

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 07-0670.01 Richard Sweetman

HOUSE BILL 07-1292

HOUSE SPONSORSHIP

Todd, Butcher, Casso, Kerr A., Massey, McKinley, Merrifield, and Solano

SENATE SPONSORSHIP

Windels,

House Committees
Education

Senate Committees
Education

SENATE
Amended 3rd Reading
April 5, 2007

A BILL FOR AN ACT

101 **CONCERNING THE ADOPTION OF SCIENCE-BASED CONTENT STANDARDS**
102 **FOR INSTRUCTION REGARDING HUMAN SEXUALITY.**

SENATE
Amended 2nd Reading
April 4, 2007

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires school districts, family resource centers, and teen pregnancy prevention programs that offer instruction regarding human sexuality to adopt science-based content standards for such instruction. Specifies the minimum requirements for a school district curriculum concerning human sexuality.

HOUSE
3rd Reading Unamended
February 28, 2007

HOUSE
Amended 2nd Reading
February 27, 2007

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters 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. Legislative declaration.** (1) The general assembly
3 hereby finds that:

4 (a) The United States has one of the highest teenage pregnancy
5 rates in the developed world, and the state of Colorado ranks
6 twenty-second in the nation in total teen pregnancies, with approximately
7 twelve thousand one hundred thirty girls becoming pregnant before their
8 eighteenth birthdays each year;

9 (b) The state of Colorado ranks twenty-ninth in the nation in total
10 incidences of sexually transmitted diseases;

11 (c) It is estimated that twenty percent of teen pregnancies in
12 Colorado will result in abortions.

13 (2) The general assembly further finds that:

14 (a) Current research documents the fact that those individuals who
15 receive early, comprehensive, age-appropriate, and medically accurate
16 education regarding the health benefits and other benefits derived from
17 sexual abstinence, family planning, and birth control are more likely to
18 delay sexual activity and engage in such activity with a higher degree of
19 responsibility and safety; and

20 (b) Comprehensive sex education programs that complement the
21 involvement and instruction of parents and respect the diversity and
22 values of the state provide Colorado's youth with a foundation of
23 information to help them make **responsible, healthy,** and informed
24 decisions.

25 (3) Therefore, the general assembly hereby declares that the
26 objective of this act is to reduce the incidence of sexually transmitted
27 diseases, pregnancy, and abortion among teenagers by ensuring that

1 school districts and teen pregnancy prevention programs that offer
2 instruction and information concerning human sexuality provide
3 teenagers the science-based information they need to make responsible
4 and healthy decisions, with a primary emphasis on abstaining from sexual
5 activity. For teenagers who become sexually active, school districts and
6 teen pregnancy prevention programs that offer instruction concerning
7 human sexuality shall both encourage such teenagers to return to
8 abstinence and teach the effective use of condoms or other means of
9 contraception.

10 SECTION 2. 22-1-110.5, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
12 read:

13 22-1-110.5. Education regarding human sexuality - prior
14 written notice to parent - content standards. (5) EXCEPT AS
15 DESCRIBED IN SUBSECTION (9) OF THIS SECTION, A SCHOOL DISTRICT,
16 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT OFFERS A
17 PLANNED CURRICULUM THAT INCLUDES INSTRUCTION CONCERNING
18 HUMAN SEXUALITY SHALL, IN OFFERING SUCH A CURRICULUM, MAINTAIN
19 CONTENT STANDARDS FOR THE CURRICULUM THAT ARE BASED ON
20 SCIENTIFIC RESEARCH, WHICH CONTENT STANDARDS SHALL:

21 (a) ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY
22 COMMUNICATION;

23 (b) EMPHASIZE ABSTINENCE AND TEACH THAT SEXUAL
24 ABSTINENCE IS THE ONLY CERTAIN WAY AND THE MOST EFFECTIVE WAY TO
25 AVOID PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND
26 INFECTIONS, INCLUDING BUT NOT LIMITED TO INSTRUCTION REGARDING
27 HIV/AIDS, HEPATITIS C, THE LINK BETWEEN HUMAN PAPILLOMAVIRUS

