

CHAPTER 127

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1039

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also SENATOR(S) Winter F. and Marchman, Bridges, Buckner, Cutter, Ginal, Gonzales, Hinrichsen, Jaquez Lewis, Kolker, Michaelson Jenet, Zenzinger.

AN ACT**CONCERNING NON-LEGAL NAME CHANGES FOR STUDENTS IN SCHOOLS.**

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

SECTION 1. In Colorado Revised Statutes, **add 22-1-145** as follows:

22-1-145. Use of a student's chosen name - definitions. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

(d) "PUBLIC SCHOOL" MEANS AN ELEMENTARY SCHOOL, MIDDLE SCHOOL, JUNIOR HIGH SCHOOL, HIGH SCHOOL, OR DISTRICT CHARTER SCHOOL OF A SCHOOL DISTRICT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH TWELVE OR AN INSTITUTE CHARTER SCHOOL THAT ENROLLS STUDENTS IN ANY OF GRADES KINDERGARTEN THROUGH TWELVE.

(2) A PUBLIC SCHOOL EMPLOYEE, EDUCATOR, AND CONTRACTOR AS DEFINED IN SECTION 22-1-143 SHALL ADDRESS A STUDENT BY THE STUDENT'S CHOSEN NAME AND USE THE STUDENT'S CHOSEN NAME IN SCHOOL AND DURING EXTRACURRICULAR ACTIVITIES.

(3) UNLESS DONE AT A STUDENT'S REQUEST, KNOWINGLY OR INTENTIONALLY USING A NAME OTHER THAN THE STUDENT'S CHOSEN NAME OR THE KNOWING OR INTENTIONAL AVOIDANCE OR REFUSAL TO USE A STUDENT'S CHOSEN NAME IS DISCRIMINATORY.

(4) A STUDENT WHO IS SUBJECT TO DISCRIMINATION PURSUANT TO SUBSECTION (3) OF THIS SECTION MAY FILE A REPORT WITH THE PUBLIC SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 22-1-143 (2) OR FILE A COMPLAINT UNDER THE PUBLIC SCHOOL'S OR LOCAL EDUCATION PROVIDER'S POLICY ADOPTED PURSUANT TO TITLE IX OF THE FEDERAL "EDUCATION AMENDMENTS OF 1972", 20 U.S.C. SECS. 1681 ET SEQ., AS AMENDED.

(5) A LOCAL EDUCATION PROVIDER SHALL IMPLEMENT A WRITTEN POLICY OUTLINING HOW THE LOCAL EDUCATION PROVIDER WILL HONOR A STUDENT'S REQUEST TO USE A CHOSEN NAME AND MAY INCLUDE A PROCESS FOR INCLUDING A STUDENT'S CHOSEN NAME ON SCHOOL RECORDS. A WRITTEN POLICY ADOPTED PURSUANT TO THIS SUBSECTION (5) MUST COMPLY WITH THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AS AMENDED, AND SECTION 22-1-123.

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

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

(d) (IV) HARASSMENT OR DISCRIMINATION INCLUDES THE KNOWING OR INTENTIONAL USE OF A NAME OTHER THAN A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-145 (1).

SECTION 3. 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)(II), 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) ANY PROVISION OF SECTION 22-1-145 RELATING TO THE USE OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-145 (1), IN A PUBLIC SCHOOL.

SECTION 4. 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) ANY PROVISION OF SECTION 22-1-145 RELATING TO THE USE OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-145 (1), IN A PUBLIC SCHOOL.

SECTION 5. 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) ANY PROVISION OF SECTION 22-1-145 RELATING TO THE USE OF A STUDENT'S CHOSEN NAME, AS DEFINED IN SECTION 22-1-145 (1), IN A PUBLIC SCHOOL.

SECTION 6. 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.

Approved: April 29, 2024