

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

INTRODUCED

LLS NO. 26-0291.02 Conrad Imel x2313

HOUSE BILL 26-1141

HOUSE SPONSORSHIP

Bacon,

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Kolker and Michaelson Jenet,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CIVIL RIGHTS VIOLATIONS INVOLVING DISCRIMINATORY**
102 **PRACTICES IN PUBLIC SCHOOLS.**

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 makes it a discriminatory education practice and unlawful for a public school, including a public school that enrolls students in any of grades kindergarten through 12 or a public institution of higher education, or employee of a public school or school district to take certain actions related to access to a public school because of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression,

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.

marital status, national origin, or ancestry.

An individual aggrieved by a discriminatory education practice, or the Colorado civil rights commission, a commissioner, or the attorney general on their own motion, may file a charge against the public school (respondent) with the civil rights division (division) in the department of regulatory agencies. A complainant who files a charge may indicate that they are interested in early mediation with the respondent. If the complainant indicates that they are interested in early mediation, the division shall notify the respondent of the charge and that the complainant has requested early mediation. If the respondent wants to engage in early mediation, the division shall facilitate the mediation.

If the charge is not resolved by early mediation, the respondent has up to 60 days to cure any deficiency in its practices that gave rise to the charge. If the director determines that the respondent has cured the deficiency, the director shall dismiss the charge. If the director determines that the respondent has not cured the deficiency, the director, assisted by the division's staff, shall investigate the charge. The division's policies and procedures for investigating and hearing charges of discriminatory or unfair practices, and judicial review, apply.

The Colorado civil rights commission (commission) shall monitor a public school's compliance with the terms of a settlement agreement or commission order.

The division may consult with the department of education on matters related to the structure, governance, and operation of K-12 education and shall provide the department of education with data about discriminatory education practice charges filed with the division each year. The department of education shall employ one or more individuals to serve as a liaison to the division.

The bill requires each public institution of higher education (institution) to designate an individual to serve as the Title VI coordinator for the institution. The Title VI coordinator is responsible for ensuring the institution's compliance with the requirements of Title VI of the federal "Civil Rights Act of 1964", enforcing the institution's Title VI grievance procedures, identifying institutional issues related to Title VI compliance, and aggregating and making publicly available data about alleged violations of Title VI at the institution.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 11 to article
3 34 of title 24 as follows:

4 **PART 11**

1 DISCRIMINATION IN PUBLIC SCHOOLS

2 **24-34-1101. Definitions.**

3 AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES:

5 (1) "COMPLAINANT" MEANS A PERSON WHO HAS FILED A CHARGE
6 WITH THE DIVISION PURSUANT TO THIS PART 11 ALLEGING A
7 DISCRIMINATORY EDUCATION PRACTICE.

8 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE
9 DIRECTOR'S DESIGNEE.

10 (3) "EMPLOYEE" MEANS AN EMPLOYEE OF A PUBLIC SCHOOL OR A
11 SCHOOL DISTRICT.

12 (4) "HARASS" OR "HARASSMENT" MEANS TO ENGAGE IN, OR THE
13 ACT OF ENGAGING IN, ANY UNWELCOME PHYSICAL OR VERBAL CONDUCT
14 OR ANY WRITTEN, PICTORIAL, OR VISUAL COMMUNICATION BY A STUDENT
15 OR EMPLOYEE THAT IS DIRECTED AT A STUDENT OR GROUP OF STUDENTS
16 BECAUSE OF THAT STUDENT'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED
17 MEMBERSHIP IN, A PROTECTED CLASS BASED ON DISABILITY, RACE, CREED,
18 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
19 EXPRESSION, FAMILY COMPOSITION, RELIGION, AGE, NATIONAL ORIGIN, OR
20 ANCESTRY, WHICH CONDUCT OR COMMUNICATION IS OBJECTIVELY
21 OFFENSIVE TO A REASONABLE INDIVIDUAL WHO IS A MEMBER OF THE SAME
22 PROTECTED CLASS. THE CONDUCT OR COMMUNICATION NEED NOT BE
23 SEVERE OR PERVASIVE TO CONSTITUTE HARASSMENT.

