

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0884.01 Christy Chase x2008

HOUSE BILL 20-1048

HOUSE SPONSORSHIP

Herod and Buckner, Jackson

SENATE SPONSORSHIP

Fields,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION AGAINST DISCRIMINATION BASED ON A
102 PERSON'S TRAITS THAT ARE HISTORICALLY ASSOCIATED WITH
103 RACE.

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 specifies that, for purposes of anti-discrimination laws in the context of public education, employment practices, housing, public accommodations, and advertising, protections against discrimination on the basis of one's race includes traits historically associated with race, such as hair texture, hair type, and protective hairstyles.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.5-104, **amend**
3 (3) as follows:

4 **22-30.5-104. Charter school - requirements - authority - rules**
5 **- definitions.** (3) (a) A charter school ~~shall be~~ IS subject to all federal and
6 state laws and constitutional provisions prohibiting discrimination on the
7 basis of disability, race, creed, color, sex, sexual orientation, national
8 origin, religion, ancestry, or need for special education services. A charter
9 school ~~shall be~~ IS subject to any court-ordered desegregation plan in effect
10 for the chartering school district. Enrollment in a charter school must be
11 open to any child who resides within the school district; except that ~~no~~ A
12 charter school ~~shall be~~ IS NOT required to make alterations in the structure
13 of the facility used by the charter school or to make alterations to the
14 arrangement or function of rooms within the facility, except as may be
15 required by state or federal law. Enrollment decisions shall be made in a
16 nondiscriminatory manner specified by the charter school applicant in the
17 charter school application.

18 (b) FOR PURPOSES OF THIS SUBSECTION (3):

19 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
20 BRAIDS, LOCKS, AND TWISTS.

21 (II) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
22 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
23 HAIRSTYLES.

24 **SECTION 2.** In Colorado Revised Statutes, 22-30.5-507, **amend**
25 (3) as follows:

26 **22-30.5-507. Institute charter school - requirements -**

1 **authority - rules - definitions.** (3) (a) An institute charter school ~~shall~~
2 ~~be~~ IS subject to all federal and state laws and constitutional provisions
3 prohibiting discrimination on the basis of disability, race, creed, color,
4 sex, sexual orientation, national origin, religion, ancestry, or need for
5 special education services. Enrollment in an institute charter school ~~shall~~
6 MUST be open to any child who resides within the state; except that an
7 institute charter school ~~shall not be~~ IS NOT required to make alterations in
8 the structure of the facility used by the institute charter school or to make
9 alterations to the arrangement or function of rooms within the facility,
10 except as may be required by state or federal law. Enrollment decisions
11 shall be made in a nondiscriminatory manner specified by the applicant
12 in the institute charter school application.

13 (b) FOR PURPOSES OF THIS SUBSECTION (3):

14 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
15 BRAIDS, LOCKS, AND TWISTS.

16 (II) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
17 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
18 HAIRSTYLES.

19 **SECTION 3.** In Colorado Revised Statutes, 22-32-109, **amend**
20 (1) introductory portion and (1)(II) as follows:

21 **22-32-109. Board of education - specific duties - definitions.**

22 (1) In addition to any other duty required to be performed by law, each
23 board of education ~~shall have and perform~~ HAS the following specific
24 duties:

25 (II) (I) To adopt written policies specifying that:

26 (⊕) (A) The schools in the district are subject to all federal and
27 state laws and constitutional provisions prohibiting discrimination on the

1 basis of disability, race, creed, color, sex, sexual orientation, national
2 origin, religion, ancestry, or need for special education services;

3 ~~(H)~~ (B) Enrollment in a school in the district ~~shall~~ MUST be open
4 to any child who resides within the state; except that a school ~~shall not be~~
5 IS NOT required to make alterations in the structure of the facility used by
6 the school or to make alterations to the arrangement or function of rooms
7 within the facility, except as may be required by state or federal law; and

8 ~~(H)~~ (C) Enrollment decisions shall be made in a
9 nondiscriminatory manner.

