

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REREVISED

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

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

Health & Human Services

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.

SENATE
3rd Reading Unamended
March 18, 2013

SENATE
Amended 2nd Reading
March 15, 2013

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) BECAUSE ABSTINENCE IS ONE HUNDRED PERCENT EFFECTIVE
14 IN PREVENTING PREGNANCY AND THE SPREAD OF SEXUALLY TRANSMITTED
15 INFECTIONS, AND BECAUSE ALTHOUGH MANY BIRTH CONTROL METHODS
16 CAN HAVE HIGH RATES OF SUCCESS IF USED PROPERLY, THEY CAN ALSO
17 OCCASIONALLY FAIL TO PREVENT PREGNANCY OR THE SPREAD OF
18 SEXUALLY TRANSMITTED INFECTIONS, ALL COMPREHENSIVE HUMAN
19 SEXUALITY EDUCATION MUST STRESS THE IMPORTANCE OF ABSTINENCE;

20 (VI) THE DECISIONS AN INDIVIDUAL MAKES REGARDING HIS OR
21 HER SEXUAL AND REPRODUCTIVE HEALTH IMPACT THE PUBLIC HEALTH
22 AND WELFARE OF THE COMMUNITY IN WHICH THE INDIVIDUAL LIVES;

23 (VII) WHEN COMPARED TO THE NATIONAL AVERAGE, COLORADO
24 HAS A LOWER RATE OF TEEN BIRTHS AND A LOWER RATE OF CERTAIN
25 SEXUALLY TRANSMITTED INFECTIONS, ACCORDING TO THE CENTERS FOR
26 DISEASE CONTROL AND PREVENTION AND THE COLORADO DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT. IN SPITE OF THIS DATA, COLORADO

1 YOUTH STILL FACE MANY BARRIERS IN OBTAINING THE MEDICALLY
2 ACCURATE INFORMATION AND RESOURCES THEY NEED TO MAKE INFORMED
3 AND RESPONSIBLE DECISIONS AND LEAD HEALTHY LIVES.

4 (VIII) ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND
5 PREVENTION, EVIDENCE-BASED, MEDICALLY ACCURATE,
6 AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND COMPREHENSIVE
7 SEXUALITY EDUCATION PROGRAMS HAVE BEEN PROVEN TO HELP YOUTH
8 DELAY THE ONSET OF SEXUAL ACTIVITY, DECREASE THE FREQUENCY OF
9 SEXUAL ACTIVITY, REDUCE THE NUMBER OF SEXUAL PARTNERS, AND
10 INCREASE CONDOM AND CONTRACEPTIVE USE;

11 (IX) SEXUAL VIOLENCE AND TEEN DATING VIOLENCE IS A
12 PERVASIVE AND SERIOUS PUBLIC HEALTH ISSUE, PLACING TEEN VICTIMS AT
13 INCREASED RISK FOR ADOLESCENT PREGNANCY, SEXUALLY TRANSMITTED
14 DISEASES AND INFECTIONS, LOW ACADEMIC PERFORMANCE, TRUANCY,
15 DROPOUT, AND OTHER HARMFUL BEHAVIORS;

16 (X) ACCORDING TO THE CENTERS FOR DISEASE CONTROL AND
17 PREVENTION, THESE CHANGES IN BEHAVIOR HELP PREVENT UNINTENDED
18 PREGNANCY AND THE SPREAD OF SEXUALLY TRANSMITTED INFECTIONS;

19 (XI) THE COLORADO GENERAL ASSEMBLY PASSED HOUSE BILL
20 07-1292, ENACTED IN 2007, TO ESTABLISH CONTENT STANDARDS FOR THE
21 PROVISION OF HUMAN SEXUALITY COURSES TAUGHT IN PUBLIC SCHOOLS
22 THROUGHOUT THE STATE;

23 (XII) THE COLORADO GENERAL ASSEMBLY PASSED THE "PUBLIC
24 HEALTH REAUTHORIZATION ACT", SENATE BILL 08-194, ENACTED IN
25 2008, TO CREATE A STATEWIDE PUBLIC HEALTH IMPROVEMENT PLAN TO
26 ELIMINATE GEOGRAPHIC-BASED AND OTHER DISPARITIES IN THE
27 ACCESSIBILITY AND AVAILABILITY OF SERVICES THROUGH THE STATE'S