24 (5) "PUBLIC SCHOOL" MEANS:

25 (a) AN ELEMENTARY SCHOOL, MIDDLE SCHOOL, JUNIOR HIGH
26 SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER SCHOOL OF A SCHOOL
27 DISTRICT THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN

1 THROUGH TWELVE OR A CHARTER SCHOOL INSTITUTE CHARTER SCHOOL
2 THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH
3 TWELVE; OR

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

8 (6) "RESPONDENT" MEANS A PUBLIC SCHOOL AGAINST WHICH A
9 CHARGE IS FILED PURSUANT TO THIS PART 11.

10 **24-34-1102. Discriminatory education practice - retaliation**
11 **prohibited.**

12 (1) IT IS A DISCRIMINATORY EDUCATION PRACTICE AND UNLAWFUL
13 FOR A PUBLIC SCHOOL OR AN EMPLOYEE OF A PUBLIC SCHOOL TO:

14 (a) DIRECTLY OR INDIRECTLY REFUSE, WITHHOLD FROM, OR DENY
15 TO AN INDIVIDUAL OR A GROUP OF INDIVIDUALS, BECAUSE OF DISABILITY,
16 RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY,
17 GENDER EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY,
18 THE FULL AND EQUAL ENJOYMENT OF THE SERVICES, FACILITIES,
19 PRIVILEGES, ADVANTAGES, OR ACCOMMODATIONS OF A PUBLIC SCHOOL;

20 (b) DIRECTLY OR INDIRECTLY PUBLISH, CIRCULATE, ISSUE,
21 DISPLAY, POST, OR MAIL A WRITTEN, ELECTRONIC, OR PRINTED
22 COMMUNICATION, NOTICE, OR ADVERTISEMENT THAT INDICATES THAT THE
23 FULL AND EQUAL ENJOYMENT OF THE SERVICES, FACILITIES, PRIVILEGES,
24 ADVANTAGES, OR ACCOMMODATIONS OF A PUBLIC SCHOOL WILL BE
25 REFUSED, WITHHELD FROM, OR DENIED TO AN INDIVIDUAL OR GROUP OF
26 INDIVIDUALS OR THAT AN INDIVIDUAL'S OR GROUP'S PATRONAGE OR
27 PRESENCE AT A PUBLIC SCHOOL IS UNWELCOME, OBJECTIONABLE,

1 UNACCEPTABLE, OR UNDESIRABLE BECAUSE OF DISABILITY, RACE, CREED,
2 COLOR, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, GENDER
3 EXPRESSION, MARITAL STATUS, NATIONAL ORIGIN, OR ANCESTRY;

4 (c) CARRY OUT A DECISION OR POLICY THAT HAS A
5 DISPROPORTIONATELY ADVERSE EFFECT ON A STUDENT OR GROUP
6 BECAUSE OF THAT STUDENT'S OR GROUP'S MEMBERSHIP IN, OR PERCEIVED
7 MEMBERSHIP IN, A PROTECTED CLASS LISTED IN SUBSECTION (1)(a) OF THIS
8 SECTION;

9 (d) FAIL TO ADEQUATELY RESPOND TO INSTANCES OF HARASSMENT
10 THAT OCCUR AT THE PUBLIC SCHOOL; OR

11 (e) DISCRIMINATE AGAINST AN INDIVIDUAL OR A GROUP OF
12 INDIVIDUALS BECAUSE THE INDIVIDUAL OR GROUP OPPOSED A PRACTICE
13 MADE A DISCRIMINATORY EDUCATION PRACTICE BY THIS PART 11, OR
14 BECAUSE THE INDIVIDUAL OR GROUP MADE A CHARGE, TESTIFIED,
15 ASSISTED, OR PARTICIPATED IN ANY MANNER IN AN INVESTIGATION,
16 PROCEEDING, OR HEARING BASED ON AN ALLEGED VIOLATION OF THIS PART
17 11.

18 (2) CONDUCT DESCRIBED IN SUBSECTIONS (1)(a) TO (1)(c) OF THIS
19 SECTION THAT IS BASED ON DISABILITY IS GOVERNED BY SECTION
20 24-34-802.