10 (II) FOR PURPOSES OF THIS SUBSECTION (1)(II):

11 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
12 BRAIDS, LOCKS, AND TWISTS.

13 (B) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
14 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
15 HAIRSTYLES.

16 **SECTION 4.** In Colorado Revised Statutes, 22-32-110, **amend**
17 (1) introductory portion and (1)(k) as follows:

18 **22-32-110. Board of education - specific powers - definitions.**

19 (1) In addition to any other power granted to a board of education of a
20 school district by law, each board of education of a school district ~~shall~~
21 ~~have~~ HAS the following specific powers, to be exercised in its judgment:

22 (k) (I) To adopt written policies, rules, and regulations, not
23 inconsistent with law, that may relate to the efficiency, in-service training,
24 professional growth, safety, official conduct, and welfare of the
25 employees, or any classification thereof, of the district. The practices of
26 employment, promotion, and dismissal shall be unaffected by the
27 employee's religion, creed, color, sex, sexual orientation, marital status,

1 racial or ethnic background, national origin, ancestry, or participation in
2 community affairs.

3 (II) FOR PURPOSES OF THIS SUBSECTION (1)(k):

4 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
5 BRAIDS, LOCKS, AND TWISTS.

6 (B) "RACIAL OR ETHNIC BACKGROUND" INCLUDES TRAITS
7 HISTORICALLY ASSOCIATED WITH RACE, INCLUDING HAIR TEXTURE, HAIR
8 TYPE, AND PROTECTIVE HAIRSTYLES.

9 **SECTION 5.** In Colorado Revised Statutes, 22-38-104, **amend**
10 (1)(d) as follows:

11 **22-38-104. Pilot schools - requirements - authority -**
12 **definitions.** (1) The state board may provide for the establishment and
13 operation of not more than one full-time residential pilot school and not
14 more than three year-round nonresidential pilot schools pursuant to the
15 following provisions:

16 (d) (I) A pilot school ~~shall be~~ IS subject to all federal and state
17 laws and constitutional provisions prohibiting discrimination on the basis
18 of disability, race, creed, color, sex, sexual orientation, national origin,
19 religion, or ancestry. Enrollment decisions shall be made in a
20 nondiscriminatory manner specified by the pilot school applicant in the
21 pilot school application.

22 (II) FOR PURPOSES OF THIS SUBSECTION (1)(d):

23 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
24 BRAIDS, LOCKS, AND TWISTS.

25 (B) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
26 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
27 HAIRSTYLES.

1 **SECTION 6.** In Colorado Revised Statutes, 22-63-206, **amend**
2 (1) as follows:

3 **22-63-206. Transfer - compensation - definitions.** (1) (a) A
4 teacher may be transferred upon the recommendation of the chief
5 administrative officer of a school district from one school, position, or
6 grade level to another within the school district, if ~~such~~ THE transfer does
7 not result in the assignment of the teacher to a position of employment for
8 which ~~he or she~~ THE TEACHER is not qualified by virtue of academic
9 preparation and certification and if, during the then current school year,
10 the amount of salary of ~~such~~ THE teacher is not reduced except as
11 otherwise provided in subsections (2) and (3) of this section. There shall
12 be no discrimination shown toward any teacher in the assignment or
13 transfer of that teacher to a school, position, or grade because of sex,
14 sexual orientation, marital status, race, creed, color, religion, national
15 origin, ancestry, or membership or nonmembership in any group or
16 organization.

17 (b) FOR PURPOSES OF THIS SUBSECTION (1):

18 (I) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
19 BRAIDS, LOCKS, AND TWISTS.

20 (II) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
21 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
22 HAIRSTYLES.