1 AND == CANCER, AND THE AVAILABILITY OF THE HUMAN PAPILLOMAVIRUS
2 VACCINE;

3 (c) INCLUDE INSTRUCTION TO HELP STUDENTS DEVELOP SKILLS FOR
4 MAKING RESPONSIBLE AND HEALTHY DECISIONS ABOUT HUMAN
5 SEXUALITY, PERSONAL POWER, BOUNDARY SETTING, AND RESISTING PEER
6 PRESSURE, INCLUDING HOW TO AVOID:

7 (I) UNWANTED VERBAL, PHYSICAL, AND SEXUAL ADVANCES;

8 (II) MAKING UNWANTED VERBAL, PHYSICAL, AND SEXUAL
9 ADVANCES; AND

10 (III) MAKING ASSUMPTIONS ABOUT A PERSON'S SUPPOSED SEXUAL
11 INTENTIONS BASED ON THAT PERSON'S APPEARANCE;

12 (d) INCLUDE DISCUSSION OF HOW ALCOHOL AND DRUG USE IMPAIRS
13 RESPONSIBLE AND HEALTHY DECISION-MAKING;

14 (e) BE AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND
15 MEDICALLY ACCURATE ACCORDING TO PUBLISHED AUTHORITIES UPON
16 WHICH MEDICAL PROFESSIONALS GENERALLY RELY;

17 (f) PROVIDE INSTRUCTION ABOUT THE HEALTH BENEFITS AND
18 POTENTIAL SIDE EFFECTS OF USING CONTRACEPTIVES AND BARRIER
19 METHODS TO PREVENT PREGNANCY, INCLUDING INSTRUCTION REGARDING
20 EMERGENCY CONTRACEPTION AND THE AVAILABILITY OF CONTRACEPTIVE
21 METHODS; AND

22 (g) FOR SCHOOL DISTRICTS THAT HAVE ESTABLISHED A
23 CHARACTER EDUCATION PROGRAM PURSUANT TO SECTION 22-29-103,
24 PROMOTE THE GUIDELINES OF BEHAVIOR ESTABLISHED IN THE CHARACTER
25 EDUCATION PROGRAM.

26 (6) NOTHING IN SUBSECTION (5) OF THIS SECTION SHALL BE
27 INTERPRETED TO PROHIBIT DISCUSSION OF HEALTH, MORAL, ETHICAL, OR

1 RELIGIOUS VALUES AS THEY PERTAIN TO HUMAN SEXUALITY, HEALTHY
2 RELATIONSHIPS, OR FAMILY FORMATION.

3 (7) SCHOOL DISTRICTS, CHARTER SCHOOLS, AND INSTITUTE
4 CHARTER SCHOOLS ARE ENCOURAGED TO INVOLVE TEACHERS, SCHOOL
5 NURSES, PARENTS, AND COMMUNITY MEMBERS IN THE DEVELOPMENT OF
6 THE CONTENT STANDARDS REQUIRED BY SUBSECTION (5) OF THIS SECTION
7 AND TO INTEGRATE AVAILABLE COMMUNITY RESOURCES INTO PROGRAMS
8 PROVIDING INSTRUCTION REGARDING HUMAN SEXUALITY.

9 (8) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
10 REQUIRES, "SEXUAL ABSTINENCE" MEANS NOT ENGAGING IN ORAL,
11 VAGINAL, OR ANAL INTERCOURSE OR GENITAL SKIN-TO-SKIN CONTACT.

