

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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, AND OTHER TYPES OF CANCER
18 INVOLVING THE HUMAN REPRODUCTIVE SYSTEMS, INCLUDING BUT NOT
19 LIMITED TO PROSTATE, TESTICULAR, OVARIAN, AND UTERINE CANCER.
20 METHODS MUST INCLUDE INFORMATION ABOUT THE CORRECT AND
21 CONSISTENT USE OF ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER
22 BARRIER METHODS. ADDITIONAL CONTENTS OF COMPREHENSIVE HUMAN
23 SEXUALITY EDUCATION MUST INCLUDE:

24 (I) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

25 ==

26 (II) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS,
27 INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING AND

1 TEACHING YOUNG PEOPLE HOW TO RECOGNIZE AND RESPOND SAFELY AND
2 EFFECTIVELY IN SITUATIONS WHERE SEXUAL OR PHYSICAL VIOLENCE MAY
3 BE OCCURRING OR WHERE THERE MAY BE A RISK FOR THESE BEHAVIORS TO
4 OCCUR; AND

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

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

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

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

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

22 (B) HAVING AN ADEQUATE SAMPLE SIZE;

23 (C) USING SOUND RESEARCH METHODS AND PROCESSES;

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

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

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

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

- 3 (A) DELAYING SEXUAL INITIATION;
- 4 (B) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;
- 5 (C) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR
- 6 (D) INCREASING THE USE OF CONDOMS AND OTHER
7 CONTRACEPTIVES.

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

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

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

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

26 (b) A DETAILED, SUBSTANTIVE OUTLINE OF THE TOPICS AND
27 MATERIALS TO BE PRESENTED IN THAT PORTION OF THE PLANNED

1 CURRICULUM RELATED TO COMPREHENSIVE HUMAN SEXUALITY
2 EDUCATION.

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

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

17 ==
18 (6) EXCEPT AS DESCRIBED IN SUBSECTION (9) OF THIS SECTION, A
19 SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL,
20 OR INSTITUTE CHARTER SCHOOL THAT OFFERS A PLANNED CURRICULUM
21 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION MUST, IN
22 OFFERING SUCH A CURRICULUM, MAINTAIN ESTABLISHED REQUIREMENTS
23 FOR THE COMPREHENSIVE HUMAN SEXUALITY CURRICULUM. THESE
24 REQUIREMENTS MUST:

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

27 (b) INCLUDE MEDICALLY ACCURATE INFORMATION ABOUT

1 EMERGENCY CONTRACEPTION AND THE AVAILABILITY OF CONTRACEPTIVE
2 METHODS; AND

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

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

11 (8) PUBLIC SCHOOLS, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE
12 SERVICES, CHARTER SCHOOLS, AND INSTITUTE CHARTER SCHOOLS ARE
13 ENCOURAGED TO INVOLVE TEACHERS, SCHOOL NURSES, PARENTS, AND
14 COMMUNITY MEMBERS IN THE DEVELOPMENT OF THE REQUIREMENTS
15 FOR COMPREHENSIVE HUMAN SEXUALITY CURRICULUM REQUIRED BY
16 SUBSECTION (6) OF THIS SECTION AND TO INTEGRATE AVAILABLE
17 COMMUNITY RESOURCES INTO PROGRAMS RELATED TO COMPREHENSIVE
18 HUMAN SEXUALITY EDUCATION.

19 (9) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
20 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT HAS RECEIVED,
21 PRIOR TO JULY 1, 2013, _____ 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 REQUIREMENTS FOR COMPREHENSIVE HUMAN SEXUALITY
25 CURRICULUM FOR THE PROVISION OF SUCH INSTRUCTION AS DESCRIBED IN
26 THIS SECTION FOR THE YEAR OR YEARS FOR WHICH _____ THE SCHOOL
27 DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR

1 INSTITUTE CHARTER SCHOOL RECEIVED SUCH FUNDING. ON JULY 1, 2013,
2 OR THEREAFTER, A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
3 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL NOT USE ANY
4 DIRECT OR INDIRECT FUNDING FROM THE FEDERAL GOVERNMENT FOR THE
5 PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42
6 U.S.C. SEC. 710.

7 (10) NOTHING IN THIS SECTION SHALL REQUIRE AMENDING ANY
8 CONTENT STANDARDS RELATED TO COMPREHENSIVE HUMAN SEXUALITY
9 EDUCATION DEVELOPED BY THE DEPARTMENT AND ADOPTED BY THE
10 STATE BOARD PRIOR TO JULY 1, 2013.

11 (11) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO
12 STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE UNLESS THE
13 CONTENT OF THE INSTRUCTION RELATES TO PERSONAL HYGIENE, HEALTHY
14 HABITS, RESPECTING PERSONAL SPACE AND BOUNDARIES, INTERPERSONAL
15 COMMUNICATION SKILLS, AND PERSONAL SAFETY, AS IDENTIFIED IN THE
16 CONTENT STANDARDS DEVELOPED BY THE DEPARTMENT AND ADOPTED BY
17 THE STATE BOARD.

