

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 13-0161.02 Jane Ritter x4342

HOUSE BILL 13-1081

HOUSE SPONSORSHIP

Duran, Buckner, Fields, Hamner, Kagan, McCann, Moreno

SENATE SPONSORSHIP

Todd,

House Committees

Health, Insurance & Environment

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING HUMAN SEXUALITY EDUCATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill moves and adds language to the content standards for the instruction of comprehensive human sexuality education.

The bill creates the comprehensive human sexuality education grant program (program) in the department of public health and environment (department). An oversight entity will assess available funding opportunities and work with appropriate state departments to apply for federal and state grant moneys to fund the program. Once the

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.

HOUSE
3rd Reading Unamended
February 22, 2013

HOUSE
Amended 2nd Reading
February 19, 2013

program is funded, the oversight entity and the department shall work together to notify school districts, boards of cooperative services, and the state charter school institute of the program. The oversight entity will develop criteria for grant applications and for determining who will receive grant moneys and for how long. The oversight entity shall review all of the grant applications and make recommendations to the department concerning the awarding of grants through the program. The moneys distributed through the program must only be used for the purpose of providing comprehensive human sexuality education programs that are evidence-based, culturally sensitive, medically accurate, age-appropriate, reflective of positive youth development approaches, and that comply with statutory content standards.

The state board of health shall promulgate rules for the implementation of the program.

Schools that receive funding for local comprehensive health education programs are required to implement an opt-out policy rather than an opt-in policy for comprehensive health and sexuality education programs.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 22-1-110.5.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 22-1-128 as
4 follows:

5 **22-1-128. Comprehensive human sexuality education -**
6 **legislative declaration - definitions - guidelines and content**
7 **standards.** (1) (a) THE GENERAL ASSEMBLY HEREBY FINDS AND

8 DECLARES THAT:

9 (I) COLORADO YOUTH HAVE A RIGHT TO RECEIVE MEDICALLY AND
10 SCIENTIFICALLY ACCURATE INFORMATION TO EMPOWER THEM TO MAKE
11 INFORMED DECISIONS THAT PROMOTE THEIR INDIVIDUAL PHYSICAL AND
12 MENTAL HEALTH AND WELL-BEING;

13 (II) THIS RIGHT APPLIES TO ALL YOUTH, REGARDLESS OF
14 GEOGRAPHIC LOCATION, ETHNIC OR RACIAL BACKGROUND, FAMILY
15 INCOME, PHYSICAL OR INTELLECTUAL ABILITY, SEXUAL ORIENTATION, OR

1 GENDER EXPRESSION;

2 (III) PARENTS, CAREGIVERS, COMMUNITY ORGANIZATIONS, AND
3 OTHER TRUSTED ADULTS SERVE AS AN ESSENTIAL PART OF THE EDUCATION
4 PROCESS AND MAY RELY ON HEALTH, EDUCATION, AND OTHER
5 PROFESSIONALS TO PROVIDE EVIDENCE-BASED INFORMATION THAT
6 EMPOWERS YOUTH TO MAKE DECISIONS THAT ARE CONSISTENT WITH THEIR
7 OWN VALUES AND LIFE GOALS;

8 (IV) THE INFORMATION, EDUCATION, AND SKILLS THAT COLORADO
9 YOUTH RECEIVE DURING THEIR FORMATIVE YEARS PROVIDE THE
10 FOUNDATION FOR RESPONSIBLE DECISION-MAKING ABOUT PERSONAL
11 BEHAVIORS AND IMPORTANT LIFE DECISIONS THROUGHOUT THE REST OF
12 THEIR LIVES;

13 (V) THE DECISIONS AN INDIVIDUAL MAKES REGARDING HIS OR HER
14 SEXUAL AND REPRODUCTIVE HEALTH IMPACT THE PUBLIC HEALTH AND
15 WELFARE OF THE COMMUNITY IN WHICH THE INDIVIDUAL LIVES;

16 (VI) WHEN COMPARED TO THE NATIONAL AVERAGE, COLORADO
17 HAS A LOWER RATE OF TEEN BIRTHS AND A LOWER RATE OF CERTAIN
18 SEXUALLY TRANSMITTED INFECTIONS, ACCORDING TO THE CENTERS FOR
19 DISEASE CONTROL AND PREVENTION AND THE COLORADO DEPARTMENT OF
20 PUBLIC HEALTH AND ENVIRONMENT. IN SPITE OF THIS DATA, COLORADO
21 YOUTH STILL FACE MANY BARRIERS IN OBTAINING THE MEDICALLY
22 ACCURATE INFORMATION AND RESOURCES THEY NEED TO MAKE INFORMED
23 AND RESPONSIBLE DECISIONS AND LEAD HEALTHY LIVES.

