

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-1030.01 Chelsea Princell x4335

HOUSE BILL 24-1323

HOUSE SPONSORSHIP

Velasco and Hernandez,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE MANNER OF DRESS DURING SCHOOL GRADUATION
102 CEREMONIES.

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 allows a preschool, public school, or public college or university student to wear objects of cultural or religious significance as an adornment at a graduation ceremony.

The bill prohibits a preschool, public school, or public college or university from restricting what a student may wear under the student's required graduation attire.

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.

The bill allows a preschool, public school, or public college or university to prohibit a student from wearing or displaying an adornment that is likely to cause substantial disruption of, or material interference with, a graduation ceremony, but the prohibition must be the least restrictive means necessary to accomplish a specifically identified important government interest.

Prior to the start of the 2024-25 school year, the bill requires a preschool, public school, and public college or university to develop and adopt a policy that aligns with the requirements of the bill.

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

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

4 **22-1-142.5. Wearing cultural or religious objects at public**
5 **school graduation ceremonies - definitions.** (1) AS USED IN THIS
6 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
8 WITH, BUT NOT REPLACING, GRADUATION ATTIRE, AND IS NOT LIMITED TO
9 DECORATING GRADUATION CAPS.

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

18 (c) "GRADUATION ATTIRE" MEANS ATTIRE THAT A PUBLIC SCHOOL,
19 SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF
20 COOPERATIVE SERVICES REQUIRES A STUDENT TO WEAR AS PART OF THE

1 DRESS CODE FOR A GRADUATION CEREMONY.

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

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

8 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
9 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
10 GRADUATION CEREMONY.

11 (3) A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL
12 INSTITUTE, OR BOARD OF COOPERATIVE SERVICES SHALL NOT IMPOSE
13 RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S
14 REQUIRED GRADUATION ATTIRE.

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

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

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

25 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

26 (5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A
27 PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR

1 BOARD OF COOPERATIVE SERVICES SHALL DEVELOP AND ADOPT A POLICY
2 THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

3 (6) THIS SECTION APPLIES TO ALL PUBLIC SCHOOL GRADUATIONS,
4 INCLUDING, BUT NOT LIMITED TO, KINDERGARTEN, ELEMENTARY SCHOOL,
5 MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, AND HIGH SCHOOL GRADUATIONS.

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

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

11 **22-2-117. Additional power - state board - waiver of**
12 **requirements - rules.** (1) (b) The state board shall not waive any of the
13 requirements specified in any of the following statutory provisions:

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

16 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
17 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)
18 relating to discrimination based on hair texture, hair type, or a protective
19 hairstyle that is commonly or historically associated with race; OR

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

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

24 **22-30.5-104. Charter school - requirements - authority - rules**
25 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
26 apply to the state board for a waiver of a state statute or state rule that is
27 not an automatic waiver. Notwithstanding any provision of this

1 subsection (6) to the contrary, the state board may not waive any statute
2 or rule relating to:

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

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

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

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

13 **22-30.5-507. Institute charter school - requirements -**
14 **authority - rules - definitions.** (7) (b) An institute charter school may
15 apply to the state board, through the institute, for a waiver of state statutes
16 and state rules that are not automatic waivers. The state board may waive
17 state statutory requirements or rules promulgated by the state board;
18 except that the state board may not waive any statute or rule relating to:

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

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

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

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

1 follows:

2 **23-1-137.7. Wearing cultural or religious objects at college**
3 **graduation ceremonies - definitions.** (1) AS USED IN THIS SECTION,
4 UNLESS THE CONTEXT OTHERWISE REQUIRES:

5 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
6 WITH, BUT NOT REPLACING, GRADUATION ATTIRE, AND IS NOT LIMITED TO
7 DECORATING GRADUATION CAPS.

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

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

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

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

25 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
26 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
27 GRADUATION CEREMONY.

1 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT
2 IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE
3 STUDENT'S REQUIRED GRADUATION ATTIRE.

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

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

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

12 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

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

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

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

21 **SECTION 6.** In Colorado Revised Statutes, **add** 26.5-1-115 as
22 follows:

23 **26.5-1-115. Wearing cultural or religious objects at preschool**
24 **graduation ceremonies - definitions.** (1) AS USED IN THIS SECTION,
25 UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
27 WITH, BUT NOT REPLACING, GRADUATION ATTIRE, AND IS NOT LIMITED TO

1 DECORATING GRADUATION CAPS.

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

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

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

15 (2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR
16 RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S
17 GRADUATION CEREMONY.

18 (3) A PRESCHOOL SHALL NOT IMPOSE RESTRICTIONS ON WHAT A
19 STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION
20 ATTIRE.

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

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

27 (I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON

1 AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND

2 (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

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

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

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

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