23 **SECTION 7.** In Colorado Revised Statutes, 24-34-301, **amend**
24 the introductory portion and (5.3); and **add** (5.1) and (5.8) as follows:

25 **24-34-301. Definitions.** As used in parts 3 to 8 of this ~~article~~
26 ARTICLE 34, unless the context otherwise requires:

27 (5.1) "PLACE OF PUBLIC ACCOMMODATION" OR "PUBLIC

1 ACCOMMODATION" HAS THE SAME MEANING AS SET FORTH IN TITLE III OF
2 THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C.
3 SEC. 12181 (7), AND ITS RELATED AMENDMENTS AND IMPLEMENTING
4 REGULATIONS.

5 (5.3) ~~"Place of public accommodation" or "public~~
6 ~~accommodation" has the same meaning as set forth in Title III of the~~
7 ~~federal "Americans with Disabilities Act of 1990", 42 U.S.C. sec. 12181~~
8 ~~(7), and its related amendments and implementing regulations~~
9 "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS BRAIDS, LOCKS,
10 AND TWISTS.

11 (5.8) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
12 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE
13 HAIRSTYLES.

14 **SECTION 8.** In Colorado Revised Statutes, 24-50-112.5, **amend**
15 (1)(b) as follows:

16 **24-50-112.5. Selection system - definitions.**

17 (1) (b) (I) Appointments and promotions to positions shall be based on
18 a fair and open comparative analysis of candidates based on objective
19 criteria. Selections shall be made without regard to race, color, creed,
20 religion, national origin, ancestry, age, sexual orientation, marital status,
21 or political affiliation and without regard to sex or disability except as
22 otherwise provided by law.

23 (II) FOR PURPOSES OF THIS SUBSECTION (1)(b):

24 (A) "PROTECTIVE HAIRSTYLE" INCLUDES SUCH HAIRSTYLES AS
25 BRAIDS, LOCKS, AND TWISTS.

26 (B) "RACE" INCLUDES TRAITS HISTORICALLY ASSOCIATED WITH
27 RACE, INCLUDING HAIR TEXTURE, HAIR TYPE, AND PROTECTIVE

1 HAIRSTYLES.

2 **SECTION 9.** In Colorado Revised Statutes, 22-32-109.1, **amend**
3 (1)(b) as follows:

4 **22-32-109.1. Board of education - specific powers and duties**
5 **- safe school plan - conduct and discipline code - safe school reporting**
6 **requirements - school response framework - school resource officers**
7 **- definitions - repeal.** (1) **Definitions.** As used in this section, unless the
8 context otherwise requires:

9 (b) "Bullying" means any written or ~~verbal~~ ORAL expression, or
10 physical or electronic act or gesture, or a pattern thereof, that is intended
11 to coerce, intimidate, or cause any physical, mental, or emotional harm to
12 any student. Bullying is prohibited against any student for any reason,
13 including but not limited to any such behavior that is directed toward a
14 student on the basis of ~~his or her~~ THE STUDENT'S academic performance
15 or against whom federal and state laws prohibit discrimination upon any
16 of the bases described in section ~~22-32-109-(1)(H)(I)~~ 22-32-109
17 (1)(II)(I)(A). This definition is not intended to infringe upon any right
18 guaranteed to any person by the first amendment to the United States
19 constitution or to prevent the expression of any religious, political, or
20 philosophical views.

21 **SECTION 10. Act subject to petition - effective date -**
22 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
23 the expiration of the ninety-day period after final adjournment of the
24 general assembly (August 5, 2020, if adjournment sine die is on May 6,
25 2020); except that, if a referendum petition is filed pursuant to section 1
26 (3) of article V of the state constitution against this act or an item, section,
27 or part of this act within such period, then the act, item, section, or part

1 will not take effect unless approved by the people at the general election
2 to be held in November 2020 and, in such case, will take effect on the
3 date of the official declaration of the vote thereon by the governor.

4 (2) This act applies to conduct occurring on or after the applicable
5 effective date of this act.