1 PUBLIC HEALTH AGENCIES;

2 (XIII) THE COLORADO GENERAL ASSEMBLY PASSED THE
3 "EDUCATION ALIGNMENT ACT", SENATE BILL 08-212, ENACTED IN 2008,
4 WHICH STATES THAT ALL SCHOOL DISTRICT STANDARDS MUST MEET OR
5 EXCEED ESTABLISHED STATE STANDARDS, AND THAT SCHOOL DISTRICTS
6 MUST ADOPT CURRICULUM AND ASSESSMENTS THAT ARE CONSISTENT WITH
7 THESE STANDARDS; AND

8 (XIV) IN 2009, THE COLORADO STATE BOARD OF EDUCATION
9 ADOPTED ACADEMIC CONTENT STANDARDS FOR COMPREHENSIVE HEALTH
10 EDUCATION THAT SUPPORT YOUTH IN MAKING INFORMED AND
11 RESPONSIBLE DECISIONS ABOUT THEIR HEALTH AND IN HAVING ACCESS TO
12 THE TOOLS THEY NEED TO LIVE HEALTHY LIVES.

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

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

25 (II) THE STATE OF COLORADO AND ELIGIBLE STATE AGENCIES AND
26 OTHER ORGANIZATIONS MUST PURSUE FUNDING AND OTHER FEDERAL
27 SUPPORT TO IMPLEMENT COMPREHENSIVE HUMAN SEXUALITY EDUCATION

1 PROGRAMS;

2 (III) THE PROVISIONS OF SEXUAL AND REPRODUCTIVE HEALTH
3 EDUCATION THAT INCORPORATE COMPREHENSIVE, EVIDENCE-BASED,
4 CULTURALLY SENSITIVE, AND AGE-APPROPRIATE STANDARDS CAN RESULT
5 IN YOUTH DELAYING SEXUAL ACTIVITY UNTIL THEY ARE READY, AVOIDING
6 UNWANTED CONSEQUENCES OF SEXUAL BEHAVIOR, LEARNING MEDICALLY
7 ACCURATE INFORMATION ABOUT THEIR HEALTH, AND PROMOTING
8 POSITIVE YOUTH-FRIENDLY MESSAGES CONCERNING GROWTH,
9 DEVELOPMENT, BODY IMAGE, GENDER ROLES, AND ALL ASPECTS RELATED
10 TO HEALTHY, SAFE RELATIONSHIPS AND SEXUAL BEHAVIOR; AND

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

14 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
15 REQUIRES:

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

20 (b) "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, [REDACTED] AND THE LINK BETWEEN
24 HUMAN PAPILLOMAVIRUS AND CANCER, AND OTHER TYPES OF CANCER
25 INVOLVING THE HUMAN REPRODUCTIVE SYSTEMS, INCLUDING BUT NOT
26 LIMITED TO PROSTATE, TESTICULAR, OVARIAN, AND UTERINE CANCER.
27 METHODS MUST INCLUDE INFORMATION ABOUT THE CORRECT AND

1 CONSISTENT USE OF ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER
2 BARRIER METHODS. ADDITIONAL CONTENTS OF COMPREHENSIVE HUMAN
3 SEXUALITY EDUCATION MUST INCLUDE:

4 (I) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

5 ==

6 (II) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS,
7 INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING AND
8 TEACHING YOUNG PEOPLE HOW TO RECOGNIZE AND RESPOND SAFELY AND
9 EFFECTIVELY IN SITUATIONS WHERE SEXUAL OR PHYSICAL VIOLENCE MAY
10 BE OCCURRING OR WHERE THERE MAY BE A RISK FOR THESE BEHAVIORS TO
11 OCCUR; AND

12 (III) TEACHING YOUNG PEOPLE HOW ALCOHOL AND DRUG USE CAN
13 AFFECT RESPONSIBLE DECISION-MAKING.

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

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

26 (I) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
27 INCLUDING:

1 (A) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;
2 (B) HAVING AN ADEQUATE SAMPLE SIZE;
3 (C) USING SOUND RESEARCH METHODS AND PROCESSES;
4 (D) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
5 EVALUATION RESULTS; AND

6 (E) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;
7 (II) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
8 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
9 PREGNANCY AND, SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV:

10 (A) DELAYING SEXUAL INITIATION;
11 (B) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;
12 (C) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR
13 (D) INCREASING THE USE OF CONDOMS AND OTHER
14 CONTRACEPTIVES.

