); and **add** (1)(b)(XII) as follows:

22-2-117. Additional power - state board - waiver of requirements - rules.

(1) (b) The state board shall not waive any of the requirements specified in any of the following statutory provisions:

(IX) Any provisions of section 22-1-128 relating to comprehensive human sexuality education content requirements; ~~or~~

(X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3), 22-32-109 (1)(II), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1) relating to discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race; OR

(XII) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

SECTION 3. In Colorado Revised Statutes, 22-30.5-104, **amend** (6)(c)(VIII) and (6)(c)(IX); and **add** (6)(c)(XI) as follows:

22-30.5-104. Charter school - requirements - authority - rules - definitions.

(6) (c) A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not an automatic waiver. Notwithstanding any provision of this subsection (6) to the contrary, the state board may not waive any statute or rule relating to:

(VIII) Section 22-33-106.1 concerning suspension and expulsion of students in preschool through second grade; ~~or~~

(IX) Subsection (3) of this section and sections 22-32-110 (1)(k) and 22-63-206 (1) relating to discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race; OR

(XI) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

SECTION 4. In Colorado Revised Statutes, 22-30.5-507, **amend** (7)(b)(VIII) and (7)(b)(IX); and **add** (7)(b)(XI) as follows:

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22-30.5-507. Institute charter school - requirements - authority - rules - definitions. (7)(b) An institute charter school may apply to the state board, through the institute, for a waiver of state statutes and state rules that are not automatic waivers. The state board may waive state statutory requirements or rules promulgated by the state board; except that the state board may not waive any statute or rule relating to:

(VIII) Section 22-33-106.1 concerning suspension and expulsion of students in preschool through second grade; ~~or~~

(IX) Subsection (3) of this section and sections 22-32-110 (1)(k) and 22-63-206 (1) relating to discrimination based on hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race; OR

(XI) THE WEARING OF CULTURAL OR RELIGIOUS OBJECTS AT SCHOOL GRADUATION CEREMONIES PURSUANT TO SECTION 22-1-142.5.

SECTION 5. In Colorado Revised Statutes, **add** 23-1-137.7 as follows:

23-1-137.7. Wearing cultural or religious objects at college graduation ceremonies - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

(b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS BASED ON DISABILITY, RACE, ETHNICITY, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY. "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS DEFINED IN SECTION 23-1-137.5, INCITEMENT, DEFAMATION, FRAUD, OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

(c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC INSTITUTION OF HIGHER EDUCATION REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

(d) "PUBLIC INSTITUTION OF HIGHER EDUCATION" MEANS A PUBLIC COLLEGE, UNIVERSITY, COMMUNITY COLLEGE, AREA TECHNICAL COLLEGE, EDUCATIONAL CENTER, LOCAL DISTRICT COLLEGE, OR JUNIOR COLLEGE THAT IS SUPPORTED IN WHOLE OR IN PART BY GENERAL FUND MONEY.

(e) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE GRADUATION CEREMONY AS A GRADUATE.

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(2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S GRADUATION CEREMONY. IF A PUBLIC INSTITUTION OF HIGHER EDUCATION HAS A DRESS CODE POLICY, AN ADORNMENT WORN BY A STUDENT MUST COMPLY WITH THE PUBLIC INSTITUTION OF HIGHER EDUCATION'S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION'S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(4) (a) THIS SECTION DOES NOT LIMIT A PUBLIC INSTITUTION OF HIGHER EDUCATION'S ABILITY TO PROHIBIT AN ADORNMENT THAT IS LIKELY TO CAUSE A SUBSTANTIAL DISRUPTION OF, OR MATERIAL INTERFERENCE WITH, THE GRADUATION CEREMONY.

(b) A PROHIBITION IMPOSED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:

(I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

(II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

(5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL DEVELOP AND ADOPT A POLICY THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

(6) THIS SECTION APPLIES TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION GRADUATIONS.

(7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC INSTITUTION OF HIGHER EDUCATION'S GRADUATION, AS DESCRIBED IN SECTION 23-1-137.5.

SECTION 6. In Colorado Revised Statutes, **add** 26.5-1-116 as follows:

26.5-1-116. Wearing cultural or religious objects at preschool graduation ceremonies - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN WITH, BUT NOT

REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

(b) "CULTURAL" MEANS A RECOGNIZED PRACTICE OR TRADITION OF A CERTAIN GROUP OF PEOPLE AND INCLUDES ONLY A PROTECTED CLASS BASED ON DISABILITY, RACE, CREED, ETHNICITY, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR ANCESTRY. "CULTURAL" DOES NOT INCLUDE OBJECTS RELATED TO TRIBAL REGALIA AS DEFINED IN SECTION 26.5-1-114, INCITEMENT, DEFAMATION, FRAUD, OBSCENITY, CHILD PORNOGRAPHY, FIGHTING WORDS, AND THREATS.

(c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PRESCHOOL REQUIRES A STUDENT TO WEAR AS PART OF THE DRESS CODE FOR A GRADUATION CEREMONY.

(d) "STUDENT" MEANS AN INDIVIDUAL PARTICIPATING IN THE GRADUATION CEREMONY AS A GRADUATE.

(2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S GRADUATION CEREMONY. AN ADORNMENT WORN BY A STUDENT MUST COMPLY WITH THE PRESCHOOL'S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(3) A PRESCHOOL SHALL NOT IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PRESCHOOL'S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(4) (a) THIS SECTION DOES NOT LIMIT A PRESCHOOL'S ABILITY TO PROHIBIT AN ADORNMENT THAT IS LIKELY TO CAUSE A SUBSTANTIAL DISRUPTION OF, OR MATERIAL INTERFERENCE WITH, THE GRADUATION CEREMONY.

(b) A PROHIBITION IMPOSED BY A PRESCHOOL PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:

(I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

(II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

(5) ON OR BEFORE AUGUST 1, 2024, A PUBLIC PRESCHOOL PROVIDER AS DEFINED IN SECTION 26.5-5-303 SHALL DEVELOP AND ADOPT A POLICY THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(6) THIS SECTION APPLIES TO A GRADUATION HELD BY A PUBLIC PRESCHOOL PROVIDER AS DEFINED IN SECTION 26.5-5-303.

(7) THIS SECTION DOES NOT LIMIT THE RIGHTS OF CERTAIN INDIVIDUALS TO WEAR TRIBAL REGALIA TO A PUBLIC PRESCHOOL GRADUATION, AS DESCRIBED IN SECTION 26.5-1-114.

SECTION 7. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 5, 2024

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