A BILL FOR AN ACT

CONCERNING THE MANNER OF DRESS DURING SCHOOL GRADUATION 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.

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

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

22-1-142.5. Wearing cultural or religious objects at public school graduation ceremonies - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Adornment" means something attached to, or worn with, but not replacing or covering in its entirety, graduation attire, and is not limited to decorating graduation caps.

(b) "Cultural" means a recognized practice or tradition of a certain group of people and includes only a protected class based on disability, race, ethnicity, creed, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, or ancestry. "Cultural" does not include objects related to tribal regalia as defined in section 22-1-142, incitement, defamation, fraud, obscenity, child pornography, fighting words, and threats.

(c) "Graduation attire" means attire that a public school, school district, charter school institute, or board of cooperative services requires a student to wear as part of the
DRESS CODE FOR A GRADUATION CEREMONY.

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

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

(2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT'S GRADUATION CEREMONY. AN ADORNMENT WORN BY A STUDENT MUST COMPLY WITH THE PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(3) A PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE SERVICES SHALL NOT IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT'S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PUBLIC SCHOOL'S, SCHOOL DISTRICT'S, CHARTER SCHOOL INSTITUTE'S, OR BOARD OF COOPERATIVE SERVICES' DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT'S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

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

(b) A PROHIBITION IMPOSED BY A PUBLIC SCHOOL, SCHOOL
DISTRICT, CHARTER SCHOOL INSTITUTE, OR BOARD OF COOPERATIVE
SERVICES PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION MUST BE:
(I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON
AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND
(II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

(5) ON OR BEFORE THE START OF THE 2024-25 SCHOOL YEAR, A
PUBLIC SCHOOL, SCHOOL DISTRICT, CHARTER SCHOOL INSTITUTE, OR
BOARD OF COOPERATIVE SERVICES SHALL DEVELOP AND ADOPT A POLICY
THAT ALIGNS WITH THE REQUIREMENTS OF THIS SECTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. In Colorado Revised Statutes, add 23-1-137.7 as follows:

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

(a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

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

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

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

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

(2) A STUDENT MAY WEAR RECOGNIZED OBJECTS OF CULTURAL OR RELIGIOUS SIGNIFICANCE AS AN ADORNMENT DURING THE STUDENT’S GRADUATION CEREMONY. IF A PUBLIC INSTITUTION OF HIGHER EDUCATION HAS A DRESS CODE POLICY, AN ADORNMENT WORN BY A STUDENT MUST COMPLY WITH THE PUBLIC INSTITUTION OF HIGHER EDUCATION’S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT’S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

(3) A PUBLIC INSTITUTION OF HIGHER EDUCATION SHALL NOT IMPOSE RESTRICTIONS ON WHAT A STUDENT MAY WEAR UNDER THE STUDENT’S REQUIRED GRADUATION ATTIRE BEYOND WHAT IS REQUIRED BY A PUBLIC INSTITUTION OF HIGHER EDUCATION’S DRESS CODE POLICY, AS LONG AS THE DRESS CODE POLICY DOES NOT INFRINGE UPON A STUDENT’S GENDER EXPRESSION, AS DEFINED IN SECTION 24-34-301, GENDER IDENTITY, RELIGION, OR CULTURE.

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

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

   (I) BASED ON EVIDENCE OF DISRUPTION RATHER THAN RELYING ON
   AN UNDIFFERENTIATED FEAR OR APPREHENSION OF DISTURBANCE; AND
   
   (II) BY THE LEAST RESTRICTIVE MEANS NECESSARY.

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

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

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

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

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

   (a) "ADORNMENT" MEANS SOMETHING ATTACHED TO, OR WORN
WITH, BUT NOT REPLACING OR COVERING IN ITS ENTIRETY, GRADUATION
ATTIRE, AND IS NOT LIMITED TO DECORATING GRADUATION CAPS.

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

(c) "Graduation attire" means attire that a preschool requires a student to wear as part of the dress code for a graduation ceremony.

(d) "Student" means an individual participating in the graduation ceremony as a graduate.

(2) A student may wear recognized objects of cultural or religious significance as an adornment during the student's graduation ceremony. An adornment worn by a student must comply with the preschool's dress code policy, as long as the dress code policy does not infringe upon a student's gender expression, as defined in section 24-34-301, gender identity, religion, or culture.

(3) A preschool shall not impose restrictions on what a student may wear under the student's required graduation attire beyond what is required by a preschool's dress code policy, as long as the dress code policy does not infringe upon a student's gender expression, as defined in section 24-34-301, gender identity, religion, or culture.

(4) (a) This section does not limit a preschool's ability to prohibit an adornment that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.

(b) A prohibition imposed by a preschool pursuant to subsection (4)(a) of this section must be:

(i) Based on evidence of disruption rather than relying on an undifferentiated fear or apprehension of disturbance; and
(II) **BY THE LEAST RESTRICTIVE MEANS NECESSARY.**

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

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

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

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