

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 26, 2026
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB26-1141 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 3, strike lines 12 through 23 and substitute:
2 "(4) (a) "HARASS" OR "HARASSMENT" MEANS TO ENGAGE IN, OR
3 THE ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL
4 CONDUCT OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION
5 DIRECTED AT AN INDIVIDUAL OR GROUP OF INDIVIDUALS BECAUSE OF THAT
6 INDIVIDUAL'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED MEMBERSHIP IN,
7 A PROTECTED CLASS LISTED IN SECTION 24-34-1102 (1)(a), WHICH
8 CONDUCT OR COMMUNICATION IS SUBJECTIVELY OFFENSIVE TO THE
9 INDIVIDUAL ALLEGING HARASSMENT AND IS OBJECTIVELY OFFENSIVE TO
10 A REASONABLE INDIVIDUAL WHO IS A MEMBER OF THE SAME PROTECTED
11 CLASS. THE CONDUCT OR COMMUNICATION NEED NOT BE SEVERE OR
12 PERVASIVE TO CONSTITUTE HARASSMENT AND CONSTITUTES HARASSMENT
13 IF:
14 (I) SUBMISSION TO THE CONDUCT OR COMMUNICATION IS
15 EXPLICITLY OR IMPLICITLY MADE A TERM OR CONDITION OF THE
16 INDIVIDUAL'S ACCESS TO AN EDUCATIONAL SERVICE, OPPORTUNITY, OR
17 BENEFIT;
18 (II) SUBMISSION TO, OBJECTION TO, OR REJECTION OF THE
19 CONDUCT OR COMMUNICATION IS USED OR EXPLICITLY OR IMPLICITLY
20 THREATENED TO BE USED AS A BASIS FOR EDUCATIONAL DECISIONS
21 AFFECTING THE INDIVIDUAL; OR
22 (III) THE CONDUCT OR COMMUNICATION HAS THE PURPOSE OR
23 EFFECT OF UNREASONABLY INTERFERING WITH THE INDIVIDUAL'S ACCESS
24 TO THEIR EDUCATIONAL SERVICE, OPPORTUNITY, OR BENEFIT OR CREATING
25 AN INTIMIDATING, HOSTILE, OR OFFENSIVE EDUCATIONAL ENVIRONMENT.
26 (b) PETTY SLIGHTS, MINOR ANNOYANCES, AND LACK OF GOOD
27 MANNERS DO NOT CONSTITUTE HARASSMENT UNLESS THE SLIGHTS,
28 ANNOYANCES, OR LACK OF MANNERS, WHEN TAKEN IN COMBINATION AND

1 UNDER THE TOTALITY OF THE CIRCUMSTANCES, MEET THE STANDARD SET
2 FORTH IN SUBSECTION (4)(a) OF THIS SECTION.
3 (c) WHETHER CONDUCT CONSTITUTES HARASSMENT IS JUDGED
4 UNDER THE TOTALITY OF THE CIRCUMSTANCES, WHICH MAY INCLUDE, BUT
5 IS NOT LIMITED TO:
6 (I) THE FREQUENCY OF THE CONDUCT OR COMMUNICATION,
7 RECOGNIZING THAT A SINGLE INCIDENT MAY RISE TO THE LEVEL OF
8 HARASSMENT;
9 (II) THE NUMBER OF INDIVIDUALS ENGAGED IN THE CONDUCT OR
10 COMMUNICATION;
11 (III) THE TYPE OR NATURE OF THE CONDUCT OR COMMUNICATION;
12 (IV) THE DURATION OF THE CONDUCT OR COMMUNICATION;
13 (V) THE LOCATION WHERE THE CONDUCT OR COMMUNICATION
14 OCCURRED;
15 (VI) WHETHER THE CONDUCT OR COMMUNICATION IS
16 THREATENING;
17 (VII) WHETHER ANY POWER DIFFERENTIAL EXISTS BETWEEN THE
18 INDIVIDUAL ALLEGED TO HAVE ENGAGED IN HARASSMENT AND THE
19 INDIVIDUAL ALLEGING THE HARASSMENT;
20 (VIII) ANY USE OF EPITHETS, SLURS, OR OTHER CONDUCT OR
21 COMMUNICATION THAT IS HUMILIATING OR DEGRADING;
22 (IX) WHETHER THE CONDUCT OR COMMUNICATION REFLECTS
23 STEREOTYPES ABOUT AN INDIVIDUAL OR GROUP OF INDIVIDUALS IN A
24 PROTECTED CLASS; OR
25 (X) WHETHER THE CONDUCT INCLUDES AN ACT OF PHYSICAL
26 VIOLENCE."