21 **24-34-1103. Charge discriminatory education practice -**
22 **limitation on time to file - early mediation - process.**

23 (1) **Charge.**

24 (a) (I) AN INDIVIDUAL AGGRIEVED BY A VIOLATION OF SECTION
25 24-34-1102 MAY FILE A CHARGE AGAINST THE PUBLIC SCHOOL, IN
26 WRITING, WITH THE DIVISION ALLEGING A DISCRIMINATORY EDUCATION
27 PRACTICE. THE INDIVIDUAL MUST FILE THE CHARGE WITH THE DIVISION

1 WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE ALLEGED
2 DISCRIMINATORY EDUCATION PRACTICE OCCURRED. IF THE ALLEGED
3 DISCRIMINATORY EDUCATION PRACTICE IS PART OF A SERIES OF ACTS, THE
4 ONE-HUNDRED-EIGHTY-DAY PERIOD BEGINS WHEN THE LAST ACT IN THE
5 SERIES OF ACTS IS COMMITTED.

6 (II) THE DIVISION MAY WAIVE THE ONE-HUNDRED-EIGHTY-DAY
7 DEADLINE TO FILE A CHARGE IF:

8 (A) THE COMPLAINANT COULD NOT REASONABLY BE EXPECTED TO
9 KNOW WITHIN THE ONE-HUNDRED-EIGHTY-DAY PERIOD THAT THE ACT WAS
10 DISCRIMINATORY AND THE COMPLAINANT FILED THE CHARGE WITHIN
11 SIXTY DAYS AFTER THE COMPLAINANT COULD REASONABLY HAVE BECOME
12 AWARE OF THE ALLEGED DISCRIMINATORY EDUCATION PRACTICE. FOR THE
13 PURPOSES OF THIS SUBSECTION (1)(a)(II)(A), A COMPLAINANT'S LACK OF
14 PREVIOUS AWARENESS OF THE DIVISION OR THE PROVISIONS OF THE
15 "COLORADO ANTI-DISCRIMINATION ACT" IS NOT A BASIS FOR A WAIVER.

16 (B) THE COMPLAINANT FILED A COMPLAINT ALLEGING THE SAME
17 OR SIMILAR ALLEGATION BASED ON THE SAME OPERATIVE FACTS WITHIN
18 THE ONE-HUNDRED-EIGHTY-DAY PERIOD WITH ANOTHER FEDERAL, STATE,
19 OR LOCAL CIVIL RIGHTS ENFORCEMENT AGENCY OR FEDERAL OR STATE
20 COURT AND FILED A CHARGE WITH THE DIVISION WITHIN SIXTY DAYS
21 AFTER THE OTHER AGENCY HAD COMPLETED ITS INVESTIGATION OR, IN THE
22 CASE OF A COURT, THE CASE IS CONCLUDED WITHOUT A DECISION ON THE
23 MERITS OR SETTLEMENT OF THE COMPLAINT ALLEGATIONS. FOR THE
24 PURPOSES OF THIS SUBSECTION (1)(a)(II)(B), A COURT DISMISSING AN
25 ACTION WITH PREJUDICE IS A DECISION ON THE MERITS.

26 (C) THE COMPLAINANT WAS UNABLE TO FILE A CHARGE WITHIN
27 THE ONE-HUNDRED-EIGHTY-DAY PERIOD BECAUSE OF THE COMPLAINANT'S

1 INCAPACITATING ILLNESS OR OTHER INCAPACITATING CIRCUMSTANCES
2 DURING THE PERIOD AND THE CHARGE IS FILED WITHIN SIXTY DAYS AFTER
3 THE PERIOD OF INCAPACITATION ENDED; OR

4 (D) UNIQUE CIRCUMSTANCES GENERATED BY THE COMMISSION'S
5 OR THE DIVISION'S ACTION HAVE ADVERSELY AFFECTED THE COMPLAINANT
6 AND THE CHARGE IS FILED IN ACCORDANCE WITH A DEADLINE
7 ESTABLISHED BY THE DIVISION.

8 (III) A CHARGE IS BARRED IF IT IS NOT TIMELY FILED WITH THE
9 DIVISION IN ACCORDANCE WITH THIS SUBSECTION (1)(a).

10 (b) THE COMMISSION, A COMMISSIONER, OR THE ATTORNEY
11 GENERAL ON THEIR OWN MOTION MAY MAKE, SIGN, AND FILE A CHARGE
12 ALLEGING A DISCRIMINATORY EDUCATION PRACTICE IN CASES WHERE THE
13 COMMISSION, A COMMISSIONER, OR THE ATTORNEY GENERAL DETERMINES
14 THAT THE ALLEGED DISCRIMINATORY EDUCATION PRACTICE IMPOSES A
15 SIGNIFICANT SOCIETAL OR COMMUNITY IMPACT.

