

HOUSE COMMITTEE OF REFERENCE REPORT

February 15, 2024

Chair of Committee

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB24-1039 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 "SECTION 1. In Colorado Revised Statutes, 22-2-117, **amend**
4 (1)(b)(IX) and (1)(b)(X); and **add** (1)(b)(XI) and (7) as follows:

5 **22-2-117. Additional power - state board - waiver of**
6 **requirements - rules - definitions.** (1) (b) The state board shall not
7 waive any of the requirements specified in any of the following statutory
8 provisions:

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

11 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
12 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)
13 relating to discrimination based on hair texture, hair type, or a protective
14 hairstyle that is commonly or historically associated with race; OR

15 (XI) ANY PROVISION OF SECTION 22-32-109 (1)(ll), 22-32-110
16 (1)(k), 22-38-104 (1)(d), OR 22-63-206 (1) RELATING TO DISCRIMINATION
17 BASED ON GENDER EXPRESSION THROUGH THE USE OF A CHOSEN NAME.

18 (7) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
19 REQUIRES:

20 (a) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
21 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
22 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.

23 (b) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF
24 REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE
25 WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND
26 BEHAVIOR, OR USE OF A CHOSEN NAME.

27 **SECTION 2.** In Colorado Revised Statutes, 22-32-109, **amend**
28 (1)(ll)(II) as follows:

1 **22-32-109. Board of education - specific duties - definitions.**
2 (1) In addition to any other duty required to be performed by law, each
3 board of education has the following specific duties:
4 (II) (II) As used in this subsection (1)(II):
5 (A) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
6 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
7 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.
8 (B) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF
9 REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE
10 WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND
11 BEHAVIOR, OR USE OF A CHOSEN NAME.
12 ~~(A)~~ (C) "Protective hairstyle" includes such hairstyles as braids,
13 locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and
14 headwraps.
15 ~~(B)~~ (D) "Race" includes hair texture, hair type, or a protective
16 hairstyle that is commonly or historically associated with race.
17 **SECTION 3.** In Colorado Revised Statutes, 22-32-110, **amend**
18 (1)(k)(II) as follows:
19 **22-32-110. Board of education - specific powers - definitions.**
20 (1) In addition to any other power granted to a board of education of a
21 school district by law, each board of education of a school district has the
22 following specific powers, to be exercised in its judgment:
23 (k) (II) As used in this subsection (1)(k):
24 (A) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
25 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
26 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.
27 (B) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF
28 REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE
29 WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND
30 BEHAVIOR, OR USE OF A CHOSEN NAME.
31 ~~(A)~~ (C) "Protective hairstyle" includes such hairstyles as braids,
32 locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and
33 headwraps.
34 ~~(B)~~ (D) "Racial or ethnic background" includes hair texture, hair
35 type, or a protective hairstyle that is commonly or historically associated
36 with race.
37 **SECTION 4.** In Colorado Revised Statutes, 22-38-104, **amend**
38 (1)(d)(II) as follows:
39 **22-38-104. Pilot schools - requirements - authority -**
40 **definitions.** (1) The state board may provide for the establishment and
41 operation of not more than one full-time residential pilot school and not
42 more than three year-round nonresidential pilot schools pursuant to the
43 following provisions:

1 (d) (II) As used in this subsection (1)(d):

2 (A) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
3 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
4 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.

5 (B) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF
6 REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE
7 WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND
8 BEHAVIOR, OR USE OF A CHOSEN NAME.

9 ~~(A)~~ (C) "Protective hairstyle" includes such hairstyles as braids,
10 locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and
11 headwraps.

12 ~~(B)~~ (D) "Race" includes hair texture, hair type, or a protective
13 hairstyle that is commonly or historically associated with race.

14 **SECTION 5.** In Colorado Revised Statutes, 22-63-206, **amend**
15 (1)(b) as follows:

16 **22-63-206. Transfer - compensation - definitions.** (1) (b) As
17 used in this subsection (1):

18 (I) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
19 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
20 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.

21 (II) "GENDER EXPRESSION" MEANS AN INDIVIDUAL'S WAY OF
22 REFLECTING AND EXPRESSING THE INDIVIDUAL'S GENDER TO THE OUTSIDE
23 WORLD, TYPICALLY DEMONSTRATED THROUGH APPEARANCE, DRESS, AND
24 BEHAVIOR, OR USE OF A CHOSEN NAME.

25 ~~(A)~~ (III) "Protective hairstyle" includes such hairstyles as braids,
26 locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and
27 headwraps.

28 ~~(B)~~ (IV) "Race" includes hair texture, hair type, or a protective
29 hairstyle that is commonly or historically associated with race.

30 **SECTION 6.** In Colorado Revised Statutes, 24-34-301, **amend**
31 (9); and **add** (3.5) as follows:

32 **24-34-301. Definitions.** As used in parts 3 to 10 of this article 34,
33 unless the context otherwise requires:

34 (3.5) "CHOSEN NAME" MEANS ANY NAME THAT AN INDIVIDUAL
35 REQUESTS TO BE KNOWN AS, OTHER THAN THE INDIVIDUAL'S LEGAL NAME,
36 TO REFLECT THAT INDIVIDUAL'S GENDER IDENTITY.

37 (9) "Gender expression" means an individual's way of reflecting
38 and expressing the individual's gender to the outside world, typically
39 demonstrated through appearance, dress, and behavior, OR USE OF A
40 CHOSEN NAME.

41 **SECTION 7. Safety clause.** The general assembly finds,
42 determines, and declares that this act is necessary for the immediate
43 preservation of the public peace, health, or safety or for appropriations for

- 1 the support and maintenance of the departments of the state and state
- 2 institutions."

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