

**Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0291.02 Conrad Imel x2313

**HOUSE BILL 26-1141**

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**HOUSE SPONSORSHIP**

**Bacon,**

**SENATE SPONSORSHIP**

**Kolker,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING CIVIL RIGHTS VIOLATIONS INVOLVING DISCRIMINATORY**  
102 **PRACTICES IN PUBLIC SCHOOLS.**

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**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 makes it a discriminatory education practice and unlawful for a public school, including a public school that enrolls students in any of grades kindergarten through 12 or a public institution of higher education, or employee of a public school or school district to take certain actions related to access to a public school because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression,

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



1 DISCRIMINATION IN PUBLIC SCHOOLS

2 **24-34-1101. Definitions.**

3 AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE  
4 REQUIRES:

5 (1) "COMPLAINANT" MEANS A PERSON WHO HAS FILED A CHARGE  
6 WITH THE DIVISION PURSUANT TO THIS PART 11 ALLEGING A  
7 DISCRIMINATORY EDUCATION PRACTICE.

8 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE  
9 DIRECTOR'S DESIGNEE.

10 (3) "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL OR A  
11 SCHOOL DISTRICT.

12 (4) (a) "HARASS" OR "HARASSMENT" MEANS TO ENGAGE IN, OR THE  
13 ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL CONDUCT  
14 OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION DIRECTED AT  
15 AN INDIVIDUAL OR GROUP OF INDIVIDUALS BECAUSE OF THAT INDIVIDUAL'S  
16 OR GROUP'S MEMBERSHIP IN, OR PERCEIVED MEMBERSHIP IN, A PROTECTED  
17 CLASS LISTED IN SECTION 24-34-1102 (1)(a), WHICH CONDUCT OR  
18 COMMUNICATION IS SUBJECTIVELY OFFENSIVE TO THE INDIVIDUAL  
19 ALLEGING HARASSMENT AND IS OBJECTIVELY OFFENSIVE TO A  
20 REASONABLE INDIVIDUAL WHO IS A MEMBER OF THE SAME PROTECTED  
21 CLASS. THE CONDUCT OR COMMUNICATION NEED NOT BE SEVERE OR  
22 PERVASIVE TO CONSTITUTE HARASSMENT AND CONSTITUTES HARASSMENT  
23 IF:

24 (I) SUBMISSION TO THE CONDUCT OR COMMUNICATION IS  
25 EXPLICITLY OR IMPLICITLY MADE A TERM OR CONDITION OF THE  
26 INDIVIDUAL'S ACCESS TO AN EDUCATIONAL SERVICE, OPPORTUNITY, OR  
27 BENEFIT;

1 (II) SUBMISSION TO, OBJECTION TO, OR REJECTION OF THE  
2 CONDUCT OR COMMUNICATION IS USED OR EXPLICITLY OR IMPLICITLY  
3 THREATENED TO BE USED AS A BASIS FOR EDUCATIONAL DECISIONS  
4 AFFECTING THE INDIVIDUAL; OR

5 (III) THE CONDUCT OR COMMUNICATION HAS THE PURPOSE OR  
6 EFFECT OF UNREASONABLY INTERFERING WITH THE INDIVIDUAL'S ACCESS  
7 TO THEIR EDUCATIONAL SERVICE, OPPORTUNITY, OR BENEFIT OR CREATING  
8 AN INTIMIDATING, HOSTILE, OR OFFENSIVE EDUCATIONAL ENVIRONMENT.

9 (b) PETTY SLIGHTS, MINOR ANNOYANCES, AND LACK OF GOOD  
10 MANNERS DO NOT CONSTITUTE HARASSMENT UNLESS THE SLIGHTS,  
11 ANNOYANCES, OR LACK OF MANNERS, WHEN TAKEN IN COMBINATION AND  
12 UNDER THE TOTALITY OF THE CIRCUMSTANCES, MEET THE STANDARD SET  
13 FORTH IN SUBSECTION (4)(a) OF THIS SECTION.

14 (c) WHETHER CONDUCT CONSTITUTES HARASSMENT IS JUDGED  
15 UNDER THE TOTALITY OF THE CIRCUMSTANCES, WHICH MAY INCLUDE, BUT  
16 IS NOT LIMITED TO:

17 (I) THE FREQUENCY OF THE CONDUCT OR COMMUNICATION,  
18 RECOGNIZING THAT A SINGLE INCIDENT MAY RISE TO THE LEVEL OF  
19 HARASSMENT;

20 (II) THE NUMBER OF INDIVIDUALS ENGAGED IN THE CONDUCT OR  
21 COMMUNICATION;

22 (III) THE TYPE OR NATURE OF THE CONDUCT OR COMMUNICATION;

23 (IV) THE DURATION OF THE CONDUCT OR COMMUNICATION;

24 (V) THE LOCATION WHERE THE CONDUCT OR COMMUNICATION  
25 OCCURRED;

26 (VI) WHETHER THE CONDUCT OR COMMUNICATION IS  
27 THREATENING;

1 (VII) WHETHER ANY POWER DIFFERENTIAL EXISTS BETWEEN THE  
2 INDIVIDUAL ALLEGED TO HAVE ENGAGED IN HARASSMENT AND THE  
3 INDIVIDUAL ALLEGING THE HARASSMENT;

4 (VIII) ANY USE OF EPITHETS, SLURS, OR OTHER CONDUCT OR  
5 COMMUNICATION THAT IS HUMILIATING OR DEGRADING;

6 (IX) WHETHER THE CONDUCT OR COMMUNICATION REFLECTS  
7 STEREOTYPES ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN A  
8 PROTECTED CLASS; OR

9 (X) WHETHER THE CONDUCT INCLUDES AN ACT OF PHYSICAL  
10 VIOLENCE.