24 (VII) ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND
25 PREVENTION, EVIDENCE-BASED, MEDICALLY ACCURATE,
26 AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND COMPREHENSIVE
27 SEXUALITY EDUCATION PROGRAMS HAVE BEEN PROVEN TO HELP YOUTH

1 DELAY THE ONSET OF SEXUAL ACTIVITY, DECREASE THE FREQUENCY OF
2 SEXUAL ACTIVITY, REDUCE THE NUMBER OF SEXUAL PARTNERS, AND
3 INCREASE CONDOM AND CONTRACEPTIVE USE;

4 (VIII) SEXUAL VIOLENCE AND TEEN DATING VIOLENCE IS A
5 PERVASIVE AND SERIOUS PUBLIC HEALTH ISSUE, PLACING TEEN VICTIMS AT
6 INCREASED RISK FOR ADOLESCENT PREGNANCY, SEXUALLY TRANSMITTED
7 DISEASES AND INFECTIONS, LOW ACADEMIC PERFORMANCE, TRUANCY,
8 DROPOUT, AND OTHER HARMFUL BEHAVIORS;

9 (IX) ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND
10 PREVENTION, THESE CHANGES IN BEHAVIOR HELP PREVENT UNINTENDED
11 PREGNANCY AND THE SPREAD OF SEXUALLY TRANSMITTED INFECTIONS;

12 (X) THE COLORADO GENERAL ASSEMBLY PASSED HOUSE BILL
13 07-1292, ENACTED IN 2007, TO ESTABLISH CONTENT STANDARDS FOR THE
14 PROVISION OF HUMAN SEXUALITY COURSES TAUGHT IN PUBLIC SCHOOLS
15 THROUGHOUT THE STATE;

16 (XI) THE COLORADO GENERAL ASSEMBLY PASSED THE "PUBLIC
17 HEALTH REAUTHORIZATION ACT", SENATE BILL 08-194, ENACTED IN
18 2008, TO CREATE A STATEWIDE PUBLIC HEALTH IMPROVEMENT PLAN TO
19 ELIMINATE GEOGRAPHIC-BASED AND OTHER DISPARITIES IN THE
20 ACCESSIBILITY AND AVAILABILITY OF SERVICES THROUGH THE STATE'S
21 PUBLIC HEALTH AGENCIES;

22 (XII) THE COLORADO GENERAL ASSEMBLY PASSED THE
23 "EDUCATION ALIGNMENT ACT", SENATE BILL 08-212, ENACTED IN 2008,
24 WHICH STATES THAT ALL SCHOOL DISTRICT STANDARDS MUST MEET OR
25 EXCEED ESTABLISHED STATE STANDARDS, AND THAT SCHOOL DISTRICTS
26 MUST ADOPT CURRICULUM AND ASSESSMENTS THAT ARE CONSISTENT WITH
27 THESE STANDARDS; AND

1 (XIII) IN 2009, THE COLORADO STATE BOARD OF EDUCATION
2 ADOPTED ACADEMIC CONTENT STANDARDS FOR COMPREHENSIVE HEALTH
3 EDUCATION THAT SUPPORT YOUTH IN MAKING INFORMED AND
4 RESPONSIBLE DECISIONS ABOUT THEIR HEALTH AND IN HAVING ACCESS TO
5 THE TOOLS THEY NEED TO LIVE HEALTHY LIVES.

6 (b) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

7 (I) THERE IS A NEED TO CONTINUE AND EXPAND EFFORTS TO
8 ENSURE THAT ALL YOUNG PEOPLE IN COLORADO HAVE ACCESS TO
9 EVIDENCE-BASED, MEDICALLY ACCURATE, CULTURALLY SENSITIVE,
10 AND AGE-APPROPRIATE COMPREHENSIVE SEXUALITY EDUCATION,
11 INFORMATION, AND RESOURCES TO GUIDE THEM IN MAKING INFORMED
12 DECISIONS ABOUT THEIR HEALTH AND RELATIONSHIPS. ADDITIONALLY,
13 SCHOOLS NEED TO PROMOTE HEALTHY RELATIONSHIPS THROUGH
14 AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND COMPREHENSIVE HUMAN
15 SEXUALITY EDUCATION, INCLUDING PROVIDING INFORMATION AND
16 RESOURCES FOR EARLY INTERVENTION AND RESPONSE STRATEGIES TO
17 TEEN DATING VIOLENCE.

18 (II) THE STATE OF COLORADO AND ELIGIBLE STATE AGENCIES AND
19 OTHER ORGANIZATIONS MUST PURSUE FUNDING AND OTHER FEDERAL
20 SUPPORT TO IMPLEMENT COMPREHENSIVE HUMAN SEXUALITY EDUCATION
21 PROGRAMS;

22 (III) THE PROVISIONS OF SEXUAL AND REPRODUCTIVE HEALTH
23 EDUCATION THAT INCORPORATE COMPREHENSIVE, EVIDENCE-BASED,
24 CULTURALLY SENSITIVE, AND AGE-APPROPRIATE STANDARDS CAN RESULT
25 IN YOUTH DELAYING SEXUAL ACTIVITY UNTIL THEY ARE READY, AVOIDING
26 UNWANTED CONSEQUENCES OF SEXUAL BEHAVIOR, LEARNING MEDICALLY
27 ACCURATE INFORMATION ABOUT THEIR HEALTH, AND PROMOTING

1 POSITIVE YOUTH-FRIENDLY MESSAGES CONCERNING GROWTH,
2 DEVELOPMENT, BODY IMAGE, GENDER ROLES, AND ALL ASPECTS RELATED
3 TO HEALTHY, SAFE RELATIONSHIPS AND SEXUAL BEHAVIOR; AND

4 (IV) BROAD-BASED COMMUNITY PARTNERSHIPS ARE ESSENTIAL
5 WHEN DEVELOPING POLICIES AND IMPLEMENTING PROGRAMS THAT AFFECT
6 THE SEXUAL AND REPRODUCTIVE HEALTH OF COLORADO'S YOUTH.

7 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
8 REQUIRES:

9 (a) "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES, AND TEACHING
10 METHODS SUITABLE TO A PARTICULAR AGE OR AGE GROUP, BASED ON
11 DEVELOPING COGNITIVE, EMOTIONAL, AND BEHAVIORAL CAPACITY
12 TYPICAL FOR THE AGE OR AGE GROUP.