12 (9) A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER
13 SCHOOL THAT IS RECEIVING UPON THE EFFECTIVE DATE OF THIS
14 SUBSECTION (9) DIRECT OR INDIRECT FUNDING FROM THE FEDERAL
15 GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE EDUCATION
16 PROGRAM PURSUANT TO 42 U.S.C. SEC. 710 SHALL NOT BE REQUIRED TO
17 ADOPT CONTENT STANDARDS FOR THE PROVISION OF SUCH INSTRUCTION
18 AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION IN ANY YEAR THAT THE
19 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL
20 RECEIVES SUCH FUNDING.

21 SECTION 3. 22-25-104 (3) (a), Colorado Revised Statutes, is
22 amended to read:

23 **22-25-104. Colorado comprehensive health education program**
24 **- role of department of education - recommended curriculum**
25 **guidelines - allocation of funds - rules and regulations.** (3) (a) With
26 the assistance of parents, school districts, the department of public health
27 and environment, the Colorado commission on higher education, and

1 other interested parties, the department of education shall develop
2 recommended guidelines for the implementation of local comprehensive
3 health education programs. THE GUIDELINES DEVELOPED PURSUANT TO
4 THIS SUBSECTION (3) SHALL COMPLY WITH THE REQUIREMENTS OF SECTION
5 22-1-110.5.

6 **SECTION 4.** 22-25-110 (2), Colorado Revised Statutes, is
7 amended to read:

8 **22-25-110. Funding of existing programs - operation of other**
9 **health education programs.** (2) Nothing in this article shall be
10 interpreted to require a school district or board of cooperative services to
11 establish a local comprehensive health education program nor shall it be
12 interpreted to prevent a school district or board of cooperative services
13 from offering a health education program which is not operated under the
14 requirements of this article; except that any school district or board of
15 cooperative services offering such a health education program shall:

16 (a) Comply with the public information requirements contained
17 in section 22-25-106 (4); ~~and~~

18 (b) Establish a procedure to exempt a student, upon request of the
19 parent or guardian of such student, from a specific portion of the health
20 education program on the grounds that it is contrary to the religious OR
21 PERSONAL beliefs and teachings of the student or the student's parent or
22 guardian; AND

23 (c) UNLESS THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE
24 SERVICES IS RECEIVING DIRECT OR INDIRECT FUNDING FROM THE FEDERAL
25 GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE EDUCATION
26 PROGRAM PURSUANT TO 42 U.S.C. SEC. 710 AS DESCRIBED IN SECTION
27 22-1-110.5 (9), COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION

1 22-1-110.5 (5) REGARDING THE ADOPTION OF SCIENCE-BASED CONTENT
2 STANDARDS FOR INSTRUCTION REGARDING HUMAN SEXUALITY.

3 [REDACTED]

4 **SECTION 5.** 25.5-5-603 (2) (b), Colorado Revised Statutes, is
5 amended to read:

6 **25.5-5-603. Program - teen pregnancy and dropout**
7 **prevention.** (2) (b) Such services may include, but shall not be limited
8 to, the following services or combination of services:

9 (I) Intensive individual or group counseling, which includes a
10 component on SEXUAL ABSTINENCE AND delayed parenting;

11 (II) Vocational, health, and educational guidance;

12 (III) Public health services such as home visits or visiting nurse
13 services; AND

14 (IV) INSTRUCTION CONCERNING HUMAN SEXUALITY; EXCEPT THAT
15 THE DEPARTMENT, IN PROVIDING A TEEN PREGNANCY PREVENTION
16 PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 6 THAT PROVIDES
17 INSTRUCTION CONCERNING HUMAN SEXUALITY, SHALL ADOPT
18 SCIENCE-BASED CONTENT STANDARDS TO ENSURE THAT ANY INSTRUCTION
19 CONCERNING HUMAN SEXUALITY THAT IS PROVIDED SATISFIES THE
20 REQUIREMENTS OF SECTION 22-1-110.5 (5), C.R.S., AS IF THE PROGRAM
21 WERE PROVIDED BY A SCHOOL DISTRICT.

22 **SECTION 6. Effective date.** This act shall take effect July 1,
23 2007.

24 **SECTION 7. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.