11 (5) "PUBLIC SCHOOL" MEANS:

12 (a) AN ELEMENTARY SCHOOL, MIDDLE SCHOOL, JUNIOR HIGH  
13 SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER SCHOOL OF A SCHOOL  
14 DISTRICT THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN  
15 THROUGH TWELVE OR A CHARTER SCHOOL INSTITUTE CHARTER SCHOOL  
16 THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH  
17 TWELVE; OR

18 (b) A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN  
19 SECTION 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, AS DEFINED IN  
20 SECTION 23-71-102; OR AN AREA TECHNICAL COLLEGE, AS DEFINED IN  
21 SECTION 23-60-103.

22 (6) "RESPONDENT" MEANS A PUBLIC SCHOOL AGAINST WHICH A  
23 CHARGE IS FILED PURSUANT TO THIS PART 11.

24 **24-34-1102. Discriminatory education practice - retaliation**  
25 **prohibited.**

26 (1) IT IS A DISCRIMINATORY EDUCATION PRACTICE AND UNLAWFUL  
27 FOR A PUBLIC SCHOOL TO:

1 (a) DIRECTLY OR INDIRECTLY REFUSE, WITHHOLD FROM, OR DENY  
2 TO AN INDIVIDUAL OR A GROUP OF INDIVIDUALS, BECAUSE OF DISABILITY,  
3 RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,  
4 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY,  
5 THE FULL AND EQUAL ENJOYMENT OF THE SERVICES, FACILITIES,  
6 PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF A PUBLIC SCHOOL;

7 (b) DIRECTLY OR INDIRECTLY PUBLISH, CIRCULATE, ISSUE,  
8 DISPLAY, POST, OR MAIL A WRITTEN, ELECTRONIC, OR PRINTED  
9 COMMUNICATION, NOTICE, OR ADVERTISEMENT THAT INDICATES THAT THE  
10 FULL AND EQUAL ENJOYMENT OF THE SERVICES, FACILITIES, PRIVILEGES,  
11 ADVANTAGES, OR ACCOMMODATIONS OF A PUBLIC SCHOOL WILL BE  
12 REFUSED, WITHHELD FROM, OR DENIED TO AN INDIVIDUAL OR GROUP OF  
13 INDIVIDUALS OR THAT AN INDIVIDUAL'S OR GROUP'S PATRONAGE OR  
14 PRESENCE AT A PUBLIC SCHOOL IS UNWELCOME, OBJECTIONABLE,  
15 UNACCEPTABLE, OR UNDESIRABLE BECAUSE OF DISABILITY, RACE, CREED,  
16 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER  
17 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY;

18 (c) CARRY OUT A DECISION OR POLICY THAT HAS A DISPARATE  
19 IMPACT ON A STUDENT OR GROUP BECAUSE OF THAT STUDENT'S OR  
20 GROUP'S MEMBERSHIP IN, OR PERCEIVED MEMBERSHIP IN, A PROTECTED  
21 CLASS LISTED IN SUBSECTION (1)(a) OF THIS SECTION;

22 (d) ENGAGE IN HARASSMENT BASED ON AN INDIVIDUAL'S  
23 INDIVIDUAL'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED MEMBERSHIP IN,  
24 A PROTECTED CLASS LISTED IN SECTION 24-34-1102 (1)(a).

25 (e) DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP OF  
26 INDIVIDUALS BECAUSE THE INDIVIDUAL OR GROUP OPPOSED A PRACTICE  
27 MADE A DISCRIMINATORY EDUCATION PRACTICE BY THIS PART 11, OR

1 BECAUSE THE INDIVIDUAL OR GROUP MADE A CHARGE, TESTIFIED,  
2 ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION,  
3 PROCEEDING, OR HEARING BASED ON AN ALLEGED VIOLATION OF THIS PART  
4 11.

5 (2) CONDUCT DESCRIBED IN SUBSECTIONS (1)(a) TO (1)(c) OF THIS  
6 SECTION THAT IS BASED ON DISABILITY IS GOVERNED BY SECTION  
7 24-34-802.

8 **24-34-1103. Charge discriminatory education practice -**  
9 **limitation on time to file - early mediation - process.**

10 (1) **Charge.**

11 (1) (a) AN INDIVIDUAL CLAIMING TO BE AGGRIEVED BY A  
12 VIOLATION OF SECTION 24-34-1102 MAY, BY ONESELF OR THROUGH THE  
13 PERSON'S ATTORNEY, MAKE, SIGN, AND FILE WITH THE DIVISION A VERIFIED  
14 WRITTEN CHARGE STATING THE NAME AND ADDRESS OF THE RESPONDENT  
15 ALLEGED TO HAVE COMMITTED THE DISCRIMINATORY EDUCATION  
16 PRACTICE, SETTING FORTH THE PARTICULARS OF THE ALLEGED  
17 DISCRIMINATORY PRACTICE, AND CONTAINING ANY OTHER INFORMATION  
18 REQUIRED BY THE DIVISION. THE INDIVIDUAL MUST FILE THE CHARGE  
19 WITH THE DIVISION WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE  
20 ALLEGED DISCRIMINATORY EDUCATION PRACTICE OCCURRED. IF THE  
21 ALLEGED DISCRIMINATORY EDUCATION PRACTICE IS PART OF A SERIES OF  
22 ACTS, THE ONE-HUNDRED-EIGHTY-DAY PERIOD BEGINS WHEN THE LAST  
23 ACT IN THE SERIES OF ACTS IS COMMITTED.

