



Kutz & Bethke LLC

363 S. Harlan Street, Suite 104 ■ Lakewood, Colorado 80226

Kristin A. Kutz (1952-2024)
William P. Bethke

Vesna Milojevic
John Bing, Paralegal

HOUSE BILL 26-1141

DISCRIMINATORY PRACTICES IN PUBLIC SCHOOLS [CODIFIED AT COLO. REV. STAT. §24-34-601; §22-1-143; §23-5-152]

The statute calls out educational institutions, for our purposes charter schools, under the discrimination in places of public accommodation statute. Specifically, discrimination occurs when:

1. The educational institution on the basis of a protected class, as listed in the statute, excludes a student from participating in, denies the student the benefits of, or subjects the student to discrimination in its programs or activities;
2. When the school without legitimate, nondiscriminatory, nonpretextual basis, and based on a protected class denies educational services, benefits, or opportunities to a student or group by treating them differently from a similarly situated student or group who are part of a different subgroup of students in a protected class; or,
3. When the school has actual notice that a hostile environment, within its education setting, exists based on a protected class but fails to take prompt and effective steps reasonably calculated to eliminate the hostile environment, end the harassment, and prevent it from recurring.

Finally, the legislature, under the harassment or discrimination statute of the education title, added the term pregnancy and parental status as part of its harassment or discrimination definition.

Most (perhaps all) of the substance of this statute was already a correct interpretation of the older language in our public accommodations statute. This attempt to “modernize” the language is likely intended to improve clarity.

