

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

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 20-0884.01 Christy Chase x2008

**HOUSE BILL 20-1048**

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**A BILL FOR AN ACT**

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

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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 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.

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

SENATE  
3rd Reading Unamended  
February 28, 2020

SENATE  
2nd Reading Unamended  
February 27, 2020

HOUSE  
3rd Reading Unamended  
February 12, 2020

HOUSE  
Amended 2nd Reading  
February 10, 2020

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

2 **SECTION 1. Short title.** The short title of this act is the  
3 "Creating a Respectful and Open World for Natural Hair Act of 2020" or  
4 the "CROWN Act of 2020".

5 **SECTION 2. Legislative declaration.** (1) The general assembly  
6 finds and declares that:

7 (a) Throughout the history of the United States, society has used  
8 hair texture, hair type, and protective hairstyles, in conjunction with skin  
9 color, to classify people on the basis of race;

10 (b) Like skin color, a person's hair has served as a basis of race  
11 discrimination;

12 (c) Racial discrimination can and does occur because of  
13 longstanding racial biases and stereotypes associated with hair texture,  
14 hair type, and protective hairstyles;

15 (d) For example, routinely, people of African descent are deprived  
16 of educational and employment opportunities because they are adorned  
17 with natural or protective hairstyles in which hair is tightly coiled or  
18 tightly curled or worn in locs, cornrows, twists, braids, Bantu knots, or  
19 Afros;

20 (e) Racial discrimination is reflected in school and workplace  
21 policies and practices that bar natural or protective hairstyles commonly  
22 worn by people of African descent, as well as people of Jewish, Latinx,  
23 or Native American descent;

24 (f) The state should acknowledge that people who have hair  
25 texture or wear a hairstyle that is historically and contemporarily  
26 associated with persons of African, Jewish, Latinx, or Native American

1 descent systematically suffer harmful discrimination in schools,  
2 workplaces, and other contexts based upon longstanding race stereotypes  
3 and biases;

4 (g) A clear and comprehensive law should address the systematic  
5 deprivation of educational, employment, and other opportunities on the  
6 basis of hair texture, hair type, and protective hairstyles that are  
7 commonly associated with race;

8 (h) Clear, consistent, and enforceable legal standards must be  
9 provided to redress the widespread incidences of race discrimination  
10 based upon hair texture, hair type, and protective hairstyles in schools,  
11 workplaces, housing, places of public accommodations, and other  
12 contexts;

13 (i) It is necessary to prevent educational, employment, and other  
14 decisions, practices, and policies generated by or reflecting negative  
15 biases and stereotypes related to race;

16 (j) The state must play a key role in enforcing state  
17 antidiscrimination laws, including the standards established under the  
18 "CROWN Act of 2020", in a way that secures equal educational,  
19 employment, and other opportunities for all people regardless of their race  
20 and protects against race discrimination based on hair texture, hair type,  
21 and protective hairstyles; and

22 (k) It is necessary to prohibit and provide remedies for the harms  
23 suffered as a result of race discrimination on the basis of hair texture, hair  
24 type, and protective hairstyles.

25 **SECTION 3.** In Colorado Revised Statutes, 22-2-117, **amend**  
26 (1)(b)(VIII) and (1)(b)(IX); and **add** (1)(b)(X) as follows:

27 **22-2-117. Additional power - state board - waiver of**

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

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

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

7 (X) ANY PROVISION OF SECTION 22-30.5-104 (3), 22-30.5-507 (3),  
8 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), OR 22-63-206 (1)  
9 RELATING TO DISCRIMINATION BASED ON HAIR TEXTURE, HAIR TYPE, OR A  
10 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
11 ASSOCIATED WITH RACE.

12 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-104, **amend**  
13 (3), (6)(c)(VII), and (6)(c)(VIII); and **add** (6)(c)(IX) as follows:

14 **22-30.5-104. Charter school - requirements - authority - rules**  
15 **- definitions.** (3) (a) A charter school ~~shall be~~ IS subject to all federal and  
16 state laws and constitutional provisions prohibiting discrimination on the  
17 basis of disability, race, creed, color, sex, sexual orientation, national  
18 origin, religion, ancestry, or need for special education services. A charter  
19 school ~~shall be~~ IS subject to any court-ordered desegregation plan in effect  
20 for the chartering school district. Enrollment in a charter school must be  
21 open to any child who resides within the school district; except that ~~no~~ A  
22 charter school ~~shall be~~ IS NOT required to make alterations in the structure  
23 of the facility used by the charter school or to make alterations to the  
24 arrangement or function of rooms within the facility, except as may be  
25 required by state or federal law. Enrollment decisions shall be made in a  
26 nondiscriminatory manner specified by the charter school applicant in the  
27 charter school application.