13 (b) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS
14 MEDICALLY ACCURATE INFORMATION ABOUT ALL METHODS TO PREVENT
15 UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND
16 INFECTIONS, INCLUDING HIV AND AIDS, [REDACTED] AND THE LINK BETWEEN
17 HUMAN PAPILLOMAVIRUS AND CANCER. METHODS MUST INCLUDE
18 INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF ABSTINENCE,
19 CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS. ADDITIONAL
20 CONTENTS OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION MAY
21 INCLUDE:

22 (I) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

23 (II) TEACHING YOUNG PEOPLE HOW TO AVOID, AND AVOID
24 MAKING, UNWANTED VERBAL, PHYSICAL, AND SEXUAL ADVANCES;

25 (III) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS,
26 INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING AND
27 TEACHING YOUNG PEOPLE HOW TO RECOGNIZE AND RESPOND SAFELY AND

1 EFFECTIVELY IN SITUATIONS WHERE SEXUAL OR PHYSICAL VIOLENCE MAY
2 BE OCCURRING OR WHERE THERE MAY BE A RISK FOR THESE BEHAVIORS TO
3 OCCUR; AND

4 (IV) TEACHING YOUNG PEOPLE HOW ALCOHOL AND DRUG USE CAN
5 AFFECT RESPONSIBLE DECISION-MAKING.

6 (c) "CULTURALLY SENSITIVE" MEANS THE INTEGRATION OF
7 KNOWLEDGE ABOUT INDIVIDUALS AND GROUPS OF PEOPLE INTO SPECIFIC
8 STANDARDS, POLICIES, PRACTICES, AND ATTITUDES USED TO INCREASE THE
9 QUALITY OF SERVICES. "CULTURALLY SENSITIVE" INCLUDES RESOURCES,
10 REFERENCES, AND INFORMATION THAT ARE MEANINGFUL TO THE
11 EXPERIENCES AND NEEDS OF COMMUNITIES OF COLOR; IMMIGRANT
12 COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND TRANSGENDER
13 COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL DISABILITIES;
14 PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION; AND OTHERS
15 WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT OF SEXUAL
16 HEALTH EDUCATION, PROGRAMS, AND POLICIES.

17 (d) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:

18 (I) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
19 INCLUDING:

20 (A) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;

21 (B) HAVING AN ADEQUATE SAMPLE SIZE;

22 (C) USING SOUND RESEARCH METHODS AND PROCESSES;

23 (D) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
24 EVALUATION RESULTS; AND

25 (E) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;

26 (II) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
27 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY

1 PREGNANCY AND, SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV:

2 (A) DELAYING SEXUAL INITIATION;

3 (B) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;

4 (C) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR

5 (D) INCREASING THE USE OF CONDOMS AND OTHER
6 CONTRACEPTIVES.

7 (e) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH THAT
8 EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE AND
9 FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO PROMOTE
10 HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY SENSITIVE,
11 INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND STRENGTH-BASED.

12 (f) "SEXUAL ABSTINENCE" MEANS NOT ENGAGING IN ORAL,
13 VAGINAL, OR ANAL INTERCOURSE OR GENITAL SKIN-TO-SKIN CONTACT.

14 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
15 SECTION, A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
16 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT OFFERS A
17 PLANNED CURRICULUM THAT INCLUDES COMPREHENSIVE HUMAN
18 SEXUALITY EDUCATION SHALL PROVIDE TO THE PARENT OR GUARDIAN OF
19 EACH STUDENT, PRIOR TO COMMENCING THE PLANNED CURRICULUM:

20 (a) WRITTEN NOTIFICATION OF THE ABILITY TO EXCUSE A
21 STUDENT, WITHOUT PENALTY OR ADDITIONAL ASSIGNMENT, FROM THAT
22 PORTION OF THE PLANNED CURRICULUM THAT INCLUDES COMPREHENSIVE
23 HUMAN SEXUALITY EDUCATION, UPON THE WRITTEN REQUEST OF THE
24 STUDENT'S PARENT OR GUARDIAN; AND

25 (b) A DETAILED, SUBSTANTIVE OUTLINE OF THE TOPICS AND
26 MATERIALS TO BE PRESENTED IN THAT PORTION OF THE PLANNED
27 CURRICULUM RELATED TO COMPREHENSIVE HUMAN SEXUALITY

1 EDUCATION.

2 (4) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
3 AN ACT OR PROCEDURE IN ADDITION TO THE SIGNATURE OF THE PARENT OR
4 GUARDIAN TO EXCUSE A STUDENT FROM A PLANNED CURRICULUM
5 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION.

6 (5) EACH SCHOOL DISTRICT BOARD OF EDUCATION, BOARD OF
7 COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER
8 SCHOOL IS ENCOURAGED TO DISSEMINATE POLICIES OR INSTRUCTIONS TO
9 THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, OR BOARD OF
10 COOPERATIVE SERVICES, OR APPROPRIATE STAFF OF THE CHARTER SCHOOL
11 OR INSTITUTE CHARTER SCHOOL TO ENSURE THE IMPLEMENTATION OF THE
12 PROVISIONS OF THIS SECTION IN A MANNER THAT WILL NOT DRAW UNDUE
13 ATTENTION TO, NOR CAUSE UNDUE EMBARRASSMENT FOR, STUDENTS
14 EXCUSED FROM A PLANNED CURRICULUM RELATED TO COMPREHENSIVE
15 HUMAN SEXUALITY EDUCATION.