16 (2) **Early mediation.**

17 (a) A COMPLAINANT WHO FILES A CHARGE PURSUANT TO THIS
18 SECTION MAY INDICATE THAT THEY ARE INTERESTED IN EARLY MEDIATION
19 WITH THE RESPONDENT. IF THE COMPLAINANT INDICATES THAT THEY ARE
20 INTERESTED IN EARLY MEDIATION, THE DEADLINES DESCRIBED IN THIS
21 SECTION AND IN PART 3 OF THIS ARTICLE 34, IF APPLICABLE, ARE TOLLED
22 WHILE THE COMPLAINANT AWAITS A RESPONSE FROM THE RESPONDENT
23 PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION AND DURING EARLY
24 MEDIATION.

25 (b) IF THE COMPLAINANT INDICATES THAT THEY ARE INTERESTED
26 IN EARLY MEDIATION, THE DIVISION SHALL, UPON DETERMINING IT HAS
27 JURISDICTION OVER THE CLAIM, NOTIFY THE RESPONDENT OF THE CHARGE

1 AND THAT THE COMPLAINANT HAS REQUESTED EARLY MEDIATION. WITHIN
2 SEVEN DAYS AFTER RECEIPT OF THE NOTIFICATION, THE RESPONDENT
3 SHALL INFORM THE DIVISION WHETHER IT WANTS TO ENGAGE IN EARLY
4 MEDIATION.

5 (c) IF THE RESPONDENT WANTS TO ENGAGE IN EARLY MEDIATION,
6 THE DIVISION SHALL FACILITATE THE MEDIATION.

7 (3) **Opportunity to cure.**

8 (a) UPON RECEIVING NOTICE OF A CHARGE FILED AGAINST IT, A
9 RESPONDENT HAS UP TO SIXTY DAYS TO MAKE A GOOD FAITH EFFORT TO
10 COMPLETE AN INVESTIGATION AND CURE THE DEFICIENCY IN ITS
11 PRACTICES THAT GAVE RISE TO THE CHARGE. NO LATER THAN SIXTY DAYS
12 AFTER RECEIVING THE NOTICE OF THE CHARGE, THE PUBLIC SCHOOL SHALL
13 REPORT TO THE DIVISION WHETHER IT HAS CURED THE DEFICIENCY. THE
14 REPORT MUST DESCRIBE THE SPECIFIC ACTIONS THE RESPONDENT HAS
15 TAKEN TO CURE THE DEFICIENCY.

16 (b) IF THE DIRECTOR DETERMINES THAT THE RESPONDENT HAS
17 CURED THE DEFICIENCY, THE DIRECTOR SHALL DISMISS THE CHARGE.

18 (c) IF THE DIRECTOR DETERMINES THAT THE RESPONDENT HAS NOT
19 CURED THE DEFICIENCY, THE DIRECTOR SHALL INVESTIGATE THE CHARGE
20 PURSUANT TO SUBSECTION (4) OF THIS SECTION.

21 (4) **Investigation and procedures.** IF THE RESPONDENT DOES NOT
22 CURE THE DEFICIENCY, THE DIRECTOR, WITH THE ASSISTANCE OF THE
23 DIVISION'S STAFF, SHALL PROMPTLY INVESTIGATE THE ALLEGATIONS IN
24 THE COMPLAINT PURSUANT TO SECTION 24-34-306 (2), AND THE
25 PROCESSES AND PROCEDURES DESCRIBED IN SECTIONS 24-34-306 TO
26 24-34-309, EXCEPT FOR SECTION 24-34-306 (1), APPLY TO THE CHARGE.

27 (5) **Liability.** THE DAMAGES AND OTHER RELIEF AUTHORIZED IN

1 SECTION 24-34-602, INCLUDING ATTORNEY FEES AND COSTS, APPLY TO A
2 CLAIM BROUGHT PURSUANT TO THIS PART 11.

3 **24-34-1104. Monitoring by commission.**

4 (1) IF THE MATTER IS SETTLED BY MEDIATION AND THE
5 SETTLEMENT REQUIRES THE RESPONDENT TO IMPLEMENT A REMEDIATION
6 PLAN, THE COMMISSION SHALL MONITOR THE RESPONDENT'S COMPLIANCE
7 WITH THE PLAN.