24 (II) THE DIVISION MAY WAIVE THE ONE-HUNDRED-EIGHTY-DAY  
25 DEADLINE TO FILE A CHARGE IF:

26 (A) THE COMPLAINANT COULD NOT REASONABLY BE EXPECTED TO  
27 KNOW WITHIN THE ONE-HUNDRED-EIGHTY-DAY PERIOD THAT THE ACT WAS

1 DISCRIMINATORY AND THE COMPLAINANT FILED THE CHARGE WITHIN  
2 SIXTY DAYS AFTER THE COMPLAINANT COULD REASONABLY HAVE BECOME  
3 AWARE OF THE ALLEGED DISCRIMINATORY EDUCATION PRACTICE. FOR THE  
4 PURPOSES OF THIS SUBSECTION (1)(a)(II)(A), A COMPLAINANT'S LACK OF  
5 PREVIOUS AWARENESS OF THE DIVISION OR THE PROVISIONS OF THE  
6 "COLORADO ANTI-DISCRIMINATION ACT" IS NOT A BASIS FOR A WAIVER.

7 (B) THE COMPLAINANT FILED A COMPLAINT ALLEGING THE SAME  
8 OR SIMILAR ALLEGATION BASED ON THE SAME OPERATIVE FACTS WITHIN  
9 THE ONE-HUNDRED-EIGHTY-DAY PERIOD WITH ANOTHER FEDERAL, STATE,  
10 OR LOCAL CIVIL RIGHTS ENFORCEMENT AGENCY OR FEDERAL OR STATE  
11 COURT AND FILED A CHARGE WITH THE DIVISION WITHIN SIXTY DAYS  
12 AFTER THE OTHER AGENCY HAD COMPLETED ITS INVESTIGATION OR, IN THE  
13 CASE OF A COURT, THE CASE IS CONCLUDED WITHOUT A DECISION ON THE  
14 MERITS OR SETTLEMENT OF THE COMPLAINT ALLEGATIONS. FOR THE  
15 PURPOSES OF THIS SUBSECTION (1)(a)(II)(B), A COURT DISMISSING AN  
16 ACTION WITH PREJUDICE IS A DECISION ON THE MERITS.

17 (C) THE COMPLAINANT WAS UNABLE TO FILE A CHARGE WITHIN  
18 THE ONE-HUNDRED-EIGHTY-DAY PERIOD BECAUSE OF THE COMPLAINANT'S  
19 INCAPACITATING ILLNESS OR OTHER INCAPACITATING CIRCUMSTANCES  
20 DURING THE PERIOD AND THE CHARGE IS FILED WITHIN SIXTY DAYS AFTER  
21 THE PERIOD OF INCAPACITATION ENDED; OR

22 (D) UNIQUE CIRCUMSTANCES GENERATED BY THE COMMISSION'S  
23 OR THE DIVISION'S ACTION HAVE ADVERSELY AFFECTED THE COMPLAINANT  
24 AND THE CHARGE IS FILED IN ACCORDANCE WITH A DEADLINE  
25 ESTABLISHED BY THE DIVISION.

26 (III) A CHARGE IS BARRED IF IT IS NOT TIMELY FILED WITH THE  
27 DIVISION IN ACCORDANCE WITH THIS SUBSECTION (1)(a).

1           (b) THE COMMISSION, A COMMISSIONER, OR THE ATTORNEY  
2 GENERAL ON THEIR OWN MOTION MAY MAKE, SIGN, AND FILE A CHARGE  
3 ALLEGING A DISCRIMINATORY EDUCATION PRACTICE IN CASES WHERE THE  
4 COMMISSION, A COMMISSIONER, OR THE ATTORNEY GENERAL DETERMINES  
5 THAT THE ALLEGED DISCRIMINATORY EDUCATION PRACTICE IMPOSES A  
6 SIGNIFICANT SOCIETAL OR COMMUNITY IMPACT. THE CHARGE MUST BE  
7 FILED IN THE SAME MANNER AND CONTAIN THE SAME INFORMATION AS  
8 REQUIRED FOR A CHARGE FILED BY AN INDIVIDUAL PURSUANT TO  
9 SUBSECTION (1)(a) OF THIS SECTION. WHEN THE COMMISSION, A  
10 COMMISSIONER, OR THE ATTORNEY GENERAL FILES A CHARGE PURSUANT  
11 TO THIS SUBSECTION (1)(b), THE REMEDY AVAILABLE FOR THE  
12 DISCRIMINATORY EDUCATION PRACTICE IS LIMITED TO EQUITABLE RELIEF  
13 TO ELIMINATE THE DISCRIMINATORY PRACTICE.