1 (b) FOR PURPOSES OF THIS SUBSECTION (3):

2 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
3 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
4 AFROS, AND HEADWRAPS.

5 (II) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, OR A  
6 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
7 ASSOCIATED WITH RACE.

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

13 (VII) Any provisions of section 22-1-130 relating to notification  
14 to parents of alleged criminal conduct by charter school employees; ~~or~~

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

17 (IX) SUBSECTION (3) OF THIS SECTION AND SECTIONS 22-32-110  
18 (1)(k) AND 22-63-206 (1) RELATING TO DISCRIMINATION BASED ON HAIR  
19 TEXTURE, HAIR TYPE, OR A PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR  
20 HISTORICALLY ASSOCIATED WITH RACE.

21 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-507, **amend**  
22 (3), (7)(b)(VII), and (7)(b)(VIII); and **add** (7)(b)(IX) as follows:

23 **22-30.5-507. Institute charter school - requirements -**  
24 **authority - rules - definitions.** (3) (a) An institute charter school ~~shall~~  
25 ~~be~~ IS subject to all federal and state laws and constitutional provisions  
26 prohibiting discrimination on the basis of disability, race, creed, color,  
27 sex, sexual orientation, national origin, religion, ancestry, or need for

1 special education services. Enrollment in an institute charter school ~~shall~~  
2 MUST be open to any child who resides within the state; except that an  
3 institute charter school ~~shall not be~~ IS NOT required to make alterations in  
4 the structure of the facility used by the institute charter school or to make  
5 alterations to the arrangement or function of rooms within the facility,  
6 except as may be required by state or federal law. Enrollment decisions  
7 shall be made in a nondiscriminatory manner specified by the applicant  
8 in the institute charter school application.

9 (b) FOR PURPOSES OF THIS SUBSECTION (3):

10 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
11 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
12 AFROS, AND HEADWRAPS.

13 (II) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, OR A  
14 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
15 ASSOCIATED WITH RACE.

16 (7) (b) An institute charter school may apply to the state board,  
17 through the institute, for a waiver of state statutes and state rules that are  
18 not automatic waivers. The state board may waive state statutory  
19 requirements or rules promulgated by the state board; except that the state  
20 board may not waive any statute or rule relating to:

21 (VII) Any provisions of section 22-1-130 relating to notification  
22 to parents of alleged criminal conduct by institute charter school  
23 employees; ~~or~~

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

26 (IX) SUBSECTION (3) OF THIS SECTION AND SECTIONS 22-32-110  
27 (1)(k) AND 22-63-206 (1) RELATING TO DISCRIMINATION BASED ON HAIR

1 TEXTURE, HAIR TYPE, OR A PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR  
2 HISTORICALLY ASSOCIATED WITH RACE.

3 SECTION 6. In Colorado Revised Statutes, 22-32-109, amend  
4 (1) introductory portion and (1)(II) as follows:

5 22-32-109. Board of education - specific duties - definitions.

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

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

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

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

19 (H) (C) Enrollment decisions shall be made in a  
20 nondiscriminatory manner.

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

22 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
23 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTUKNOTS,  
24 AFROS, AND HEADWRAPS.

25 (B) "RACE" INCLUDES HAIR TEXTURE, HAIR TYPE, OR A  
26 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
27 ASSOCIATED WITH RACE.

1           **SECTION 7.** In Colorado Revised Statutes, 22-32-110, **amend**  
2 (1) introductory portion and (1)(k) as follows:

3           **22-32-110. Board of education - specific powers - definitions.**

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

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

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

16           (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
17 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
18 AFROS, AND HEADWRAPS.

19           (B) "RACIAL OR ETHNIC BACKGROUND" INCLUDES [REDACTED] HAIR  
20 TEXTURE, HAIR TYPE, OR A PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR  
21 HISTORICALLY ASSOCIATED WITH RACE.

22           **SECTION 8.** In Colorado Revised Statutes, 22-38-104, **amend**  
23 (1)(d) as follows:

24           **22-38-104. Pilot schools - requirements - authority -**  
25 **definitions.** (1) The state board may provide for the establishment and  
26 operation of not more than one full-time residential pilot school and not  
27 more than three year-round nonresidential pilot schools pursuant to the

1 following provisions:

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

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

9 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
10 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
11 AFROS, AND HEADWRAPS.

12 (B) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, OR A  
13 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
14 ASSOCIATED WITH RACE.