8 (2) IF THE COMMISSION ISSUES AN ORDER PURSUANT TO SECTION
9 24-34-306 (9) REQUIRING THE RESPONDENT TO CEASE AND DESIST FROM
10 THE DISCRIMINATORY EDUCATION PRACTICE, THE COMMISSION SHALL
11 MONITOR THE RESPONDENT'S COMPLIANCE WITH THE ORDER.

12 (3) THE COMMISSION MAY, AND THE GENERAL ASSEMBLY
13 ENCOURAGES THE COMMISSION TO, CONSULT WITH THE DEPARTMENT OF
14 EDUCATION WHEN MONITORING A PUBLIC SCHOOL'S COMPLIANCE WITH A
15 PLAN OR ORDER, AND THE DEPARTMENT OF EDUCATION MAY WORK WITH
16 THE COMMISSION UPON THE COMMISSION'S REQUEST. THE COMMISSION
17 AND THE DEPARTMENT OF EDUCATION MAY ENTER INTO AN AGREEMENT
18 TO CARRY OUT THIS SUBSECTION (3).

19 **24-34-1105. Consultation with department of education - data**
20 **sharing.**

21 (1) THE DIVISION MAY CONSULT WITH THE DEPARTMENT OF
22 EDUCATION IN ACCORDANCE WITH SECTION 22-2-151.

23 (2) THE DIVISION SHALL PROVIDE THE DEPARTMENT OF EDUCATION
24 WITH DATA ABOUT DISCRIMINATORY EDUCATION PRACTICE CHARGES
25 FILED WITH THE DIVISION EACH YEAR. THE DIVISION SHALL PROVIDE THE
26 DATA AS AGGREGATE DATA AND SHALL NOT INCLUDE ANY PERSONALLY
27 IDENTIFYING INFORMATION ABOUT A COMPLAINANT.

1 (3) THIS SECTION DOES NOT AUTHORIZE OR REQUIRE THE
2 COMMISSION OR DIVISION TO PROVIDE INFORMATION TO THE DEPARTMENT
3 OF EDUCATION THAT IS CONFIDENTIAL PURSUANT TO A FEDERAL, STATE,
4 OR LOCAL LAW OR UNDER ANY PRIVILEGE THAT MAY BE LAWFULLY
5 ASSERTED BY A COMPLAINANT, RESPONDENT, OR WITNESS, OR THE
6 COMMISSION OR DIVISION.

7 **SECTION 2.** In Colorado Revised Statutes, 24-34-301, **amend**
8 the introductory portion as follows:

9 **24-34-301. Definitions.**

10 As used in parts 3 ~~to 10~~ TO 11 of this article 34, unless the context
11 otherwise requires:

12 **SECTION 3.** In Colorado Revised Statutes, 24-34-305, **amend**
13 (1)(a), (1)(e), (1)(i), (1)(i.5), (3), and (4) as follows:

14 **24-34-305. Powers and duties of commission.**

15 (1) The commission has the following powers and duties:

16 (a) To adopt, publish, amend, and rescind rules, in accordance
17 with the provisions of section 24-4-103, that are consistent with and for
18 the implementation of parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE 34.
19 All rules adopted or amended are subject to sections 24-4-103 (8)(c) and
20 (8)(d) and 24-34-104 (6)(b).

21 (e) To issue ~~such~~ publications and reports of investigations and
22 research as in its judgment will ~~tend to~~ promote goodwill among the
23 various racial, religious, age, and ethnic groups of the state and ~~which~~
24 ~~will tend to~~ THAT WILL minimize or eliminate discriminatory or unfair
25 practices as specified by parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE
26 34. Publications of the commission circulated in quantity outside the
27 executive branch ~~shall~~ MUST be issued in accordance with ~~the provisions~~

1 of section 24-1-136.

2 (i) To cooperate, within the limits of any appropriations made for
3 its operation, with other agencies or organizations, both public and
4 private, whose purposes are consistent with those of parts 3 to 7 AND
5 PART 11 of this ~~article~~ ARTICLE 34, in the planning and conducting of
6 educational programs designed to eliminate racial, religious, cultural, age,
7 and intergroup tensions;

8 (i.5) To intervene in racial, religious, cultural, age, and intergroup
9 tensions or conflicts for the purpose of informal mediation using
10 alternative dispute resolution techniques. Such intervention may be made
11 in cooperation with other agencies or organizations, both public and
12 private, whose purposes are consistent with those of parts 3 to 7 AND
13 PART 11 of this ~~article~~ ARTICLE 34.