14           **(2) Early mediation.**

15           (a) A COMPLAINANT WHO FILES A CHARGE PURSUANT TO THIS  
16 SECTION MAY INDICATE THAT THEY ARE INTERESTED IN EARLY MEDIATION  
17 WITH THE RESPONDENT. IF THE COMPLAINANT INDICATES THAT THEY ARE  
18 INTERESTED IN EARLY MEDIATION, THE DEADLINES DESCRIBED IN THIS  
19 SECTION AND IN PART 3 OF THIS ARTICLE 34, IF APPLICABLE, ARE TOLLED  
20 WHILE THE COMPLAINANT AWAITS A RESPONSE FROM THE RESPONDENT  
21 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND DURING EARLY  
22 MEDIATION.

23           (b) IF THE COMPLAINANT INDICATES THAT THEY ARE INTERESTED  
24 IN EARLY MEDIATION, THE DIVISION SHALL, UPON DETERMINING IT HAS  
25 JURISDICTION OVER THE CLAIM, NOTIFY THE RESPONDENT OF THE CHARGE  
26 AND THAT THE COMPLAINANT HAS REQUESTED EARLY MEDIATION. WITHIN  
27 SEVEN DAYS AFTER RECEIPT OF THE NOTIFICATION, THE RESPONDENT

1 SHALL INFORM THE DIVISION WHETHER IT WANTS TO ENGAGE IN EARLY  
2 MEDIATION.

3 (c) IF THE RESPONDENT WANTS TO ENGAGE IN EARLY MEDIATION  
4 AND THE DIVISION HAS DETERMINED IT HAS JURISDICTION OVER THE  
5 CLAIM, THE DIVISION SHALL FACILITATE THE MEDIATION.

6 (3) **Opportunity to cure.**

7 (a) UPON RECEIVING NOTICE OF A CHARGE FILED AGAINST IT, A  
8 RESPONDENT HAS UP TO SIXTY DAYS TO MAKE A GOOD FAITH EFFORT TO  
9 COMPLETE AN INVESTIGATION AND CURE THE DEFICIENCY IN ITS  
10 PRACTICES THAT GAVE RISE TO THE CHARGE. NO LATER THAN SIXTY DAYS  
11 AFTER RECEIVING THE NOTICE OF THE CHARGE, THE PUBLIC SCHOOL SHALL  
12 REPORT TO THE DIVISION WHETHER IT HAS CURED THE DEFICIENCY. THE  
13 REPORT MUST DESCRIBE THE SPECIFIC ACTIONS THE RESPONDENT HAS  
14 TAKEN TO CURE THE DEFICIENCY.

15 (b) UPON RECEIPT OF A REPORT THAT A RESPONDENT HAS CURED  
16 A DEFICIENCY, THE DIRECTOR SHALL DELIVER THE REPORT TO THE  
17 COMPLAINANT. IF THE COMPLAINANT DETERMINES THAT THE RESPONDENT  
18 HAS CURED THE DEFICIENCY, THE COMPLAINANT SHALL INFORM THE  
19 DIRECTOR AND THE DIRECTOR SHALL DISMISS THE CHARGE.

20 (c) IF AT THE END OF THE SIXTY-DAY PERIOD TO CURE DESCRIBED  
21 IN SUBSECTION (3)(a) OF THIS SECTION THE COMPLAINANT HAS NOT  
22 INFORMED THE DIRECTOR THAT THE RESPONDENT HAS CURED THE  
23 DEFICIENCY, THE DIRECTOR SHALL INVESTIGATE THE CHARGE PURSUANT  
24 TO SUBSECTION (4) OF THIS SECTION.

25 (d) THE DEADLINES DESCRIBED IN THIS SECTION AND IN PART 3 OF  
26 THIS ARTICLE 34 ARE NOT TOLLED DURING THE SIXTY-DAY PERIOD TO  
27 CURE DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION.

1           **(4) Investigation and procedures.** IF THE RESPONDENT DOES NOT  
2 CURE THE DEFICIENCY, THE DIRECTOR, WITH THE ASSISTANCE OF THE  
3 DIVISION'S STAFF, SHALL PROMPTLY INVESTIGATE THE ALLEGATIONS IN  
4 THE COMPLAINT PURSUANT TO SECTION 24-34-306 (2), AND THE  
5 PROCESSES AND PROCEDURES DESCRIBED IN SECTIONS 24-34-306 TO  
6 24-34-309, EXCEPT FOR SECTION 24-34-306 (1), APPLY TO THE CHARGE.

7           **(5) Liability.** A PERSON AGGRIEVED BY A VIOLATION OF SECTION  
8 24-34-1102 (1) MAY BRING AN ACTION IN A COURT OF COMPETENT  
9 JURISDICTION. THE DAMAGES AND OTHER RELIEF AUTHORIZED IN SECTION  
10 24-34-602, INCLUDING ATTORNEY FEES AND COSTS, APPLY TO A CLAIM  
11 BROUGHT PURSUANT TO THIS PART 11.