15 (e) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH THAT
16 EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE AND
17 FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO PROMOTE
18 HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY SENSITIVE,
19 INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND STRENGTH-BASED.

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

22 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (6) OF THIS
23 SECTION, A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
24 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT OFFERS A
25 PLANNED CURRICULUM THAT INCLUDES COMPREHENSIVE HUMAN
26 SEXUALITY EDUCATION SHALL PROVIDE TO THE PARENT OR GUARDIAN OF
27 EACH STUDENT, PRIOR TO COMMENCING THE PLANNED CURRICULUM:

1 (a) WRITTEN NOTIFICATION OF THE ABILITY TO EXCUSE A
2 STUDENT, WITHOUT PENALTY OR ADDITIONAL ASSIGNMENT, FROM THAT
3 PORTION OF THE PLANNED CURRICULUM THAT INCLUDES COMPREHENSIVE
4 HUMAN SEXUALITY EDUCATION, UPON THE WRITTEN REQUEST OF THE
5 STUDENT'S PARENT OR GUARDIAN; AND

6 (b) A DETAILED, SUBSTANTIVE OUTLINE OF THE TOPICS AND
7 MATERIALS TO BE PRESENTED IN THAT PORTION OF THE PLANNED
8 CURRICULUM RELATED TO COMPREHENSIVE HUMAN SEXUALITY
9 EDUCATION.

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

14 (5) EACH SCHOOL DISTRICT BOARD OF EDUCATION, BOARD OF
15 COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER
16 SCHOOL IS ENCOURAGED TO DISSEMINATE POLICIES OR INSTRUCTIONS TO
17 THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT, OR BOARD OF
18 COOPERATIVE SERVICES, OR APPROPRIATE STAFF OF THE CHARTER SCHOOL
19 OR INSTITUTE CHARTER SCHOOL TO ENSURE THE IMPLEMENTATION OF THE
20 PROVISIONS OF THIS SECTION IN A MANNER THAT WILL NOT DRAW UNDUE
21 ATTENTION TO, NOR CAUSE UNDUE EMBARRASSMENT FOR, STUDENTS
22 EXCUSED FROM A PLANNED CURRICULUM RELATED TO COMPREHENSIVE
23 HUMAN SEXUALITY EDUCATION.

24 ==
25 (6) EXCEPT AS DESCRIBED IN SUBSECTION (9) OF THIS SECTION, A
26 SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL,
27 OR INSTITUTE CHARTER SCHOOL THAT OFFERS A PLANNED CURRICULUM

1 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION MUST, IN
2 OFFERING SUCH A CURRICULUM, MAINTAIN ESTABLISHED REQUIREMENTS
3 FOR THE COMPREHENSIVE HUMAN SEXUALITY CURRICULUM. THESE
4 REQUIREMENTS MUST:

5 (a) ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY
6 COMMUNICATION;

7 (b) INCLUDE MEDICALLY ACCURATE INFORMATION ABOUT
8 METHODS TO PREVENT UNINTENDED PREGNANCY AND SEXUALLY
9 TRANSMITTED INFECTIONS, INCLUDING HIV/AIDS, AND THE LINK
10 BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER. METHODS SHALL
11 INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF
12 ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS.

13 (c) INCLUDE INSTRUCTION TO HELP STUDENTS DEVELOP SKILLS FOR
14 MAKING RESPONSIBLE AND HEALTHY DECISIONS ABOUT HUMAN
15 SEXUALITY, PERSONAL POWER, BOUNDARY SETTING, DEVELOPING SAFE
16 AND HEALTHY RELATIONSHIPS, AND RESISTING PEER PRESSURE, INCLUDING
17 HOW TO AVOID:

18
19 (I) MAKING UNWANTED VERBAL, PHYSICAL, AND SEXUAL
20 ADVANCES; AND

21 (II) MAKING ASSUMPTIONS ABOUT A PERSON'S SUPPOSED SEXUAL
22 INTENTIONS BASED ON THAT PERSON'S APPEARANCE;