15 **SECTION 9.** In Colorado Revised Statutes, 22-63-206, **amend**  
16 (1) as follows:

17 **22-63-206. Transfer - compensation - definitions.** (1) (a) A  
18 teacher may be transferred upon the recommendation of the chief  
19 administrative officer of a school district from one school, position, or  
20 grade level to another within the school district, if ~~such~~ THE transfer does  
21 not result in the assignment of the teacher to a position of employment for  
22 which ~~he or she~~ THE TEACHER is not qualified by virtue of academic  
23 preparation and certification and if, during the then current school year,  
24 the amount of salary of ~~such~~ THE teacher is not reduced except as  
25 otherwise provided in subsections (2) and (3) of this section. There shall  
26 be no discrimination shown toward any teacher in the assignment or  
27 transfer of that teacher to a school, position, or grade because of sex,

1 sexual orientation, marital status, race, creed, color, religion, national  
2 origin, ancestry, or membership or nonmembership in any group or  
3 organization.

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

5 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
6 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
7 AFROS, AND HEADWRAPS.

8 (II) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, OR A  
9 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
10 ASSOCIATED WITH RACE.

11 **SECTION 10.** In Colorado Revised Statutes, 24-34-301, **amend**  
12 the introductory portion and (5.3); and **add** (5.1) and (5.8) as follows:

13 **24-34-301. Definitions.** As used in parts 3 to 8 of this article  
14 ARTICLE 34, unless the context otherwise requires:

15 (5.1) "PLACE OF PUBLIC ACCOMMODATION" OR "PUBLIC  
16 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF  
17 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.  
18 SEC. 12181 (7), AND ITS RELATED AMENDMENTS AND IMPLEMENTING  
19 REGULATIONS.

20 (5.3) ~~"Place of public accommodation" or "public~~  
21 ~~accommodation" has the same meaning as set forth in Title III of the~~  
22 ~~federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181~~  
23 ~~(7), and its related amendments and implementing regulations~~

24 "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS BRAIDS, LOCS,  
25 TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS, AFROS, AND  
26 HEADWRAPS.

27 (5.8) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, OR A

1 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
2 ASSOCIATED WITH RACE.

3 SECTION 11. In Colorado Revised Statutes, 24-50-112.5,  
4 amend (1)(b) as follows:

5 24-50-112.5. Selection system - definitions.

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

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

13 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS  
14 BRAIDS, LOCS, TWISTS, TIGHT COILS OR CURLS, CORNROWS, BANTU KNOTS,  
15 AFROS, AND HEADWRAPS.

16 (B) "RACE" INCLUDES [REDACTED] HAIR TEXTURE, HAIR TYPE, [REDACTED] OR A  
17 PROTECTIVE HAIRSTYLE THAT IS COMMONLY OR HISTORICALLY  
18 ASSOCIATED WITH RACE.

19 SECTION 12. In Colorado Revised Statutes, 22-32-109.1,  
20 amend (1)(b) as follows:

21 22-32-109.1. Board of education - specific powers and duties  
22 - safe school plan - conduct and discipline code - safe school reporting  
23 requirements - school response framework - school resource officers  
24 - definitions - repeal. (1) Definitions. As used in this section, unless the  
25 context otherwise requires:

26 (b) "Bullying" means any written or ~~verbal~~ ORAL expression, or  
27 physical or electronic act or gesture, or a pattern thereof, that is intended

1 to coerce, intimidate, or cause any physical, mental, or emotional harm to  
2 any student. Bullying is prohibited against any student for any reason,  
3 including but not limited to any such behavior that is directed toward a  
4 student on the basis of ~~his or her~~ THE STUDENT'S academic performance  
5 or against whom federal and state laws prohibit discrimination upon any  
6 of the bases described in section ~~22-32-109 (1)(H)(I)~~ 22-32-109  
7 (1)(II)(I)(A). This definition is not intended to infringe upon any right  
8 guaranteed to any person by the first amendment to the United States  
9 constitution or to prevent the expression of any religious, political, or  
10 philosophical views.

11 **SECTION 13. Act subject to petition - effective date -**  
12 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
13 the expiration of the ninety-day period after final adjournment of the  
14 general assembly (August 5, 2020, if adjournment sine die is on May 6,  
15 2020); except that, if a referendum petition is filed pursuant to section 1  
16 (3) of article V of the state constitution against this act or an item, section,  
17 or part of this act within such period, then the act, item, section, or part  
18 will not take effect unless approved by the people at the general election  
19 to be held in November 2020 and, in such case, will take effect on the  
20 date of the official declaration of the vote thereon by the governor.

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