12           **(6) County court jurisdiction.** THE COUNTY COURT IN THE  
13 COUNTY WHERE THE DISCRIMINATORY EDUCATION PRACTICE OCCURRED  
14 HAS JURISDICTION IN A CIVIL ACTION BROUGHT PURSUANT TO THIS PART  
15 11 TO RECOVER DAMAGES TO THE EXTENT OF THE JURISDICTION OF THE  
16 COUNTY COURT TO RECOVER A MONEY DEMAND IN OTHER ACTIONS.  
17 EITHER PARTY HAS THE RIGHT TO HAVE THE CAUSE TRIED BY JURY AND TO  
18 APPEAL FROM THE JUDGMENT OF THE COURT IN THE SAME MANNER AS IN  
19 OTHER CIVIL SUITS.

20           **24-34-1104. Monitoring by division.**

21           (1) IF THE MATTER IS SETTLED BY MEDIATION AND THE  
22 SETTLEMENT REQUIRES THE RESPONDENT TO IMPLEMENT A REMEDIATION  
23 PLAN, THE DIVISION SHALL MONITOR THE RESPONDENT'S COMPLIANCE  
24 WITH THE PLAN.

25           (2) IF THE COMMISSION ISSUES AN ORDER PURSUANT TO SECTION  
26 24-34-306 (9) REQUIRING THE RESPONDENT TO CEASE AND DESIST FROM  
27 THE DISCRIMINATORY EDUCATION PRACTICE, THE DIVISION SHALL

1 MONITOR THE RESPONDENT'S COMPLIANCE WITH THE ORDER.

2 (3) (a) THE DIVISION MAY, AND THE GENERAL ASSEMBLY  
3 ENCOURAGES THE DIVISION TO, CONSULT WITH THE DEPARTMENT OF  
4 EDUCATION WHEN MONITORING A PUBLIC SCHOOL'S COMPLIANCE WITH A  
5 PLAN OR ORDER, AND THE DEPARTMENT OF EDUCATION MAY WORK WITH  
6 THE DIVISION UPON THE COMMISSION'S REQUEST. THE DIVISION AND THE  
7 DEPARTMENT OF EDUCATION MAY ENTER INTO AN AGREEMENT TO CARRY  
8 OUT THIS SUBSECTION (3).

9 (b) THE DIVISION MAY, AND THE GENERAL ASSEMBLY  
10 ENCOURAGES THE DIVISION TO, CONTRACT WITH UNPAID VOLUNTEERS  
11 WHO HAVE EXPERTISE IN THE FIELD OF DISCRIMINATION IN EDUCATIONAL  
12 SETTINGS TO ASSIST THE DIVISION WITH MONITORING.

13 (4) IF, AFTER PROVIDING A REASONABLE TIME FOR COMPLIANCE,  
14 THE DIVISION DETERMINES THAT THE RESPONDENT HAS FAILED TO COMPLY  
15 WITH A REMEDIATION PLAN THAT IS INCLUDED IN A SETTLEMENT  
16 AGREEMENT OR A CEASE AND DESIST ORDER ISSUED BY THE COMMISSION,  
17 THE DIVISION SHALL NOTIFY THE COMPLAINANT, COMMISSION, AND  
18 ATTORNEY GENERAL.

19 **24-34-1105. Consultation with department of education - data**  
20 **sharing.**

21 (1) THE DIVISION MAY CONSULT WITH THE DEPARTMENT OF  
22 EDUCATION IN ACCORDANCE WITH SECTION 22-2-151.

23 (2) THE DIVISION SHALL PROVIDE THE DEPARTMENT OF EDUCATION  
24 WITH DATA ABOUT DISCRIMINATORY EDUCATION PRACTICE CHARGES  
25 FILED WITH THE DIVISION EACH YEAR. THE DIVISION SHALL PROVIDE THE  
26 DATA AS AGGREGATE DATA AND SHALL NOT INCLUDE ANY PERSONALLY  
27 IDENTIFYING INFORMATION ABOUT A COMPLAINANT.

1           (3) THIS SECTION DOES NOT AUTHORIZE OR REQUIRE THE  
2 COMMISSION OR DIVISION TO PROVIDE INFORMATION TO THE DEPARTMENT  
3 OF EDUCATION THAT IS CONFIDENTIAL PURSUANT TO A FEDERAL, STATE,  
4 OR LOCAL LAW OR UNDER ANY PRIVILEGE THAT MAY BE LAWFULLY  
5 ASSERTED BY A COMPLAINANT, RESPONDENT, OR WITNESS, OR THE  
6 COMMISSION OR DIVISION.

7           **SECTION 2.** In Colorado Revised Statutes, 24-34-301, **amend**  
8 the introductory portion as follows:

9           **24-34-301. Definitions.**

10           As used in parts 3 to 10 TO 11 of this article 34, unless the context  
11 otherwise requires:

12           **SECTION 3.** In Colorado Revised Statutes, 24-34-305, **amend**  
13 (1)(a), (1)(e), (1)(i), (1)(i.5), (3), and (4) as follows:

14           **24-34-305. Powers and duties of commission.**

15           (1) The commission has the following powers and duties:

16           (a) To adopt, publish, amend, and rescind rules, in accordance  
17 with the provisions of section 24-4-103, that are consistent with and for  
18 the implementation of parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE 34.  
19 All rules adopted or amended are subject to sections 24-4-103 (8)(c) and  
20 (8)(d) and 24-34-104 (6)(b).

