


Colorado Legislative Council Staff Fiscal Note
STATE and LOCAL
REVISED FISCAL IMPACT
(replaces fiscal note dated February 5, 2007)

Drafting Number: LLS 07-0670
Prime Sponsor(s): Rep. Todd
 Sen. Windels

Date: February 26, 2007
Bill Status: House Second Reading
Fiscal Analyst: Harry Zeid (303-866-4753)

TITLE: CONCERNING THE ADOPTION OF SCIENCE-BASED CONTENT STANDARDS FOR INSTRUCTION REGARDING HUMAN SEXUALITY.

Fiscal Impact Summary	FY 2007-2008	FY 2008-2009
State Revenue	\$ 0	\$ 0
State Expenditures Federal Funds - Title V	Potential Loss of Federal Funds	
FTE Position Change	0.0 FTE	0.0 FTE
Effective Date: July 1, 2007		
Appropriation Summary for FY 2007-2008: None Required		
School District Impact: See the School District Impact Section.		

This fiscal note has been revised to reflect new information provided by the Department of Public Health and Environment, which was not addressed in the original fiscal note. While the bill, as amended, references programs in the Department of Education and the Department of Health Care Policy and Financing, a program in the Department of Public Health and Environment was found to be indirectly impacted by the bill. The fiscal note is also revised prior to the vote on House 2nd Reading pursuant to a request for a revised fiscal note under House Rule 32A(c).

Summary of Legislation

As amended in the House Education Committee, this bill requires school districts and teen pregnancy and dropout prevention programs that offer instruction regarding human sexuality to adopt content standards based on scientific research for the instruction. School districts, charter schools, and institute charter schools are encouraged to involve parents and community members in the development of the content standards and to integrate available community resources into programs providing instruction regarding human sexuality. The bill also identifies the minimum requirements for a school district curriculum concerning human sexuality. The content standards would include instruction about the health benefits and potential side effects of using contraceptives and barrier methods to prevent pregnancy, including instruction regarding emergency contraception and the availability of contraceptive methods.

State Expenditures

Background. The Department of Public Health and Environment received \$488,314 in federal funds in FY 2006-07 from the U.S. Department of Health and Human Services, Section 510 Abstinence Education Program. Of this amount, \$433,314 is available in the current calendar year for abstinence education programs and the remaining \$55,000 is available to the department for program administration. To date, a total of \$214,500 has been made available for four contracts to provide abstinence education, as follows:

- Center Consolidated School District - \$39,500;
- Weld County Health Department to provide education in the St. Vrain School District - \$65,000;
- Friends First to provide education in the Greeley-Evans District 6 - \$65,000; and
- FACT Foundation to provide education in Mesa County Valley School District #51 - \$45,000.

The department's contracts with these program providers is for three years (calendar years 2007 through 2009), subject to the annual availability of federal funds.

Section 510 [42 U.S.C. 710] (2)(A) of the Abstinence Education Program states that abstinence education means an educational or motivational program which has as its exclusive purpose, teaching the social, psychological, and health gains to be realized by abstaining from sexual activity. Further, federal guidelines state that "neither the State nor any of its sub-awardees may use Federal or matching funds under this award to promote the use of contraception."

Department of Public Health and Environment. It is likely that the department will lose the federal funds that are currently awarded to the Center Consolidated School District for the program described above if HB07-1292 becomes law. The bill requires that a school district, charter school, or institute charter school that offers instruction regarding human sexuality must contain content standards that include instruction about the health benefits and potential side effects of using contraceptives and barrier methods to prevent pregnancy. This would violate the conditions attached to the federal grant. Since the other three abstinence education providers (sub-awardees who are not school districts) would not be involved in instruction related to the potential side effects of using contraceptives, this fiscal note assumes that federal funds for these providers are unaffected by the bill. The three school districts where the abstinence education is provided would be required to separately comply with the science-based content standards provisions of the bill.

Department of Education. The bill will have no fiscal impact on the Department of Education or any programs run by the department.

Department of Health Care Policy & Financing. The department contracts for services that include instruction concerning human sexuality. While some of these contracts may need to be amended to include the requirements of the bill, these changes can be done within existing resources.

Department of Human Services. Requirements affecting the Family Resource Center Program in the Department of Human Services have been removed from the bill. Therefore, the bill will have no fiscal impact on the Department of Human Services.

School District Impact

Federal funding for abstinence education via the Department of Public Health and Environment for the Center Consolidated School District will most likely be lost if HB07-1292 becomes law. Further, while school districts will be required to adopt content standards, the additional workload for this task is viewed as minimal and can be accomplished within existing school district resources.

Departments Contacted

Education	Health Care Policy and Financing
Human Services	Public Health and Environment