Prevent Harassment or Discrimination Fact Sheet

COLORADO
Department of Education

Concerning Protections for Students Against Discriminatory Practices at School

In April 2023, the Colorado General Assembly passed Senate Bill 23-296. The act defines "harassment or discrimination" as any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class.

In May 2026, the Colorado General Assembly passed House Bill 26-1141. This bill added pregnancy and parental status (i.e. the student's status as a parent) as characteristics that may constitute a protected class for the purpose of harassment or discrimination at a Colorado elementary or secondary public school.

Both of these bills amended Colorado Revised Statue Section 22-1-143 to provide equitable standards for harassment to ensure that students who are subject to harassment or discrimination are provided a prompt and fair process, information about their rights and status of the complaint, and supportive measures or accommodations to remedy the impact of the harassment or discrimination.

Implementation by Local Education Providers

A Local Education Provider (LEP) shall:

- Post notices in multiple places in the school describing how and to whom a student can report harassment or discrimination to the school.
- Accept formal reports of discrimination or harassment in writing, in-person, by phone, email, or online form and kept confidential.
- Adopt procedures for investigating reports of harassment or discrimination, which must be fair, impartial, and prompt.
- Retain the records of harassment or discrimination report for 7 years.
- Grant an excused absence to a student who has experienced harassment or discrimination for any time the student is out of school because of therapy, medical, legal, or victim services appointment related to the harassment or discrimination.
- Offer accommodation or supportive measures to a student who is experiencing harassment or discrimination.

Harassment or Discrimination

Means to engage in, or the act of engaging in, any unwelcome physical or verbal conduct or any written, pictorial, or visual communication by a student or employee that is directed at a student or group of students because of that student's or group's membership in, or perceived membership in, a protected class, based on:

1. Disability
2. Race
3. Creed
4. Color
5. Sex
6. Sexual Orientation
7. Gender Identity
8. Gender Expression
9. Family Composition
10. Pregnancy
11. Parental Status
12. Religion
13. Age
14. National Origin

OR

15. Ancestry

which conduct or communication is objectively offensive to a reasonable individual who is a member of the same protected class.

The conduct or communication need not be severe or pervasive under specified circumstances. Whether conduct constitutes harassment or discrimination is judged under the totality of the circumstances.

Since or before July 1, 2024, each LEP has been required to adopt a written policy that protects students experiencing harassment or discrimination. The policy adopted is separate from and in addition to any policy a public school or LEA must adopt pursuant to Title IX. Each LEP shall periodically review and update the policy, in addition to making the policy available to students, students' parents or legal guardians, and employees. The policy will be in English and, upon request, in Spanish and must be on the website in English.

Beginning no later than July 1, 2024, each LEP has been required to provide training to all employees about harassment and discrimination. Each new employee must complete training upon hiring and at least every 3 years thereafter.

Since or before July 1, 2025, and on or before July 1 of each year thereafter, each public school of a school district has been required to report to the school district, and each institute charter school has been required to report to the Charter School Institute, the following information, aggregated and without personally identifiable information about the parties, from the prior twelve months:

- The number of formal harassment or discrimination reports received by the school and the type of bias reported when discrimination or harassment was found.
- The time to complete each investigation and to make findings related to each report.

On or before August 1, 2025, and on or before August 1 of each year thereafter, the Charter School Institute and each school district have been required to report to the Colorado Department of Education the information it received from each school.

Implementation and Resources by the Colorado Department of Education

The Colorado Department of Education (CDE) created a data collection aligned to the requirements of this law. The department also provided training for data respondents on how to collect the data needed for reporting.

Beginning on or before October 1, 2025, and on or before October 1 of each year thereafter, the CDE has reported the information received from districts to the sexual misconduct advisory committee.

CDE resources that support school and district efforts to support students and to prevent harassment and discrimination in school include:

- Bullying Prevention Grant: A competitive grant program focused on reducing bullying incidents
- Landscape for Well Being: A combination of CDE offices that provide strategies to promote student well-being.
- Discipline Best Practices: Resources for districts as they are updating and revising discipline systems.

WHERE CAN I LEARN MORE?

For data collection questions, please contact Carrie Martin, Martin_c@cde.state.co.us

For programmatic questions, please contact Joanna Bruno, Bruno_j@cde.state.co.us