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

27 (e) INCLUDE DISCUSSION OF HOW ALCOHOL AND DRUG USE IMPAIRS

1 RESPONSIBLE AND HEALTHY DECISION-MAKING;

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

5 (g) PROVIDE INSTRUCTION ABOUT THE HEALTH BENEFITS AND
6 POTENTIAL SIDE EFFECTS OF USING CONTRACEPTIVES AND BARRIER
7 METHODS TO PREVENT PREGNANCY, INCLUDING INSTRUCTION REGARDING
8 EMERGENCY CONTRACEPTION AND THE AVAILABILITY OF CONTRACEPTIVE
9 METHODS; AND

10 (h) FOR SCHOOL DISTRICTS THAT HAVE ESTABLISHED A
11 CHARACTER EDUCATION PROGRAM PURSUANT TO SECTION 22-29-103,
12 PROMOTE THE GUIDELINES OF BEHAVIOR ESTABLISHED IN THE CHARACTER
13 EDUCATION PROGRAM.

14 (7) NOTHING IN SUBSECTION (6) OF THIS SECTION SHALL BE
15 INTERPRETED TO PROHIBIT DISCUSSION OF HEALTH, MORAL, ETHICAL, OR
16 RELIGIOUS VALUES AS THEY PERTAIN TO COMPREHENSIVE HUMAN
17 SEXUALITY, HEALTHY RELATIONSHIPS, OR FAMILY FORMATION.

18 (8) PUBLIC SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE
19 SERVICES, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS ARE
20 ENCOURAGED TO INVOLVE TEACHERS, SCHOOL NURSES, PARENTS, AND
21 COMMUNITY MEMBERS IN THE DEVELOPMENT OF THE REQUIREMENTS
22 FOR COMPREHENSIVE HUMAN SEXUALITY CURRICULUM REQUIRED BY
23 SUBSECTION (6) OF THIS SECTION AND TO INTEGRATE AVAILABLE
24 COMMUNITY RESOURCES INTO PROGRAMS RELATED TO COMPREHENSIVE
25 HUMAN SEXUALITY EDUCATION.

26 (9) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
27 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT HAS RECEIVED,

1 **Comprehensive Human Sexuality Education Grant Program**

2 **25-44-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES, AND
5 TEACHING METHODS SUITABLE TO A PARTICULAR AGE OR AGE GROUP,
6 BASED ON DEVELOPING COGNITIVE, EMOTIONAL, AND BEHAVIORAL
7 CAPACITY TYPICAL FOR THE AGE OR AGE GROUP.

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

10 (3) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS
11 MEDICALLY ACCURATE INFORMATION ABOUT ALL METHODS TO PREVENT
12 UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND
13 INFECTIONS, INCLUDING HIV AND AIDS, [REDACTED] AND THE LINK BETWEEN
14 HUMAN PAPILLOMAVIRUS AND CANCER, AND OTHER TYPES OF CANCER
15 INVOLVING THE HUMAN REPRODUCTIVE SYSTEMS, INCLUDING BUT NOT
16 LIMITED TO PROSTATE, TESTICULAR, OVARIAN, AND UTERINE CANCER.
17 METHODS MUST INCLUDE INFORMATION ABOUT THE CORRECT AND
18 CONSISTENT USE OF ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER
19 BARRIER METHODS. ADDITIONAL CONTENTS OF COMPREHENSIVE HUMAN
20 SEXUALITY EDUCATION MUST INCLUDE:

21 (a) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

22 (b) TEACHING YOUNG PEOPLE TO AVOID MAKING UNWANTED
23 VERBAL, PHYSICAL, AND SEXUAL ADVANCES;

24 (c) DISCUSSIONS AND INFORMATION ON HOW TO RECOGNIZE AND
25 RESPOND SAFELY AND EFFECTIVELY IN SITUATIONS WHERE SEXUAL OR
26 PHYSICAL VIOLENCE MAY BE OCCURRING OR WHERE THERE MAY BE A RISK
27 FOR THESE BEHAVIORS TO OCCUR;

1 (d) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS,
2 INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING; AND

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

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

16 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
17 AND ENVIRONMENT, CREATED AND EXISTING PURSUANT TO SECTION
18 25-1-101.5.

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

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

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

23 (II) HAVING AN ADEQUATE SAMPLE SIZE;

24 (III) USING SOUND RESEARCH METHODS AND PROCESSES;

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

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

1 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
2 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
3 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS AND DISEASE, AND HIV
4 INFECTION:

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

10 (7) "OVERSIGHT ENTITY" MEANS THE INTERAGENCY YOUTH
11 SEXUAL HEALTH TEAM CREATED IN SECTION 25-44-103.