14 (3) In exercising the powers and performing the duties and
15 functions ~~under~~ PURSUANT TO parts 3 to 7 AND PART 11 of this ~~article~~
16 ARTICLE 34, the commission, the division, and the director shall presume
17 that the conduct of any respondent is not unfair or discriminatory until
18 proven otherwise.

19 (4) Whether by rule, regulation, or other action or whether as a
20 remedy for violation of any provision of parts 3 to 7 AND PART 11 of this
21 ~~article~~ ARTICLE 34 or otherwise, the commission shall not prescribe or
22 require the implementation of a quota system.

23 **SECTION 4.** In Colorado Revised Statutes, 24-34-306, **amend**
24 (9), (12), and (13); and **add** (1)(a)(III) as follows:

25 **24-34-306. Charge - complaint - hearing - procedure -**
26 **exhaustion of administrative remedies.**

27 (1) (a) (III) THE DIVISION SHALL INCLUDE ON A CHARGE FORM OR

1 CHARGE INTAKE MECHANISM AN OPTION TO SELECT "SCHOOL" AS A
2 LOCATION WHERE A DISCRIMINATORY OR UNFAIR PRACTICE THAT IS THE
3 SUBJECT OF THE CHARGE OCCURRED.

4 (9) If, upon all the evidence at a hearing, there is a statement of
5 findings and conclusions in accordance with section 24-4-105, together
6 with a statement of reasons for ~~such~~ THE conclusions, showing that a
7 respondent has engaged in or is engaging in ~~any~~ A discriminatory or
8 unfair practice as defined in parts 4 to 7 AND PART 11 of this ~~article~~
9 ARTICLE 34, the commission shall issue and cause to be served upon the
10 respondent an order requiring ~~such~~ THE respondent to cease and desist
11 from ~~such~~ THE discriminatory or unfair practice and to take ~~such~~ action
12 as it may order in accordance with the provisions of parts 4 to 7 AND PART
13 11 of this ~~article~~ ARTICLE 34.

14 (12) The division shall maintain a central file of decisions
15 rendered under parts 3 to 7 AND PART 11 of this ~~article~~ ARTICLE 34, and
16 ~~such~~ THE file ~~shall~~ MUST be open to the public for inspection during
17 regular business hours.

18 (13) ~~Any~~ A member of the commission and ~~any~~ A person
19 participating in good faith in the making of a complaint or a report or in
20 ~~any~~ AN investigative or administrative proceeding authorized by parts 3
21 to 7 AND PART 11 of this ~~article shall be~~ ARTICLE 34 IS immune from
22 liability in ~~any~~ A civil action brought against ~~him~~ THEM for acts occurring
23 while acting in ~~his~~ THEIR capacity as a commission member or participant,
24 respectively, if ~~such~~ THE individual was acting in good faith within the
25 scope of ~~his~~ THEIR respective capacity, made a reasonable effort to obtain
26 the facts of the matter ~~as to~~ ON which ~~he~~ THEY acted, and acted in the
27 reasonable belief that the action taken by ~~him~~ THEM was warranted by the

1 facts.

2 **SECTION 5.** In Colorado Revised Statutes, **add** 24-34-606 as
3 follows:

4 **24-34-606. Applicability of part - discriminatory education**
5 **practices.**

6 EXCEPT AS OTHERWISE PROVIDED IN PART 11 OF THIS ARTICLE 34,
7 THIS PART 6 DOES NOT APPLY TO A CLAIM THAT CONSTITUTES A
8 DISCRIMINATORY EDUCATION PRACTICE BY A PUBLIC SCHOOL THAT IS
9 SUBJECT TO PART 11 OF THIS ARTICLE 34.

10 **SECTION 6.** In Colorado Revised Statutes, 24-34-802, **amend**
11 (1)(a) as follows:

12 **24-34-802. Violations - penalties - immunity - repeal.**

13 (1) (a) It is a discriminatory practice and unlawful for ~~any~~ A
14 person, as defined in section 24-34-301, to discriminate against an
15 individual or group of individuals because the person has opposed ~~any~~ A
16 practice made a discriminatory practice based on disability pursuant to
17 part 5, 6, ~~or~~ 8, OR 11 of this article 34, or because the person has made a
18 charge, testified, assisted, or participated in any manner in an
19 investigation, proceeding, or hearing conducted pursuant to part 5, 6, ~~or~~
20 8, OR 11 of this article 34.

