



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

HB 26-1141: DISCRIMINATORY PRACTICES IN PUBLIC SCHOOLS

Prime Sponsors:

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Fiscal note status: The revised fiscal note reflects the introduced bill as amended by the House Education and House Appropriations committees.

Summary Information

Overview. The bill expands definitions constituting discrimination in public schools and institutions of higher education.

Types of impacts. The bill is projected to affect the following areas beginning in FY 2026-27:

- Minimal State Revenue
- Minimal State Workload
- Institutions of Higher Education
- School Districts

Appropriations. No appropriation is required.

Table 1
State Fiscal Impacts

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	5.0 FTE	4.6 FTE

Summary of Legislation

Discrimination in Places of Public Accommodation

The bill expands the Colorado Anti-Discrimination Act's definition of a discriminatory practice to include additional violations in schools, including institutions of higher education. These additional violations are:

- excluding a student from participation in any educational programs or activities;
- denying a student the benefits of educational programs or activities;
- subjecting a student to discrimination in any educational programs or activities;
- treating a student differently from a similarly situated student; and,
- failing to take prompt and effective steps to eliminate a hostile environment

The Colorado Civil Rights Commission may adopt rules specific to complaints of discrimination in schools. In the case of a conflict between state and federal law regarding non-discrimination, state law governs under the bill.

Harassment Definitions

The bill expands the definition of harassment in public schools to include any unwelcome or unwanted behavior on the basis of pregnancy or parental status.

Institutions of Higher Education

Title VI of the Federal Civil Rights Act prohibits discrimination on the basis of race, color, and national origin for receiving any financial assistance for education. The bill requires each Institution of Higher Education (IHE) to establish grievance procedures for persons alleging Title VI violations and to designate an individual to serve as a Title VI coordinator. This coordinator must respond to alleged discrimination and harassment, enforce Title VI grievance procedures, provide Title VI training to IHE employees and provide de-identified data on Title VI violations to the public.

State Revenue

If additional discrimination cases progress through the Civil Rights Division and require legal action in trial courts, state revenue to the Judicial Department may increase from filing fees. Revenue from filing fees is subject to TABOR. The fiscal note assumes that the number of additional cases heard in trial courts will be minimal and that any impact to revenue will be minimal.

State Expenditures

The bill minimally increases workload in the Department of Regulatory Agencies and legal services for institutions of higher education, as outlined below.

Department of Regulatory Agencies

The Civil Rights Division in DORA will investigate any additional cases alleging discriminatory practices occurring in schools. Based on the current volume of investigations in schools, any increase is assumed to be minimal and no change in appropriations is required.

Institutions of Higher Education

To the extent the bill increases cases filed for discriminatory practices at institutions of higher education, legal service costs for IHEs will increase. Similar to the workload increase for the Civil Rights Division, these additional cases are assumed to be minimal.

Workload and costs will also increase for institutions of higher education to comply with the various requirements under the bill related to enforcement of federal law. These impacts include designating a Title VI coordinator, establishing grievance procedures, and sharing data between agencies. The fiscal note assumes that the majority of work required by the bill is already required under federal law and that any additional workload to share data and adjust current procedures will be addressed using institutional revenue sources.

Judicial Department

The trial courts in the Judicial Department may have an increase in cases filed alleging discrimination. The fiscal note assumes that any increase can be accomplished within existing resources and no change in appropriations is required.

Department of Law

In addition to any legal services provided to the Civil Rights Division and institutions of higher education, the Department of Law will also have workload and costs to the extent the Attorney General uses additional enforcement authority under the bill to pursue enforcement actions in education discrimination cases. It is assumed the Attorney General will prioritize any such cases within existing appropriations.

School District

If individual school districts have complaints levied against them, workload will increase to participate in mediation, when requested, and to provide information to the Division and the CDE to comply with investigations. If staff members or the school is out of compliance, these schools will adjust their procedures to address the findings of the investigation. School district expenditures will vary by district. These impacts may be offset to the extent that state complaints replace federal complaints that are investigated or adjudicated.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

Departmental Difference

Institutions of Higher Education

Some institutions of higher education estimated the need for a specific state appropriation to appoint a Title VI coordinator.

The fiscal note differs from these estimates by assuming that any additional work to comply with clarifications to existing federal law can be accomplished within existing staffing and resources, and that if any additional resources are required, these will be paid for using institutional revenue sources.

State and Local Government Contacts

Education	Law
Higher Education	Personnel
Judicial	Regulatory Agencies

The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).