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

18 (9) "PROGRAM" MEANS THE COMPREHENSIVE HUMAN SEXUALITY
19 EDUCATION GRANT PROGRAM CREATED IN SECTION 25-44-102.

20 (10) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT,
21 A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A FACILITY
22 SCHOOL, OR A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
23 22-5-103.

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

26 **25-44-102. Comprehensive human sexuality education grant**
27 **program - creation - application for federal moneys - notification to**

1 **schools - rules.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
2 COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM. THE
3 PURPOSE OF THE PROGRAM IS TO PROVIDE MONEYS TO PUBLIC SCHOOLS
4 AND SCHOOL DISTRICTS FOR USE IN THE CREATION AND IMPLEMENTATION
5 OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS IN THEIR
6 CURRICULUM.

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

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

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

23 (5) ON OR BEFORE DECEMBER 1, 2013, OR NOT MORE THAN NINETY
24 DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT MONEYS TO
25 IMPLEMENT THE PROGRAM, WHICHEVER IS LATER, THE STATE BOARD
26 SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS ARTICLE,
27 USING THE RECOMMENDATIONS DEVELOPED BY THE OVERSIGHT ENTITY

1 PURSUANT TO SECTION 25-44-103 (2) (b).

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

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

14 (b) THE NUMBER OF STUDENTS REACHED AND THE CURRICULUM
15 UTILIZED;

16 (c) THE AMOUNT OF EACH GRANT AWARDED;

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

18 (e) THE SOURCE AND AMOUNT OF EACH GIFT, GRANT, OR DONATION
19 RECEIVED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
20 ARTICLE.

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

25 (8) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO
26 STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE UNLESS THE
27 CONTENT OF THE INSTRUCTION RELATES TO PERSONAL HYGIENE, HEALTHY

1 HABITS, RESPECTING PERSONAL SPACE AND BOUNDARIES, INTERPERSONAL
2 COMMUNICATION SKILLS, AND PERSONAL SAFETY, AS IDENTIFIED IN THE
3 CONTENT STANDARDS DEVELOPED BY THE DEPARTMENT OF EDUCATION
4 AND ADOPTED BY THE STATE BOARD OF EDUCATION.

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

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

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

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

16 ■
17 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
18 SERVICES, OR HIS OR HER DESIGNEE; AND

19 (e) A PARENT REPRESENTATIVE, APPOINTED BY THE DEPARTMENT
20 OF HEALTH.

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

22 (a) DURING THE 2013-14 ACADEMIC YEAR AND EVERY ACADEMIC
23 YEAR THEREAFTER, THE OVERSIGHT ENTITY SHALL ASSESS OPPORTUNITIES
24 FOR AVAILABLE FEDERAL AND STATE MONEYS TO FUND THE PROGRAM;
25 EXCEPT THAT THE OVERSIGHT ENTITY SHALL NOT RECOMMEND APPLYING
26 FOR ANY FEDERAL OR STATE MONEYS THAT PROMOTE ABSTINENCE AS THE
27 SOLE BEHAVIORAL METHOD FOR YOUTH OR FUNDING REQUIRING

1 ADHERENCE TO THE A-H GUIDELINES OF SECTION 510 (b) OF TITLE V OF
2 THE FEDERAL "SOCIAL SECURITY ACT", PUB. L. 104-193, WHICH ARE
3 INCONSISTENT WITH THE PROVISIONS OF SECTION 22-1-128, C.R.S. THE
4 OVERSIGHT ENTITY WILL PROVIDE INFORMATION TO THE APPROPRIATE
5 STATE DEPARTMENTS CONCERNING AVAILABLE FEDERAL AND STATE
6 MONEYS RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION
7 FUNDS FOR WHICH A GIVEN DEPARTMENT IS ELIGIBLE TO APPLY.