21 **SECTION 7.** In Colorado Revised Statutes, **add** 22-2-151 as
22 follows:

23 **22-2-151. Department liaison to Colorado civil rights division**
24 **- duties - definitions.**

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

27 (a) "CIVIL RIGHTS DIVISION" OR "DIVISION" MEANS THE COLORADO

1 CIVIL RIGHTS DIVISION CREATED IN SECTION 24-34-302.

2 (b) "LIAISON" MEANS THE LIAISON TO THE CIVIL RIGHTS DIVISION
3 EMPLOYED BY THE DEPARTMENT, AS DESCRIBED IN SUBSECTION (2) OF THIS
4 SECTION.

5 (2) THE DEPARTMENT SHALL EMPLOY ONE OR MORE INDIVIDUALS
6 TO SERVE AS A LIAISON TO THE COLORADO CIVIL RIGHTS DIVISION FOR THE
7 PURPOSE OF PROVIDING THE DIVISION WITH TECHNICAL ASSISTANCE
8 REGARDING THE STRUCTURE, GOVERNANCE, AND OPERATION OF
9 KINDERGARTEN THROUGH TWELFTH GRADE PUBLIC EDUCATION IN THE
10 STATE. THE LIAISON RELATIONSHIP SUPPORTS THE CIVIL RIGHTS DIVISION'S
11 GENERAL UNDERSTANDING OF EDUCATIONAL SYSTEMS AND DOES NOT
12 EXPAND OR MODIFY THE STATUTORY AUTHORITY OF THE DEPARTMENT OR
13 THE DIVISION.

14 (3) THE LIAISON SHALL:

15 (a) PROVIDE TO THE CIVIL RIGHTS DIVISION GENERAL INFORMATION
16 REGARDING PUBLIC SCHOOL GOVERNANCE STRUCTURES, SCHOOL DISTRICT
17 AND BOARD OF COOPERATIVE SERVICES OPERATIONS, EDUCATION FUNDING
18 MECHANISMS, AND APPLICABLE STATE AND FEDERAL REPORTING
19 REQUIREMENTS;

20 (b) PROVIDE TO THE CIVIL RIGHTS DIVISION TECHNICAL GUIDANCE
21 ON BEST PRACTICES FOR ENGAGING WITH SCHOOL DISTRICTS, LICENSED
22 PERSONNEL, STUDENTS, AND FAMILIES IN A MANNER CONSISTENT WITH
23 EDUCATIONAL NORMS AND STANDARDS. NOTWITHSTANDING SUBSECTION
24 (5)(a) OF THIS SECTION, IN ORDER FOR THE DEPARTMENT TO TAILOR
25 GUIDANCE AND BEST PRACTICES, THE CIVIL RIGHTS DIVISION SHALL,
26 PURSUANT TO SECTION 24-34-1105, PROVIDE THE DEPARTMENT WITH DATA
27 ABOUT DISCRIMINATORY EDUCATION PRACTICE CHARGES FILED WITH THE

1 DIVISION.

2 (c) REFER STUDENTS, FAMILIES, OR OTHER INDIVIDUALS TO THE
3 CIVIL RIGHTS DIVISION WHEN THE DEPARTMENT DETERMINES THAT A
4 CONCERN RAISED MAY FALL WITHIN THE JURISDICTION OF THE DIVISION.
5 THE REFERRALS MAY INCLUDE FACILITATING AN INTRODUCTION OR
6 TRANSFER OF CONTACT INFORMATION TO SUPPORT ACCESS TO THE
7 DIVISION'S COMPLAINT OR INTAKE PROCESSES.

8 (4) THE DEPARTMENT AND LIAISON SHALL NOT:

9 (a) EXERCISE SUPERVISORY, INVESTIGATORY, OR DECISION-MAKING
10 AUTHORITY OVER THE CIVIL RIGHTS DIVISION;

11 (b) PARTICIPATE IN, REVIEW, INFLUENCE, OR APPROVE INDIVIDUAL
12 COMPLAINTS INVESTIGATED BY; CASE FILES, INVESTIGATIONS, OR FINDINGS
13 OF; OR ENFORCEMENT ACTIONS CONDUCTED BY, THE CIVIL RIGHTS
14 DIVISION; OR

15 (c) ACT AS AN APPELLATE BODY, REVIEWER, OR SECONDARY
16 DECISION-MAKER WITH RESPECT TO DETERMINATIONS MADE BY THE CIVIL
17 RIGHTS DIVISION.