16 (6) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A
17 LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAM IMPLEMENTED BY
18 A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL,
19 OR INSTITUTE CHARTER SCHOOL PURSUANT TO ARTICLE 25 OF THIS TITLE.

20 (7) EXCEPT AS DESCRIBED IN SUBSECTION (10) OF THIS SECTION,
21 A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL,
22 OR INSTITUTE CHARTER SCHOOL THAT OFFERS A PLANNED CURRICULUM
23 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION MUST, IN
24 OFFERING SUCH A CURRICULUM, MAINTAIN CONTENT STANDARDS FOR THE
25 CURRICULUM. THESE CONTENT STANDARDS MUST:

26 (a) ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY
27 COMMUNICATION;

1 (b) INCLUDE MEDICALLY ACCURATE INFORMATION ABOUT
2 METHODS TO PREVENT UNINTENDED PREGNANCY AND SEXUALLY
3 TRANSMITTED INFECTIONS, INCLUDING HIV/AIDS, AND THE LINK
4 BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER. METHODS SHALL
5 INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF
6 ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS.

7 (c) INCLUDE INSTRUCTION TO HELP STUDENTS DEVELOP SKILLS FOR
8 MAKING RESPONSIBLE AND HEALTHY DECISIONS ABOUT HUMAN
9 SEXUALITY, PERSONAL POWER, BOUNDARY SETTING, DEVELOPING SAFE
10 AND HEALTHY RELATIONSHIPS, AND RESISTING PEER PRESSURE, INCLUDING
11 HOW TO AVOID:

- 12 (I) UNWANTED VERBAL, PHYSICAL, AND SEXUAL ADVANCES;
- 13 (II) MAKING UNWANTED VERBAL, PHYSICAL, AND SEXUAL
14 ADVANCES; AND
- 15 (III) MAKING ASSUMPTIONS ABOUT A PERSON'S SUPPOSED SEXUAL
16 INTENTIONS BASED ON THAT PERSON'S APPEARANCE;

17 (d) INCLUDE DISCUSSIONS AND INFORMATION ON HOW TO
18 RECOGNIZE AND RESPOND SAFELY AND EFFECTIVELY IN SITUATIONS
19 WHERE SEXUAL OR PHYSICAL VIOLENCE MAY BE OCCURRING OR WHERE
20 THERE MAY BE A RISK FOR THESE BEHAVIORS TO OCCUR;

21 (e) INCLUDE DISCUSSION OF HOW ALCOHOL AND DRUG USE IMPAIRS
22 RESPONSIBLE AND HEALTHY DECISION-MAKING;

23 (f) BE COMPREHENSIVE, AGE-APPROPRIATE, EVIDENCE-BASED,
24 CULTURALLY SENSITIVE, INCLUSIVE OF A POSITIVE YOUTH DEVELOPMENT
25 FRAMEWORK, AND MEDICALLY ACCURATE;

26 (g) PROVIDE INSTRUCTION ABOUT THE HEALTH BENEFITS AND
27 POTENTIAL SIDE EFFECTS OF USING CONTRACEPTIVES AND BARRIER

1 METHODS TO PREVENT PREGNANCY, INCLUDING INSTRUCTION REGARDING
2 EMERGENCY CONTRACEPTION AND THE AVAILABILITY OF CONTRACEPTIVE
3 METHODS; AND

4 (h) FOR SCHOOL DISTRICTS THAT HAVE ESTABLISHED A
5 CHARACTER EDUCATION PROGRAM PURSUANT TO SECTION 22-29-103,
6 PROMOTE THE GUIDELINES OF BEHAVIOR ESTABLISHED IN THE CHARACTER
7 EDUCATION PROGRAM.

8 (8) NOTHING IN SUBSECTION (7) OF THIS SECTION SHALL BE
9 INTERPRETED TO PROHIBIT DISCUSSION OF HEALTH, MORAL, ETHICAL, OR
10 RELIGIOUS VALUES AS THEY PERTAIN TO COMPREHENSIVE HUMAN
11 SEXUALITY, HEALTHY RELATIONSHIPS, OR FAMILY FORMATION.

12 (9) PUBLIC SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE
13 SERVICES, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS ARE
14 ENCOURAGED TO INVOLVE TEACHERS, SCHOOL NURSES, PARENTS, AND
15 COMMUNITY MEMBERS IN THE DEVELOPMENT OF THE CONTENT
16 STANDARDS REQUIRED BY SUBSECTION (7) OF THIS SECTION AND TO
17 INTEGRATE AVAILABLE COMMUNITY RESOURCES INTO PROGRAMS RELATED
18 TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION.

19 (10) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
20 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT IS RECEIVING, ON
21 JULY 1, 2013, OR THEREAFTER, DIRECT OR INDIRECT FUNDING FROM THE
22 FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE
23 EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710 IS NOT REQUIRED
24 TO ADOPT CONTENT STANDARDS FOR THE PROVISION OF SUCH
25 INSTRUCTION AS DESCRIBED IN SUBSECTION (5) OF THIS SECTION IN ANY
26 YEAR THAT THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
27 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL RECEIVES SUCH

1 FUNDING.

2 (11) NOTHING IN THIS SECTION SHALL REQUIRE AMENDING ANY
3 CONTENT STANDARDS RELATED TO COMPREHENSIVE HUMAN SEXUALITY
4 EDUCATION DEVELOPED BY THE DEPARTMENT AND ADOPTED BY THE
5 STATE BOARD PRIOR TO JULY 1, 2013.

6 (12) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
7 STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE.