21           (e) To issue ~~such~~ publications and reports of investigations and  
22 research as in its judgment will ~~tend to~~ promote goodwill among the  
23 various racial, religious, age, and ethnic groups of the state and ~~which~~  
24 ~~will tend to~~ THAT WILL minimize or eliminate discriminatory or unfair  
25 practices as specified by parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE  
26 34. Publications of the commission circulated in quantity outside the  
27 executive branch ~~shall~~ MUST be issued in accordance with ~~the provisions~~

1 of section 24-1-136.

2 (i) To cooperate, within the limits of any appropriations made for  
3 its operation, with other agencies or organizations, both public and  
4 private, whose purposes are consistent with those of parts 3 to 7 AND  
5 PART 11 of this ~~article~~ ARTICLE 34, in the planning and conducting of  
6 educational programs designed to eliminate racial, religious, cultural, age,  
7 and intergroup tensions;

8 (i.5) To intervene in racial, religious, cultural, age, and intergroup  
9 tensions or conflicts for the purpose of informal mediation using  
10 alternative dispute resolution techniques. Such intervention may be made  
11 in cooperation with other agencies or organizations, both public and  
12 private, whose purposes are consistent with those of parts 3 to 7 AND  
13 PART 11 of this ~~article~~ ARTICLE 34.

14 (3) In exercising the powers and performing the duties and  
15 functions ~~under~~ PURSUANT TO parts 3 to 7 AND PART 11 of this ~~article~~  
16 ARTICLE 34, the commission, the division, and the director shall presume  
17 that the conduct of any respondent is not unfair or discriminatory until  
18 proven otherwise.

19 (4) Whether by rule, regulation, or other action or whether as a  
20 remedy for violation of any provision of parts 3 to 7 AND PART 11 of this  
21 ~~article~~ ARTICLE 34 or otherwise, the commission shall not prescribe or  
22 require the implementation of a quota system.

23 **SECTION 4.** In Colorado Revised Statutes, 24-34-306, **amend**  
24 (9), (12), and (13); and **add** (1)(a)(III) as follows:

25 **24-34-306. Charge - complaint - hearing - procedure -**  
26 **exhaustion of administrative remedies.**

27 (1) (a) (III) THE DIVISION SHALL INCLUDE ON A CHARGE FORM OR

1 CHARGE INTAKE MECHANISM AN OPTION TO SELECT "SCHOOL" AS A  
2 LOCATION WHERE A DISCRIMINATORY OR UNFAIR PRACTICE THAT IS THE  
3 SUBJECT OF THE CHARGE OCCURRED.

4 (9) If, upon all the evidence at a hearing, there is a statement of  
5 findings and conclusions in accordance with section 24-4-105, together  
6 with a statement of reasons for ~~such~~ THE conclusions, showing that a  
7 respondent has engaged in or is engaging in ~~any~~ A discriminatory or  
8 unfair practice as defined in parts 4 to 7 AND PART 11 of this ~~article~~  
9 ARTICLE 34, the commission shall issue and cause to be served upon the  
10 respondent an order requiring ~~such~~ THE respondent to cease and desist  
11 from ~~such~~ THE discriminatory or unfair practice and to take ~~such~~ action  
12 as it may order in accordance with the provisions of parts 4 to 7 AND PART  
13 11 of this ~~article~~ ARTICLE 34.

14 (12) The division shall maintain a central file of decisions  
15 rendered under parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE 34, and  
16 ~~such~~ THE file ~~shall~~ MUST be open to the public for inspection during  
17 regular business hours.

18 (13) ~~Any~~ A member of the commission and ~~any~~ A person  
19 participating in good faith in the making of a complaint or a report or in  
20 ~~any~~ AN investigative or administrative proceeding authorized by parts 3  
21 to 7 AND PART 11 of this ~~article shall be~~ ARTICLE 34 IS immune from  
22 liability in ~~any~~ A civil action brought against ~~him~~ THEM for acts occurring  
23 while acting in ~~his~~ THEIR capacity as a commission member or participant,  
24 respectively, if ~~such~~ THE individual was acting in good faith within the  
25 scope of ~~his~~ THEIR respective capacity, made a reasonable effort to obtain  
26 the facts of the matter ~~as to~~ ON which ~~he~~ THEY acted, and acted in the  
27 reasonable belief that the action taken by ~~him~~ THEM was warranted by the

1 facts.

2 **SECTION 5.** In Colorado Revised Statutes, 24-34-600.3, **amend**  
3 (1)(a)(IX) as follows:

4 **24-34-600.3. Definitions.**

5 As used in this part 6, unless the context otherwise requires:

6 (1) (a) "Place of public accommodation" means any place of  
7 business engaged in any sales to the public and any place offering  
8 services, facilities, privileges, advantages, or accommodations to the  
9 public, including but not limited to:

10 (IX) An educational institution OTHER THAN A PUBLIC SCHOOL, AS  
11 DEFINED IN SECTION 24-34-1101; or

12 **SECTION 6.** In Colorado Revised Statutes, **add** 24-34-606 as  
13 follows:

14 **24-34-606. Applicability of part - discriminatory education**  
15 **practices.**

16 EXCEPT AS OTHERWISE PROVIDED IN PART 11 OF THIS ARTICLE 34,  
17 THIS PART 6 DOES NOT APPLY TO A CLAIM THAT CONSTITUTES A  
18 DISCRIMINATORY EDUCATION PRACTICE BY A PUBLIC SCHOOL THAT IS  
19 SUBJECT TO PART 11 OF THIS ARTICLE 34.