18 **SECTION 3.** In Colorado Revised Statutes, **add** article 44 to title
19 25 as follows:

20 **ARTICLE 44**

21 **Comprehensive Human Sexuality Education Grant Program**

22 **25-44-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

24 (1) "AGE-APPROPRIATE" MEANS TOPICS, MESSAGES, AND
25 TEACHING METHODS SUITABLE TO A PARTICULAR AGE OR AGE GROUP,
26 BASED ON DEVELOPING COGNITIVE, EMOTIONAL, AND BEHAVIORAL
27 CAPACITY TYPICAL FOR THE AGE OR AGE GROUP.

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

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

14 (a) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

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

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

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

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

25 (4) "CULTURALLY SENSITIVE" MEANS THE INTEGRATION OF
26 KNOWLEDGE ABOUT INDIVIDUALS AND GROUPS OF PEOPLE INTO SPECIFIC
27 STANDARDS, REQUIREMENTS, POLICIES, PRACTICES, AND ATTITUDES USED

1 TO INCREASE THE QUALITY OF SERVICES. "CULTURALLY SENSITIVE"
2 INCLUDES RESOURCES, REFERENCES, AND INFORMATION THAT ARE
3 MEANINGFUL TO THE EXPERIENCES AND NEEDS OF COMMUNITIES OF
4 COLOR; IMMIGRANT COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND
5 TRANSGENDER COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL
6 DISABILITIES; PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION;
7 AND OTHERS WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT
8 OF SEXUAL HEALTH EDUCATION, PROGRAMS, AND POLICIES.

9 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
10 AND ENVIRONMENT, CREATED AND EXISTING PURSUANT TO SECTION
11 25-1-101.5.

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

13 (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
14 INCLUDING:

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

16 (II) HAVING AN ADEQUATE SAMPLE SIZE;

17 (III) USING SOUND RESEARCH METHODS AND PROCESSES;

18 (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
19 EVALUATION RESULTS; AND

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

21 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
22 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
23 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS AND DISEASE, AND HIV
24 INFECTION:

25 (I) DELAYING SEXUAL INITIATION;

26 (II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;

27 (III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR

1 (IV) INCREASING THE USE OF CONDOMS AND OTHER
2 CONTRACEPTIVES.

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

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

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

13 (10) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT,
14 A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A FACILITY
15 SCHOOL, OR A BOARD OF COOPERATIVE SERVICES, AS DEFINED IN SECTION
16 22-5-103.

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

19 **25-44-102. Comprehensive human sexuality education grant**
20 **program - creation - application for federal moneys - notification to**
21 **schools - rules.** (1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE
22 COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM. THE
23 PURPOSE OF THE PROGRAM IS TO PROVIDE MONEYS TO PUBLIC SCHOOLS
24 AND SCHOOL DISTRICTS FOR USE IN THE CREATION AND IMPLEMENTATION
25 OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS IN THEIR
26 CURRICULUM.

27 (2) UPON RECEIPT OF FEDERAL MONEYS OR OTHER

1 APPROPRIATIONS TO THE CASH FUND, THE DEPARTMENT, IN CONJUNCTION
2 WITH THE OVERSIGHT ENTITY, SHALL NOTIFY THE SCHOOL DISTRICTS, THE
3 STATE CHARTER SCHOOL INSTITUTE, AND BOARDS OF COOPERATIVE
4 SERVICES THROUGHOUT THE STATE OF GRANTS AVAILABLE THROUGH THE
5 PROGRAM.

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

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

16 (5) ON OR BEFORE DECEMBER 1, 2013, OR NOT MORE THAN NINETY
17 DAYS AFTER THE DEPARTMENT RECEIVES SUFFICIENT MONEYS TO
18 IMPLEMENT THE PROGRAM, WHICHEVER IS LATER, THE STATE BOARD
19 SHALL PROMULGATE RULES FOR THE ADMINISTRATION OF THIS ARTICLE,
20 USING THE RECOMMENDATIONS DEVELOPED BY THE OVERSIGHT ENTITY
21 PURSUANT TO SECTION 25-44-103 (2) (b).

22 (6) ON OR BEFORE JANUARY 30, 2017, AND EVERY YEAR
23 THEREAFTER IN WHICH GRANTS HAVE BEEN AWARDED PURSUANT TO THIS
24 ARTICLE, THE DEPARTMENT SHALL SUBMIT A REPORT CONCERNING THE
25 OUTCOMES OF THE PROGRAM TO THE STATE BOARD OF EDUCATION, THE
26 DEPARTMENT OF EDUCATION, AND THE EDUCATION COMMITTEES OF THE
27 SENATE AND HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN

1 SERVICES COMMITTEE OF THE SENATE, AND THE PUBLIC HEALTH CARE AND
2 HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR
3 ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE, AT A
4 MINIMUM:

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

7 (b) THE NUMBER OF STUDENTS REACHED AND THE CURRICULUM
8 UTILIZED;

9 (c) THE AMOUNT OF EACH GRANT AWARDED;

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

11 (e) THE SOURCE AND AMOUNT OF EACH GIFT, GRANT, OR DONATION
12 RECEIVED BY THE DEPARTMENT FOR THE IMPLEMENTATION OF THIS
13 ARTICLE.

