

CHAPTER 296

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 26-1141

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also SENATOR(S) Kolker and Marchman, Benavidez, Cutter, Danielson, Exum, Gonzales J., Jodeh, Kipp, Mullica, Wallace, Coleman.

AN ACT**CONCERNING CIVIL RIGHTS VIOLATIONS INVOLVING DISCRIMINATORY PRACTICES IN PUBLIC SCHOOLS.**

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

SECTION 1. In Colorado Revised Statutes, 24-34-601, **add** (2)(c) as follows:

24-34-601. Discrimination in places of public accommodation.

(2) (c) (I) AN EDUCATIONAL INSTITUTION, INCLUDING AN ELEMENTARY OR SECONDARY SCHOOL AND AN INSTITUTION OF HIGHER EDUCATION, DENIES A PERSON THE FULL AND EQUAL ENJOYMENT OF A PLACE OF PUBLIC ACCOMMODATION WHEN THE EDUCATIONAL INSTITUTION:

(A) ON THE BASIS OF ONE OR MORE OF THE PROTECTED CLASSES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, EXCLUDES A STUDENT FROM PARTICIPATION IN, DENIES A STUDENT THE BENEFITS OF, OR OTHERWISE SUBJECTS A STUDENT TO DISCRIMINATION IN ANY OF THE EDUCATIONAL INSTITUTION'S PROGRAMS OR ACTIVITIES;

(B) WITHOUT A LEGITIMATE, NONDISCRIMINATORY, NONPRETEXTUAL BASIS, AND BASED ON ONE OR MORE OF THE PROTECTED CLASSES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, DENIES EDUCATIONAL SERVICES, BENEFITS, OR OPPORTUNITIES TO A STUDENT OR GROUP OF STUDENTS BY TREATING THEM DIFFERENTLY FROM A SIMILARLY SITUATED STUDENT WHO IS, OR GROUP OF STUDENTS WHO ARE, PART OF A DIFFERENT SUBGROUP OF STUDENTS WITHIN THE SAME PROTECTED CLASS; OR

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.

(C) HAS ACTUAL NOTICE THAT A HOSTILE ENVIRONMENT BASED ON ONE OR MORE OF THE PROTECTED CLASSES DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION EXISTS AT THE EDUCATIONAL INSTITUTION BUT FAILS TO TAKE PROMPT AND EFFECTIVE STEPS REASONABLY CALCULATED TO ELIMINATE THE HOSTILE ENVIRONMENT, END THE HARASSMENT THAT GAVE RISE TO THE HOSTILE ENVIRONMENT, AND PREVENT THE HARASSMENT FROM RECURRING.

(II) IN INTERPRETING THE STANDARDS IN SUBSECTION (2)(c)(I) OF THIS SECTION, THE DIVISION AND THE COMMISSION MAY CONSIDER FEDERAL NONDISCRIMINATION LAW AS PERSUASIVE BUT NONBINDING AUTHORITY. STATE LAW GOVERNS IN THE CASE OF A CONFLICT BETWEEN APPLICABLE STATE AND FEDERAL LAW.

(III) THE COMMISSION MAY ADOPT RULES SPECIFIC TO COMPLAINTS OF DISCRIMINATION INVOLVING EDUCATIONAL INSTITUTIONS.

SECTION 2. In Colorado Revised Statutes, 22-1-143, **amend** (1)(d)(I) introductory portion as follows:

22-1-143. Harassment or discrimination - policy required - training and notification - legislative declaration - definitions.

(1) As used in this section, unless the context otherwise requires:

(d) (I) "Harassment or discrimination" means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class based on disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, PREGNANCY, PARENTAL STATUS, religion, age, national origin, or ancestry, which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class. The conduct or communication need not be severe or pervasive to constitute harassment or discrimination and constitutes harassment or discrimination if:

SECTION 3. In Colorado Revised Statutes, **add** 23-5-152 as follows:

23-5-152. Title VI compliance - coordinator required - definitions.

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

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

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

(2) EACH INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH GRIEVANCE PROCEDURES FOR A PERSON TO FILE A COMPLAINT ALLEGING A VIOLATION OF TITLE

VI. THE INSTITUTION SHALL MAKE THE GRIEVANCE PROCEDURES AVAILABLE ON A PUBLICLY ACCESSIBLE PAGE OF THE INSTITUTION'S WEBSITE AND, AT LEAST ANNUALLY, INFORM STUDENTS AND EMPLOYEES OF THE EXISTENCE OF THE GRIEVANCE PROCEDURES.

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

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

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

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

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

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

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

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

SECTION 4. 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 12, 2026, if adjournment sine die is on May 13, 2026); 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 2026 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 discriminatory practices committed on or after the applicable effective date of this act.

Approved: June 1, 2026