20 **SECTION 7.** In Colorado Revised Statutes, 24-34-802, **amend**  
21 (1)(a) and (1)(b) as follows:

22 **24-34-802. Violations - penalties - immunity - repeal.**

23 (1) (a) It is a discriminatory practice and unlawful for ~~any~~ A  
24 person, as defined in section 24-34-301, to discriminate against an  
25 individual or group of individuals because the person has opposed ~~any~~ A  
26 practice made a discriminatory practice based on disability pursuant to  
27 part 5, 6, ~~or~~ 8, OR 11 of this article 34, or because the person has made a

1 charge, testified, assisted, or participated in any manner in an  
2 investigation, proceeding, or hearing conducted pursuant to part 5, 6, or  
3 8, OR 11 of this article 34.

4 (b) An individual with a disability, as defined in section  
5 24-34-301, must not, by reason of the individual's disability, be excluded  
6 from participation in or be denied the benefits of services, programs, or  
7 activities provided by a place of public accommodation, as defined in  
8 section 24-34-600.3 (1); A PUBLIC SCHOOL, AS DEFINED IN SECTION  
9 24-34-1101, a public entity, as defined in section 24-34-301; or a state  
10 agency, as defined in section 24-37.5-102, or be subjected to  
11 discrimination by any such place of public accommodation, PUBLIC  
12 SCHOOL, public entity, or state agency.

13 **SECTION 8.** In Colorado Revised Statutes, **add** 22-2-151 as  
14 follows:

15 **22-2-151. Department liaison to Colorado civil rights division**  
16 **- duties - definitions.**

17 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
18 REQUIRES:

19 (a) "CIVIL RIGHTS DIVISION" OR "DIVISION" MEANS THE COLORADO  
20 CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302.

21 (b) "LIAISON" MEANS THE LIAISON TO THE CIVIL RIGHTS DIVISION  
22 EMPLOYED BY THE DEPARTMENT, AS DESCRIBED IN SUBSECTION (2) OF THIS  
23 SECTION.

24 (2) THE DEPARTMENT SHALL EMPLOY ONE OR MORE INDIVIDUALS  
25 TO SERVE AS A LIAISON TO THE COLORADO CIVIL RIGHTS DIVISION FOR THE  
26 PURPOSE OF PROVIDING THE DIVISION WITH TECHNICAL ASSISTANCE  
27 REGARDING THE STRUCTURE, GOVERNANCE, AND OPERATION OF

1 KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATION IN THE  
2 STATE. THE LIAISON RELATIONSHIP SUPPORTS THE CIVIL RIGHTS DIVISION'S  
3 GENERAL UNDERSTANDING OF EDUCATIONAL SYSTEMS AND DOES NOT  
4 EXPAND OR MODIFY THE STATUTORY AUTHORITY OF THE DEPARTMENT OR  
5 THE DIVISION.

6 (3) THE LIAISON SHALL:

7 (a) PROVIDE TO THE CIVIL RIGHTS DIVISION GENERAL INFORMATION  
8 REGARDING PUBLIC SCHOOL GOVERNANCE STRUCTURES, SCHOOL DISTRICT  
9 AND BOARD OF COOPERATIVE SERVICES OPERATIONS, EDUCATION FUNDING  
10 MECHANISMS, AND APPLICABLE STATE AND FEDERAL REPORTING  
11 REQUIREMENTS;

12 (b) PROVIDE TO THE CIVIL RIGHTS DIVISION TECHNICAL GUIDANCE  
13 ON BEST PRACTICES FOR ENGAGING WITH SCHOOL DISTRICTS, LICENSED  
14 PERSONNEL, STUDENTS, AND FAMILIES IN A MANNER CONSISTENT WITH  
15 EDUCATIONAL NORMS AND STANDARDS. NOTWITHSTANDING SUBSECTION  
16 (5)(a) OF THIS SECTION, IN ORDER FOR THE DEPARTMENT TO TAILOR  
17 GUIDANCE AND BEST PRACTICES, THE CIVIL RIGHTS DIVISION SHALL,  
18 PURSUANT TO SECTION 24-34-1105, PROVIDE THE DEPARTMENT WITH DATA  
19 ABOUT DISCRIMINATORY EDUCATION PRACTICE CHARGES FILED WITH THE  
20 DIVISION.

21 (c) REFER STUDENTS, FAMILIES, OR OTHER INDIVIDUALS TO THE  
22 CIVIL RIGHTS DIVISION WHEN THE DEPARTMENT DETERMINES THAT A  
23 CONCERN RAISED MAY FALL WITHIN THE JURISDICTION OF THE DIVISION.  
24 THE REFERRALS MAY INCLUDE FACILITATING AN INTRODUCTION OR  
25 TRANSFER OF CONTACT INFORMATION TO SUPPORT ACCESS TO THE  
26 DIVISION'S COMPLAINT OR INTAKE PROCESSES.