18 (5) (a) THE LIAISON SHALL NOT SERVE AS A CUSTODIAN OF
19 RECORDS FOR THE CIVIL RIGHTS DIVISION. WHEN SHARING STUDENT OR
20 EDUCATOR DATA, THE DEPARTMENT, LIAISON, AND DIVISION SHALL
21 COMPLY WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY
22 ACT OF 1974", 20 U.S.C. SEC. 1232g, AND APPLICABLE STATE LAW.

23 (b) THE DEPARTMENT'S ROLE AS DESCRIBED IN THIS SECTION IS
24 ADVISORY ONLY. THIS SECTION DOES NOT CREATE LIABILITY FOR THE
25 DEPARTMENT FOR THE ACTS OR OMISSIONS OF THE CIVIL RIGHTS DIVISION,
26 INCLUDING THE CONDUCT, OUTCOME, OR RESOLUTION OF ANY
27 INVESTIGATION OR ENFORCEMENT ACTION.

1 **SECTION 8.** In Colorado Revised Statutes, **add** 23-5-151 as
2 follows:

3 **23-5-151. Title VI compliance - coordinator required -**
4 **definitions.**

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

7 (a) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION" MEANS
8 A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN SECTION
9 23-18-102 (10)(a); A LOCAL DISTRICT COLLEGE, AS DEFINED IN SECTION
10 23-71-102; OR AN AREA TECHNICAL COLLEGE, AS DEFINED IN SECTION
11 23-60-103.

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

14 (2) EACH INSTITUTION OF HIGHER EDUCATION SHALL ESTABLISH
15 GRIEVANCE PROCEDURES FOR A PERSON TO FILE A COMPLAINT ALLEGING
16 A VIOLATION OF TITLE VI. THE INSTITUTION SHALL MAKE THE GRIEVANCE
17 PROCEDURES AVAILABLE ON A PUBLICLY ACCESSIBLE PAGE OF THE
18 INSTITUTION'S WEBSITE AND, AT LEAST ANNUALLY, INFORM STUDENTS AND
19 EMPLOYEES OF THE EXISTENCE OF THE GRIEVANCE PROCEDURES.

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

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

26 (I) ENSURING THE INSTITUTION'S COMPLIANCE WITH THE
27 REQUIREMENTS OF TITLE VI, INCLUDING RESPONDING TO COMPLAINTS OF

1 DISCRIMINATION, INCLUDING ALLEGATIONS OF HARASSMENT;
2 (II) RESPONDING TO ALLEGATIONS OF HARASSMENT AND
3 DISCRIMINATION THAT HAVE A DISPARATE IMPACT;
4 (III) ENFORCING THE INSTITUTION'S TITLE VI GRIEVANCE
5 PROCEDURES, INCLUDING REVIEWING COMPLAINTS FILED UNDER THE
6 PROCEDURES;
7 (IV) TRACKING COMPLAINTS TO IDENTIFY INSTITUTIONAL ISSUES
8 RELATED TO TITLE VI COMPLIANCE; AND
9 (V) AGGREGATING DATA ABOUT ALLEGED VIOLATIONS OF TITLE VI
10 AT THE INSTITUTION AND MAKING THE DATA PUBLICLY AVAILABLE. THE
11 DATA MUST NOT INCLUDE PERSONALLY IDENTIFYING INFORMATION ABOUT
12 A PERSON.

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

15 **SECTION 9. Act subject to petition - effective date -**
16 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
17 the expiration of the ninety-day period after final adjournment of the
18 general assembly (August 12, 2026, if adjournment sine die is on May 13,
19 2026); except that, if a referendum petition is filed pursuant to section 1
20 (3) of article V of the state constitution against this act or an item, section,
21 or part of this act within such period, then the act, item, section, or part
22 will not take effect unless approved by the people at the general election
23 to be held in November 2026 and, in such case, will take effect on the date
24 of the official declaration of the vote thereon by the governor.

25 (2) This act applies to discriminatory education practices
26 committed on or after the applicable effective date of this act.