8 **SECTION 3.** In Colorado Revised Statutes, **add** article 44 to title
9 25 as follows:

10 **ARTICLE 44**

11 **Comprehensive Human Sexuality Education Grant Program**

12 **25-44-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES, AND
15 TEACHING METHODS SUITABLE TO A PARTICULAR AGE OR AGE GROUP,
16 BASED ON DEVELOPING COGNITIVE, EMOTIONAL, AND BEHAVIORAL
17 CAPACITY TYPICAL FOR THE AGE OR AGE GROUP.

18 (2) "CASH FUND" MEANS THE COMPREHENSIVE HUMAN SEXUALITY
19 EDUCATION GRANT PROGRAM CASH FUND CREATED IN SECTION 25-44-104.

20 (3) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS
21 MEDICALLY ACCURATE INFORMATION ABOUT ALL METHODS TO PREVENT
22 UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND
23 INFECTIONS, INCLUDING HIV AND AIDS, AND THE LINK BETWEEN
24 HUMAN PAPILLOMAVIRUS AND CANCER. METHODS MUST INCLUDE
25 INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF ABSTINENCE,
26 CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS. ADDITIONAL
27 CONTENTS OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION MAY

1 INCLUDE:

2 (I) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

3 (II) TEACHING YOUNG PEOPLE HOW TO AVOID AND AVOID MAKING
4 UNWANTED VERBAL, PHYSICAL, AND SEXUAL ADVANCES;

5 (III) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS,
6 INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING; AND

7 (IV) TEACHING YOUNG PEOPLE HOW ALCOHOL AND DRUG USE CAN
8 AFFECT RESPONSIBLE DECISION-MAKING.

9 (4) "CULTURALLY SENSITIVE" MEANS THE INTEGRATION OF
10 KNOWLEDGE ABOUT INDIVIDUALS AND GROUPS OF PEOPLE INTO SPECIFIC
11 STANDARDS, POLICIES, PRACTICES, AND ATTITUDES USED TO INCREASE THE
12 QUALITY OF SERVICES. "CULTURALLY SENSITIVE" INCLUDES RESOURCES,
13 REFERENCES, AND INFORMATION THAT ARE MEANINGFUL TO THE
14 EXPERIENCES AND NEEDS OF COMMUNITIES OF COLOR; IMMIGRANT
15 COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND TRANSGENDER
16 COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL DISABILITIES;
17 PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION; AND OTHERS
18 WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT OF SEXUAL
19 HEALTH EDUCATION, PROGRAMS, AND POLICIES.

20 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
21 AND ENVIRONMENT, CREATED AND EXISTING PURSUANT TO SECTION
22 25-1-101.5.

23 (6) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:

24 (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
25 INCLUDING:

26 (I) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;

27 (II) HAVING AN ADEQUATE SAMPLE SIZE;

- 1 (III) USING SOUND RESEARCH METHODS AND PROCESSES;
- 2 (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
- 3 EVALUATION RESULTS; AND
- 4 (V) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;
- 5 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
- 6 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
- 7 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS AND DISEASE, AND HIV
- 8 INFECTION:
- 9 (I) DELAYING SEXUAL INITIATION;
- 10 (II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;
- 11 (III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR
- 12 (IV) INCREASING THE USE OF CONDOMS AND OTHER
- 13 CONTRACEPTIVES.
- 14 (7) "OVERSIGHT ENTITY" MEANS THE INTERAGENCY YOUTH
- 15 SEXUAL HEALTH TEAM CREATED IN SECTION 25-44-103.
- 16 (8) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH THAT
- 17 EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE AND
- 18 FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO PROMOTE
- 19 HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY SENSITIVE,
- 20 AGE-APPROPRIATE, INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND
- 21 STRENGTH-BASED.
- 22 (9) "PROGRAM" MEANS THE COMPREHENSIVE HUMAN SEXUALITY
- 23 EDUCATION GRANT PROGRAM CREATED IN SECTION 25-44-102.
- 24 (10) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT,
- 25 A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A FACILITY
- 26 SCHOOL, OR A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
- 27 22-5-103.

1 (11) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
2 CREATED PURSUANT TO SECTION 25-1-103.

3 **25-44-102. Comprehensive human sexuality education grant**
4 **program - creation - application for federal moneys - notification to**
5 **schools - rules.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
6 COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM. THE
7 PURPOSE OF THE PROGRAM IS TO PROVIDE MONEYS TO PUBLIC SCHOOLS
8 AND SCHOOL DISTRICTS FOR USE IN THE CREATION AND IMPLEMENTATION
9 OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS IN THEIR
10 CURRICULUM.

11 (2) UPON RECEIPT OF FEDERAL MONEYS OR OTHER
12 APPROPRIATIONS TO THE CASH FUND, THE DEPARTMENT, IN CONJUNCTION
13 WITH THE OVERSIGHT ENTITY, SHALL NOTIFY THE SCHOOL DISTRICTS, THE
14 STATE CHARTER SCHOOL INSTITUTE, AND BOARDS OF COOPERATIVE
15 SERVICES THROUGHOUT THE STATE OF GRANTS AVAILABLE THROUGH THE
16 PROGRAM.

17 (3) BASED ON THE RECOMMENDATIONS OF THE OVERSIGHT ENTITY,
18 THE DEPARTMENT SHALL AWARD GRANTS TO PUBLIC SCHOOLS AND
19 SCHOOL DISTRICTS FOR PERIODS OF ONE TO THREE YEARS.