27 Page 4, line 13, strike "OR AN EMPLOYEE OF A PUBLIC SCHOOL".

28 Page 5, line 5, strike "DISPROPORTIONATELY ADVERSE EFFECT" and
29 substitute "DISPARATE IMPACT".

30 Page 5, strike lines 9 and 10 and substitute:

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

34 Page 5, strike lines 24 through 26 and substitute:

35 "(1) (a) AN INDIVIDUAL CLAIMING TO BE AGGRIEVED BY A
36 VIOLATION OF SECTION 24-34-1102 MAY, BY ONESELF OR THROUGH THE
37 PERSON'S ATTORNEY, MAKE, SIGN, AND FILE WITH THE DIVISION A VERIFIED
38 WRITTEN CHARGE STATING THE NAME AND ADDRESS OF THE RESPONDENT
39 ALLEGED TO HAVE COMMITTED THE DISCRIMINATORY EDUCATION

1 PRACTICE, SETTING FORTH THE PARTICULARS OF THE ALLEGED
2 DISCRIMINATORY PRACTICE, AND CONTAINING ANY OTHER INFORMATION
3 REQUIRED BY THE DIVISION."

4 Page 5, line 27, strike "PRACTICE."

5 Page 7, line 15, after the period, add "THE CHARGE MUST BE FILED IN THE
6 SAME MANNER AND CONTAIN THE SAME INFORMATION AS REQUIRED FOR
7 A CHARGE FILED BY AN INDIVIDUAL PURSUANT TO SUBSECTION (1)(a) OF
8 THIS SECTION. WHEN THE COMMISSION, A COMMISSIONER, OR THE
9 ATTORNEY GENERAL FILES A CHARGE PURSUANT TO THIS SUBSECTION
10 (1)(b), THE REMEDY AVAILABLE FOR THE DISCRIMINATORY EDUCATION
11 PRACTICE IS LIMITED TO EQUITABLE RELIEF TO ELIMINATE THE
12 DISCRIMINATORY PRACTICE."

13 Page 8, line 5, strike "MEDIATION," and substitute "MEDIATION AND THE
14 DIVISION HAS DETERMINED IT HAS JURISDICTION OVER THE CLAIM,".

15 Page 8, strike lines 16 through 20 and substitute:

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

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

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

29 Page 8, line 27, before "THE" insert "A PERSON AGGRIEVED BY A
30 VIOLATION OF SECTION 24-34-1102 (1) MAY BRING AN ACTION IN A COURT
31 OF COMPETENT JURISDICTION."

32 Page 9, after line 2, insert:

33 "(6) **County court jurisdiction.** THE COUNTY COURT IN THE
34 COUNTY WHERE THE DISCRIMINATORY EDUCATION PRACTICE OCCURRED
35 HAS JURISDICTION IN A CIVIL ACTION BROUGHT PURSUANT TO THIS PART
36 11 TO RECOVER DAMAGES TO THE EXTENT OF THE JURISDICTION OF THE
37 COUNTY COURT TO RECOVER A MONEY DEMAND IN OTHER ACTIONS.

1 EITHER PARTY HAS THE RIGHT TO HAVE THE CAUSE TRIED BY JURY AND TO
2 APPEAL FROM THE JUDGMENT OF THE COURT IN THE SAME MANNER AS IN
3 OTHER CIVIL SUITS."

4 Page 9, line 3, strike "**commission.**" and substitute "**division.**".

5 Page 9, strike lines 12 through 18 and substitute:

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

13 (b) THE DIVISION MAY, AND THE GENERAL ASSEMBLY
14 ENCOURAGES THE DIVISION TO, CONTRACT WITH UNPAID VOLUNTEERS
15 WHO HAVE EXPERTISE IN THE FIELD OF DISCRIMINATION IN EDUCATIONAL
16 SETTINGS TO ASSIST THE DIVISION WITH MONITORING.

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

23 Page 13, after line 1, insert:

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

26 **24-34-600.3. Definitions.**

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

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

32 (IX) An educational institution OTHER THAN A PUBLIC SCHOOL, AS
33 DEFINED IN SECTION 24-34-1101; or".

34 Renumber succeeding sections accordingly.

35 Page 13, line 11, after "(1)(a)" insert "and (1)(b)".

1 Page 13, after line 20, insert:

2 "(b) An individual with a disability, as defined in section
3 24-34-301, must not, by reason of the individual's disability, be excluded
4 from participation in or be denied the benefits of services, programs, or
5 activities provided by a place of public accommodation, as defined in
6 section 24-34-600.3 (1); A PUBLIC SCHOOL, AS DEFINED IN SECTION
7 24-34-1101, a public entity, as defined in section 24-34-301; or a state
8 agency, as defined in section 24-37.5-102, or be subjected to
9 discrimination by any ~~such~~ place of public accommodation, PUBLIC
10 SCHOOL, public entity, or state agency."

11 Strike "COMMISSION" and substitute "DIVISION" on: **Page 9**, lines 6 and
12 10.

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