27 (4) THE DEPARTMENT AND LIAISON SHALL NOT:

1 (a) EXERCISE SUPERVISORY, INVESTIGATORY, OR DECISION-MAKING  
2 AUTHORITY OVER THE CIVIL RIGHTS DIVISION;

3 (b) PARTICIPATE IN, REVIEW, INFLUENCE, OR APPROVE INDIVIDUAL  
4 COMPLAINTS INVESTIGATED BY; CASE FILES, INVESTIGATIONS, OR FINDINGS  
5 OF; OR ENFORCEMENT ACTIONS CONDUCTED BY, THE CIVIL RIGHTS  
6 DIVISION; OR

7 (c) ACT AS AN APPELLATE BODY, REVIEWER, OR SECONDARY  
8 DECISION-MAKER WITH RESPECT TO DETERMINATIONS MADE BY THE CIVIL  
9 RIGHTS DIVISION.

10 (5) (a) THE LIAISON SHALL NOT SERVE AS A CUSTODIAN OF  
11 RECORDS FOR THE CIVIL RIGHTS DIVISION. WHEN SHARING STUDENT OR  
12 EDUCATOR DATA, THE DEPARTMENT, LIAISON, AND DIVISION SHALL  
13 COMPLY WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY  
14 ACT OF 1974", 20 U.S.C. SEC. 1232g, AND APPLICABLE STATE LAW.

15 (b) THE DEPARTMENT'S ROLE AS DESCRIBED IN THIS SECTION IS  
16 ADVISORY ONLY. THIS SECTION DOES NOT CREATE LIABILITY FOR THE  
17 DEPARTMENT FOR THE ACTS OR OMISSIONS OF THE CIVIL RIGHTS DIVISION,  
18 INCLUDING THE CONDUCT, OUTCOME, OR RESOLUTION OF ANY  
19 INVESTIGATION OR ENFORCEMENT ACTION.

20 **SECTION 9.** In Colorado Revised Statutes, **add 23-5-151** as  
21 follows:

22 **23-5-151. Title VI compliance - coordinator required -**  
23 **definitions.**

24 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
25 REQUIRES:

26 (a) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" MEANS  
27 A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION

1 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION  
2 23-71-102; OR AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION  
3 23-60-103.

4 (b) "TITLE VI" MEANS TITLE VI OF THE FEDERAL "CIVIL RIGHTS  
5 ACT OF 1964", 42 U.S.C. SEC. 2000d ET SEQ.

6 (2) EACH INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH  
7 GRIEVANCE PROCEDURES FOR A PERSON TO FILE A COMPLAINT ALLEGING  
8 A VIOLATION OF TITLE VI. THE INSTITUTION SHALL MAKE THE GRIEVANCE  
9 PROCEDURES AVAILABLE ON A PUBLICLY ACCESSIBLE PAGE OF THE  
10 INSTITUTION'S WEBSITE AND, AT LEAST ANNUALLY, INFORM STUDENTS AND  
11 EMPLOYEES OF THE EXISTENCE OF THE GRIEVANCE PROCEDURES.

12 (3) (a) EACH INSTITUTION OF HIGHER EDUCATION SHALL  
13 DESIGNATE AN INDIVIDUAL TO SERVE AS THE TITLE VI COORDINATOR FOR  
14 THE INSTITUTION.

15 (b) EACH INSTITUTION SHALL DETERMINE THE TITLE VI  
16 COORDINATOR'S SPECIFIC DUTIES AND RESPONSIBILITIES, WHICH MUST  
17 INCLUDE THAT THE TITLE VI COORDINATOR IS RESPONSIBLE FOR:

18 (I) ENSURING THE INSTITUTION'S COMPLIANCE WITH THE  
19 REQUIREMENTS OF TITLE VI, INCLUDING RESPONDING TO COMPLAINTS OF  
20 DISCRIMINATION, INCLUDING ALLEGATIONS OF HARASSMENT;

21 (II) RESPONDING TO ALLEGATIONS OF HARASSMENT AND  
22 DISCRIMINATION THAT HAVE A DISPARATE IMPACT;

23 (III) ENFORCING THE INSTITUTION'S TITLE VI GRIEVANCE  
24 PROCEDURES, INCLUDING REVIEWING COMPLAINTS FILED UNDER THE  
25 PROCEDURES;

26 (IV) TRACKING COMPLAINTS TO IDENTIFY INSTITUTIONAL ISSUES  
27 RELATED TO TITLE VI COMPLIANCE; AND

1 (V) AGGREGATING DATA ABOUT ALLEGED VIOLATIONS OF TITLE VI  
2 AT THE INSTITUTION AND MAKING THE DATA PUBLICLY AVAILABLE. THE  
3 DATA MUST NOT INCLUDE PERSONALLY IDENTIFYING INFORMATION ABOUT  
4 A PERSON.

5 (4) THE TITLE VI COORDINATOR SHALL PROVIDE TRAINING TO THE  
6 INSTITUTION'S EMPLOYEES ABOUT TITLE VI COMPLIANCE.

7 **SECTION 10. Act subject to petition - effective date -**  
8 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
9 the expiration of the ninety-day period after final adjournment of the  
10 general assembly (August 12, 2026, if adjournment sine die is on May 13,  
11 2026); except that, if a referendum petition is filed pursuant to section 1  
12 (3) of article V of the state constitution against this act or an item, section,  
13 or part of this act within such period, then the act, item, section, or part  
14 will not take effect unless approved by the people at the general election  
15 to be held in November 2026 and, in such case, will take effect on the date  
16 of the official declaration of the vote thereon by the governor.

17 (2) This act applies to discriminatory education practices  
18 committed on or after the applicable effective date of this act.