20 (4) MONEYS DISTRIBUTED TO PUBLIC SCHOOLS AND SCHOOL
21 DISTRICTS THROUGH THE PROGRAM MUST ONLY BE USED FOR THE
22 PROVISION OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS
23 THAT COMPLY WITH THE PROVISIONS OF AND MEET OR EXCEED THE
24 GUIDELINES SET FORTH IN SECTION 22-1-128, C.R.S., AND DEVELOPED
25 PURSUANT TO SECTION 22-25-104 (3), C.R.S.

26 (5) ON OR BEFORE DECEMBER 1, 2013, OR NOT MORE THAN NINETY
27 DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT MONEYS TO

1 IMPLEMENT THE PROGRAM, WHICHEVER IS LATER, THE STATE BOARD
2 SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS ARTICLE,
3 USING THE RECOMMENDATIONS DEVELOPED BY THE OVERSIGHT ENTITY
4 PURSUANT TO SECTION 25-44-103 (2) (b).

5 (6) ON OR BEFORE JANUARY 30, 2017, AND EVERY YEAR
6 THEREAFTER IN WHICH GRANTS HAVE BEEN AWARDED PURSUANT TO THIS
7 ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT CONCERNING THE
8 OUTCOMES OF THE PROGRAM TO THE STATE BOARD OF EDUCATION, THE
9 DEPARTMENT OF EDUCATION, AND THE EDUCATION COMMITTEES OF THE
10 SENATE AND HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN
11 SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND
12 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
13 ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE, AT A
14 MINIMUM:

15 (a) THE NUMBER OF PUBLIC SCHOOLS AND SCHOOL DISTRICTS THAT
16 RECEIVED A GRANT UNDER THE PROGRAM;

17 (b) THE NUMBER OF STUDENTS REACHED AND THE CURRICULUM
18 UTILIZED;

19 (c) THE AMOUNT OF EACH GRANT AWARDED;

20 (d) THE AVERAGE AMOUNT OF ALL GRANTS AWARDED; AND

21 (e) THE SOURCE AND AMOUNT OF EACH GIFT, GRANT, OR DONATION
22 RECEIVED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
23 ARTICLE.

24 (7) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE,
25 THE DEPARTMENT SHALL NOT BE REQUIRED TO IMPLEMENT THE
26 PROVISIONS OF THIS ARTICLE UNTIL SUFFICIENT MONEYS HAVE BEEN
27 RECEIVED AND TRANSFERRED OR APPROPRIATED TO THE CASH FUND.

1 (8) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO
2 STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE.

3 **25-44-103. Comprehensive human sexuality education grant**
4 **program - oversight entity - duties - application process.** (1) ON OR
5 BEFORE JULY 1, 2013, THE DEPARTMENT SHALL CONVENE THE
6 INTERAGENCY YOUTH SEXUAL HEALTH TEAM, REFERRED TO IN THIS
7 ARTICLE AS THE "OVERSIGHT ENTITY". MEMBERSHIP OF THE OVERSIGHT
8 ENTITY MUST INCLUDE:

9 (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
10 HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE;

11 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
12 CARE POLICY AND FINANCING, OR HIS OR HER DESIGNEE;

13 (c) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

14
15 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
16 SERVICES, OR HIS OR HER DESIGNEE; AND

17 (e) A PARENT REPRESENTATIVE, APPOINTED BY THE DEPARTMENT
18 OF HEALTH.

19 (2) THE OVERSIGHT ENTITY HAS THE FOLLOWING DUTIES:

20 (a) DURING THE 2013-14 ACADEMIC YEAR AND EVERY ACADEMIC
21 YEAR THEREAFTER, THE OVERSIGHT ENTITY SHALL ASSESS OPPORTUNITIES
22 FOR AVAILABLE FEDERAL AND STATE MONEYS TO FUND THE PROGRAM;
23 EXCEPT THAT THE OVERSIGHT ENTITY SHALL NOT RECOMMEND APPLYING
24 FOR ANY FEDERAL OR STATE MONEYS THAT PROMOTE ABSTINENCE AS THE
25 SOLE BEHAVIORAL METHOD FOR YOUTH OR FUNDING REQUIRING
26 ADHERENCE TO THE A-H GUIDELINES OF SECTION 510 (b) OF TITLE V OF
27 THE FEDERAL "SOCIAL SECURITY ACT", PUB. L. 104-193, WHICH ARE

1 INCONSISTENT WITH THE PROVISIONS OF SECTION 22-1-128, C.R.S. THE
2 OVERSIGHT ENTITY WILL PROVIDE INFORMATION TO THE APPROPRIATE
3 STATE DEPARTMENTS CONCERNING AVAILABLE FEDERAL AND STATE
4 MONEYS RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION
5 FUNDS FOR WHICH A GIVEN DEPARTMENT IS ELIGIBLE TO APPLY.

6 (b) TO DEVELOP POLICIES AND PROCEDURES FOR THE
7 IMPLEMENTATION OF THE PROGRAM AND RECOMMEND SUCH POLICIES AND
8 PROCEDURES TO THE STATE BOARD FOR ADOPTION BY RULE PURSUANT TO
9 SECTION 25-44-102. THE POLICIES AND PROCEDURES MUST INCLUDE, BUT
10 ARE NOT LIMITED TO:

11 (I) A PROCESS BY WHICH PUBLIC SCHOOLS AND SCHOOL DISTRICTS
12 WILL BE NOTIFIED OF AVAILABLE PROGRAM FUNDS FOR COMPREHENSIVE
13 HUMAN SEXUALITY EDUCATION.

