

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

March 25, 2024
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 reengrossed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1.** In Colorado Revised Statutes, **add** 22-1-144 as
4 follows:

5 **22-1-144. Use of a student's chosen name - definitions.** (1) AS
6 USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "CHOSEN NAME" MEANS ANY NAME THAT A STUDENT
8 REQUESTS TO BE KNOWN AS THAT DIFFERS FROM THE STUDENT'S LEGAL
9 NAME, TO REFLECT THE STUDENT'S GENDER IDENTITY.

10 (b) "GENDER IDENTITY" MEANS AN INDIVIDUAL'S INNATE SENSE OF
11 THE INDIVIDUAL'S OWN GENDER, WHICH MAY OR MAY NOT CORRESPOND
12 WITH THE INDIVIDUAL'S SEX ASSIGNED AT BIRTH.

13 (c) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A
14 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART
15 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY
16 THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE
17 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED
18 AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT
19 OPERATES ONE OR MORE PUBLIC SCHOOLS.

20 (d) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE
21 SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER
22 SCHOOL OF A SCHOOL DISTRICT THAT ENROLLS STUDENTS IN ANY OF
23 GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER
24 SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN
25 THROUGH TWELVE.

26 (2) A PUBLIC SCHOOL SHALL ADDRESS A STUDENT BY THE
27 STUDENT'S CHOSEN NAME AND USE THE STUDENT'S CHOSEN NAME IN

1 SCHOOL AND DURING EXTRACURRICULAR ACTIVITIES.

2 (3) KNOWINGLY OR INTENTIONALLY USING A NAME OTHER THAN
3 A STUDENT'S CHOSEN NAME IS DISCRIMINATORY.

4 (4) A STUDENT WHO IS SUBJECT TO DISCRIMINATION PURSUANT TO
5 SUBSECTION (3) OF THIS SECTION MAY FILE A REPORT WITH THE PUBLIC
6 SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-1-143
7 (2).

8 (5) A LOCAL EDUCATION PROVIDER SHALL IMPLEMENT A WRITTEN
9 POLICY OUTLINING HOW THE LOCAL EDUCATION PROVIDER WILL HONOR A
10 STUDENT'S REQUEST TO USE A CHOSEN NAME AND MAY INCLUDE A
11 PROCESS FOR INCLUDING A STUDENT'S CHOSEN NAME ON SCHOOL
12 RECORDS.

13 **SECTION 2.** In Colorado Revised Statutes, 22-1-143, **add**
14 (1)(d)(IV) as follows:

15 **22-1-143. Harassment or discrimination - policy required -**
16 **training and notification - definitions.** (1) As used in this section,
17 unless the context otherwise requires:

18 (d) (IV) HARASSMENT OR DISCRIMINATION INCLUDES THE
19 KNOWING OR INTENTIONAL USE OF A NAME OTHER THAN A STUDENT'S
20 CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1).

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

23 **22-2-117. Additional power - state board - waiver of**
24 **requirements - rules.** (1) (b) The state board shall not waive any of the
25 requirements specified in any of the following statutory provisions:

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

28 (X) Any provision of section 22-30.5-104 (3), 22-30.5-507 (3),
29 22-32-109 (1)(ll), 22-32-110 (1)(k), 22-38-104 (1)(d), or 22-63-206 (1)
30 relating to discrimination based on hair texture, hair type, or a protective
31 hairstyle that is commonly or historically associated with race; OR

32 (XI) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
33 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1), IN A
34 PUBLIC SCHOOL.

35 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-104, **amend**
36 (6)(c)(VIII); and **add** (6)(c)(X) as follows:

37 **22-30.5-104. Charter school - requirements - authority - rules**
38 **- definitions.** (6) (c) A school district, on behalf of a charter school, may
39 apply to the state board for a waiver of a state statute or state rule that is
40 not an automatic waiver. Notwithstanding any provision of this
41 subsection (6) to the contrary, the state board may not waive any statute
42 or rule relating to:

43 (VIII) Section 22-33-106.1 concerning suspension and expulsion

1 of students in preschool through second grade; ~~or~~
2 (X) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
3 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1), IN A
4 PUBLIC SCHOOL.
5 **SECTION 5.** In Colorado Revised Statutes, 22-30.5-507, **amend**
6 (7)(b)(VIII); and **add** (7)(b)(X) as follows:
7 **22-30.5-507. Institute charter school - requirements -**
8 **authority - rules - definitions.** (7) (b) An institute charter school may
9 apply to the state board, through the institute, for a waiver of state statutes
10 and state rules that are not automatic waivers. The state board may waive
11 state statutory requirements or rules promulgated by the state board;
12 except that the state board may not waive any statute or rule relating to:
13 (VIII) Section 22-33-106.1 concerning suspension and expulsion
14 of students in preschool through second grade; ~~or~~
15 (X) ANY PROVISION OF SECTION 22-1-144 RELATING TO THE USE
16 OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-144 (1), IN A
17 PUBLIC SCHOOL.
18 **SECTION 6. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions."

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