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

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

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

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

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

26 (C) HOW MANY STUDENTS THE PUBLIC SCHOOL OR SCHOOL
27 DISTRICT EXPECTS TO REACH THROUGH THE COMPREHENSIVE HUMAN

1 SEXUALITY EDUCATION PROGRAM; AND

2 (D) THE LENGTH OF TIME FOR WHICH THE APPLICANT IS
3 REQUESTING GRANT MONEYS;

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

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

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

19 **25-44-104. Comprehensive human sexuality education grant**
20 **program cash fund - creation - notice of funding through gifts,**
21 **grants, and donations - repeal.** (1) THERE IS HEREBY ESTABLISHED IN
22 THE STATE TREASURY THE COMPREHENSIVE HUMAN SEXUALITY
23 EDUCATION GRANT PROGRAM CASH FUND. THE CASH FUND CONSISTS OF
24 MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS
25 SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE
26 GENERAL ASSEMBLY. THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY
27 APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS

1 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT
2 PROVIDED AS GRANTS MAY BE INVESTED BY THE STATE TREASURER AS
3 PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME
4 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH
5 FUND MUST BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN
6 THE CASH FUND AT THE END OF ANY FISCAL YEAR MUST REMAIN IN THE
7 CASH FUND AND MUST NOT BE CREDITED OR TRANSFERRED TO THE
8 GENERAL FUND OR TO ANY OTHER FUND.

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

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

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

26 (c) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
27 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN

1 IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
2 DONATIONS FOR THE PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION
3 THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

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

5 **SECTION 4.** In Colorado Revised Statutes, 22-25-103, **add** (3.1),
6 (3.2), and (5.7) as follows:

7 **22-25-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

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

20 (3.2) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:

21 (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
22 INCLUDING:

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

24 (II) HAVING AN ADEQUATE SAMPLE SIZE;

25 (III) USING SOUND RESEARCH METHODS AND PROCESSES;

26 (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
27 EVALUATION RESULTS; AND

- 1 (V) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;
- 2 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
- 3 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
- 4 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV:
- 5 (I) DELAYING SEXUAL INITIATION;
- 6 (II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;
- 7 (III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR
- 8 (IV) INCREASING THE USE OF CONDOMS AND OTHER
- 9 CONTRACEPTIVES.

10 (5.7) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH

11 THAT EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE

12 AND FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO

13 PROMOTE HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY

14 SENSITIVE, INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND

15 STRENGTH-BASED.

16 **SECTION 5.** In Colorado Revised Statutes, 22-25-104, **amend**

17 (3) (a) and (6) (c); repeal (6) (b); and **add** (4.5) and (6) (d) as follows:

18 **22-25-104. Colorado comprehensive health education program**

19 **- role of department of education - recommended curriculum**

20 **guidelines - allocation of funds - rules.** (3) (a) With the assistance of

21 parents, school districts, the department of public health and environment,

22 the Colorado commission on higher education, and other interested

23 parties, the department of education shall develop recommended

24 guidelines for the implementation of local comprehensive health

25 education programs and local student wellness programs. The guidelines

26 developed pursuant to this subsection (3) ~~shall~~ **MUST** comply with the

27 requirements of section ~~22-1-110.5~~ 22-1-128 AND SHALL APPLY TO ALL

1 SCHOOL DISTRICTS.

2 (4.5) THE DEPARTMENT OF EDUCATION SHALL IDENTIFY PROGRAMS
3 THAT ARE EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REFLECTIVE OF
4 POSITIVE YOUTH DEVELOPMENT GUIDELINES FOR USE BY SCHOOL
5 DISTRICTS IN LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAMS
6 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION. ___

7 (6) (b) School officials shall receive prior written approval from
8 a parent or guardian before his or her child may participate in any
9 program discussing or teaching sexuality and human reproduction.
10 Parents must receive, with the written permission slip, an overview of the
11 topics and materials to be presented in the curriculum.

12 (c) The provisions of paragraph (b) (d) of this subsection (6) shall
13 not apply to a local comprehensive health education program provided by
14 a facility school.

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

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

26 **22-25-110. Funding of existing programs - operation of other**
27 **health education programs.** (2) Nothing in this article shall be

1 interpreted to require a school district or board of cooperative services to
2 establish a local comprehensive health education program nor shall it be
3 interpreted to prevent a school district or board of cooperative services
4 from offering a health education program which is not operated under the
5 requirements of this article; except that any school district or board of
6 cooperative services offering such a health education program shall:

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

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

16 **25.5-5-603. Program - teen pregnancy and dropout**
17 **prevention.** (2) (b) Such services may include, but shall not be limited
18 to, the following services or combination of services:

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

26 **SECTION 8. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.