14 (II) THE PROCEDURES BY WHICH PUBLIC SCHOOLS AND SCHOOL
15 DISTRICTS MAY APPLY FOR GRANTS PURSUANT TO THIS ARTICLE. EACH
16 GRANT APPLICATION MUST, AT A MINIMUM, DESCRIBE:

17 (A) HOW THE APPLICANT PUBLIC SCHOOL OR SCHOOL DISTRICT
18 WILL USE ANY AWARDED GRANT MONEYS TO PROVIDE COMPREHENSIVE
19 HUMAN SEXUALITY EDUCATION TO ITS STUDENT POPULATION;

20 (B) HOW THE PROPOSED COMPREHENSIVE HUMAN SEXUALITY
21 EDUCATION PROGRAM COMPLIES WITH SECTION 22-1-128, C.R.S., AND
22 ARTICLE 25 OF TITLE 22, C.R.S., AND IS EVIDENCE-BASED, CULTURALLY
23 SENSITIVE, AND REPRESENTS POSITIVE YOUTH DEVELOPMENT PRINCIPLES;

24 (C) HOW MANY STUDENTS THE PUBLIC SCHOOL OR SCHOOL
25 DISTRICT EXPECTS TO REACH THROUGH THE COMPREHENSIVE HUMAN
26 SEXUALITY EDUCATION PROGRAM; AND

27 (D) THE LENGTH OF TIME FOR WHICH THE APPLICANT IS

1 REQUESTING GRANT MONEYS;

2 (III) CRITERIA FOR THE OVERSIGHT ENTITY TO APPLY IN SELECTING
3 PUBLIC SCHOOLS AND SCHOOL DISTRICTS THAT MAY RECEIVE GRANTS AND
4 HOW TO DETERMINE THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
5 EACH GRANT RECIPIENT. THE CRITERIA MUST INCLUDE A REQUIREMENT
6 THAT THE PROPOSED COMPREHENSIVE HUMAN SEXUALITY EDUCATION
7 PROGRAM COMPLIES WITH SECTIONS 22-1-128 AND 22-25-104, C.R.S.,
8 AND IS EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REPRESENTS
9 POSITIVE YOUTH DEVELOPMENT PRINCIPLES.

10 (c) IN CONJUNCTION WITH THE DEPARTMENT, TO SOLICIT GRANT
11 APPLICATIONS FROM PUBLIC SCHOOLS AND SCHOOL DISTRICTS;

12 (d) TO REVIEW GRANT APPLICATIONS AND, BASED ON THE CRITERIA
13 DEVELOPED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), MAKE
14 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING WHICH PUBLIC
15 SCHOOLS OR SCHOOL DISTRICTS SHOULD RECEIVE GRANTS AND IN WHAT
16 AMOUNT.

17 **25-44-104. Comprehensive human sexuality education grant**
18 **program cash fund - creation - notice of funding through gifts,**
19 **grants, and donations - repeal.** (1) THERE IS HEREBY ESTABLISHED IN
20 THE STATE TREASURY THE COMPREHENSIVE HUMAN SEXUALITY
21 EDUCATION GRANT PROGRAM CASH FUND. THE CASH FUND CONSISTS OF
22 MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS
23 SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE
24 GENERAL ASSEMBLY. THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY
25 APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS
26 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT
27 PROVIDED AS GRANTS MAY BE INVESTED BY THE STATE TREASURER AS

1 PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME
2 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH
3 FUND MUST BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN
4 THE CASH FUND AT THE END OF ANY FISCAL YEAR MUST REMAIN IN THE
5 CASH FUND AND MUST NOT BE CREDITED OR TRANSFERRED TO THE
6 GENERAL FUND OR TO ANY OTHER FUND.

7 (2) THE DEPARTMENT IS AUTHORIZED TO EXPEND A REASONABLE
8 AMOUNT OF THE MONEYS RECEIVED FOR THE PROGRAM FOR THE DIRECT
9 AND INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM,
10 UNLESS OTHERWISE PROVIDED BY ANY PROVISION RELATED TO THE
11 DEPARTMENT'S RECEIPT OF FEDERAL MONEYS THAT ARE APPLIED TO THE
12 GRANT PROGRAM.

13 (3) (a) GENERAL FUND MONEYS SHALL NOT BE APPROPRIATED TO
14 THE CASH FUND FOR THE IMPLEMENTATION OF THIS ARTICLE.

15 (b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR
16 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE
17 SOURCES TO IMPLEMENT THIS ARTICLE; EXCEPT THAT THE DEPARTMENT
18 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
19 CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF SECTION
20 25-44-102 (2) OR ANY OTHER STATE LAW. THE DEPARTMENT SHALL
21 TRANSFER ALL PUBLIC AND PRIVATE MONEYS RECEIVED THROUGH GIFTS,
22 GRANTS, AND DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT
23 THE SAME TO THE CASH FUND.

24 (c) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
25 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN
26 IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
27 DONATIONS FOR THE PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION

1 THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

2 (II) THIS PARAGRAPH (c) IS REPEALED, EFFECTIVE JULY 1, 2016.

3 **SECTION 4.** In Colorado Revised Statutes, 22-25-103, **add** (3.1),
4 (3.2), and (5.7) as follows:

5 **22-25-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (3.1) "CULTURALLY SENSITIVE" MEANS THE INTEGRATION OF
8 KNOWLEDGE ABOUT INDIVIDUALS AND GROUPS OF PEOPLE INTO SPECIFIC
9 STANDARDS, POLICIES, PRACTICES, AND ATTITUDES USED TO INCREASE THE
10 QUALITY OF SERVICES. "CULTURALLY SENSITIVE" INCLUDES RESOURCES,
11 REFERENCES, AND INFORMATION THAT ARE MEANINGFUL TO THE
12 EXPERIENCES AND NEEDS OF COMMUNITIES OF COLOR; IMMIGRANT
13 COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND TRANSGENDER
14 COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL DISABILITIES;
15 PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION; AND OTHERS
16 WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT OF SEXUAL
17 HEALTH EDUCATION, PROGRAMS, AND POLICIES.

18 (3.2) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:

19 (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
20 INCLUDING:

21 (I) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;

22 (II) HAVING AN ADEQUATE SAMPLE SIZE;

23 (III) USING SOUND RESEARCH METHODS AND PROCESSES;

24 (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
25 EVALUATION RESULTS; AND

26 (V) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;

27 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT

1 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
2 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV:

- 3 (I) DELAYING SEXUAL INITIATION;
- 4 (II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;
- 5 (III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR
- 6 (IV) INCREASING THE USE OF CONDOMS AND OTHER
7 CONTRACEPTIVES.

8 (5.7) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH
9 THAT EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE
10 AND FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO
11 PROMOTE HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY
12 SENSITIVE, INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND
13 STRENGTH-BASED.

14 **SECTION 5.** In Colorado Revised Statutes, 22-25-104, **amend**
15 (3) (a); and **add** (4.5) and (6) (d) as follows:

16 **22-25-104. Colorado comprehensive health education program**
17 **- role of department of education - recommended curriculum**
18 **guidelines - allocation of funds - rules.** (3) (a) With the assistance of
19 parents, school districts, the department of public health and environment,
20 the Colorado commission on higher education, and other interested
21 parties, the department of education shall develop recommended
22 guidelines for the implementation of local comprehensive health
23 education programs and local student wellness programs. The guidelines
24 developed pursuant to this subsection (3) ~~shall~~ **MUST** comply with the
25 requirements of section ~~22-1-110.5~~ 22-1-128 AND SHALL APPLY TO ALL
26 SCHOOL DISTRICTS.

27 (4.5) THE DEPARTMENT OF EDUCATION SHALL IDENTIFY PROGRAMS

1 THAT ARE EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REFLECTIVE OF
2 POSITIVE YOUTH DEVELOPMENT GUIDELINES FOR USE BY SCHOOL
3 DISTRICTS IN LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAMS,
4 INCLUDING:

- 5 (a) SAFE SCHOOLS AND ANTIBULLYING;
- 6 (b) SEXUAL ASSAULT AND TEEN DATING VIOLENCE PREVENTION;
- 7 (c) COMPREHENSIVE HUMAN SEXUALITY EDUCATION;
- 8 (d) SOCIAL AND EMOTIONAL WELLNESS;
- 9 (e) BENEFITS OF PHYSICAL ACTIVITY; AND
- 10 (f) NUTRITION.

11 (6) (d) FOR THOSE SCHOOLS RECEIVING FUNDS PURSUANT TO THIS
12 ARTICLE, SCHOOL OFFICIALS MUST RECEIVE PRIOR WRITTEN CONSENT
13 FROM A PARENT OR GUARDIAN BEFORE HIS OR HER CHILD IS EXCLUDED IN
14 ANY PROGRAM DISCUSSING OR TEACHING SEXUALITY AND HUMAN
15 REPRODUCTION. AT LEAST TWO WEEKS PRIOR TO WHEN INSTRUCTION
16 BEGINS FOR SUCH A PROGRAM, EACH PARENT MUST RECEIVE AN OVERVIEW
17 OF THE TOPICS AND MATERIALS TO BE PRESENTED IN THE CURRICULUM
18 AND A WRITTEN FORM ALLOWING HIM OR HER TO DECLINE TO HAVE HIS OR
19 HER CHILD PARTICIPATE IN THE PROGRAM.

20 **SECTION 6.** In Colorado Revised Statutes, 22-25-110, **amend**
21 (2) (c) as follows:

22 **22-25-110. Funding of existing programs - operation of other**
23 **health education programs.** (2) Nothing in this article shall be
24 interpreted to require a school district or board of cooperative services to
25 establish a local comprehensive health education program nor shall it be
26 interpreted to prevent a school district or board of cooperative services
27 from offering a health education program which is not operated under the

1 requirements of this article; except that any school district or board of
2 cooperative services offering such a health education program shall:

3 (c) Unless the school district or board of cooperative services is
4 receiving direct or indirect funding from the federal government for the
5 provision of an abstinence education program pursuant to 42 U.S.C. sec.
6 710 as described in section ~~22-1-110.5(9)~~ 22-1-128 (10), comply with the
7 requirements specified in section ~~22-1-110.5(5)~~ 22-1-128 (7) regarding
8 the adoption of science-based content standards for instruction regarding
9 human sexuality.

10 **SECTION 7.** In Colorado Revised Statutes, 25.5-5-603, **amend**
11 (2) (b) (IV) as follows:

12 **25.5-5-603. Program - teen pregnancy and dropout**
13 **prevention.** (2) (b) Such services may include, but shall not be limited
14 to, the following services or combination of services:

15 (IV) Instruction concerning human sexuality; except that the
16 department, in providing a teen pregnancy prevention program pursuant
17 to the provisions of this part 6 that provides instruction concerning human
18 sexuality, shall adopt science-based content standards to ensure that any
19 instruction concerning human sexuality that is provided satisfies the
20 requirements of section ~~22-1-110.5(5)~~ 22-1-128 (7), C.R.S., as if the
21 program were provided by a school district.

22 **SECTION 8. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.