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

18 (8) THE PROVISIONS OF THIS ARTICLE SHALL NOT APPLY TO
19 STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE UNLESS THE
20 CONTENT OF THE INSTRUCTION RELATES TO PERSONAL HYGIENE, HEALTHY
21 HABITS, RESPECTING PERSONAL SPACE AND BOUNDARIES, INTERPERSONAL
22 COMMUNICATION SKILLS, AND PERSONAL SAFETY, AS IDENTIFIED IN THE
23 CONTENT STANDARDS DEVELOPED BY THE DEPARTMENT OF EDUCATION
24 AND ADOPTED BY THE STATE BOARD OF EDUCATION.

25 **25-44-103. Comprehensive human sexuality education grant**
26 **program - oversight entity - duties - application process.** (1) ON OR
27 BEFORE JULY 1, 2013, THE DEPARTMENT SHALL CONVENE THE

1 INTERAGENCY YOUTH SEXUAL HEALTH TEAM, REFERRED TO IN THIS
2 ARTICLE AS THE "OVERSIGHT ENTITY". MEMBERSHIP OF THE OVERSIGHT
3 ENTITY MUST INCLUDE:

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

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

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

9
10 (d) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN
11 SERVICES, OR HIS OR HER DESIGNEE; AND

12 (e) A PARENT REPRESENTATIVE, APPOINTED BY THE DEPARTMENT
13 OF HEALTH.

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

15 (a) DURING THE 2013-14 ACADEMIC YEAR AND EVERY ACADEMIC
16 YEAR THEREAFTER, THE OVERSIGHT ENTITY SHALL ASSESS OPPORTUNITIES
17 FOR AVAILABLE FEDERAL AND STATE MONEYS TO FUND THE PROGRAM;
18 EXCEPT THAT THE OVERSIGHT ENTITY SHALL NOT RECOMMEND APPLYING
19 FOR ANY FEDERAL OR STATE MONEYS THAT PROMOTE ABSTINENCE AS THE
20 SOLE BEHAVIORAL METHOD FOR YOUTH OR FUNDING REQUIRING
21 ADHERENCE TO THE A-H GUIDELINES OF SECTION 510 (b) OF TITLE V OF
22 THE FEDERAL "SOCIAL SECURITY ACT", PUB. L. 104-193, WHICH ARE
23 INCONSISTENT WITH THE PROVISIONS OF SECTION 22-1-128, C.R.S. THE
24 OVERSIGHT ENTITY WILL PROVIDE INFORMATION TO THE APPROPRIATE
25 STATE DEPARTMENTS CONCERNING AVAILABLE FEDERAL AND STATE
26 MONEYS RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION
27 FUNDS FOR WHICH A GIVEN DEPARTMENT IS ELIGIBLE TO APPLY.

1 (b) TO DEVELOP POLICIES AND PROCEDURES FOR THE
2 IMPLEMENTATION OF THE PROGRAM AND RECOMMEND SUCH POLICIES AND
3 PROCEDURES TO THE STATE BOARD FOR ADOPTION BY RULE PURSUANT TO
4 SECTION 25-44-102. THE POLICIES AND PROCEDURES MUST INCLUDE, BUT
5 ARE NOT LIMITED TO:

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

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

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

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

19 (C) HOW MANY STUDENTS THE PUBLIC SCHOOL OR SCHOOL
20 DISTRICT EXPECTS TO REACH THROUGH THE COMPREHENSIVE HUMAN
21 SEXUALITY EDUCATION PROGRAM; AND

22 (D) THE LENGTH OF TIME FOR WHICH THE APPLICANT IS
23 REQUESTING GRANT MONEYS;

24 (III) CRITERIA FOR THE OVERSIGHT ENTITY TO APPLY IN SELECTING
25 PUBLIC SCHOOLS AND SCHOOL DISTRICTS THAT MAY RECEIVE GRANTS AND
26 HOW TO DETERMINE THE AMOUNT OF GRANT MONEYS TO BE AWARDED TO
27 EACH GRANT RECIPIENT. THE CRITERIA MUST INCLUDE A REQUIREMENT

1 THAT THE PROPOSED COMPREHENSIVE HUMAN SEXUALITY EDUCATION
2 PROGRAM COMPLIES WITH SECTIONS 22-1-128 AND 22-25-104, C.R.S.,
3 AND IS EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REPRESENTS
4 POSITIVE YOUTH DEVELOPMENT PRINCIPLES.

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

7 (d) TO REVIEW GRANT APPLICATIONS AND, BASED ON THE CRITERIA
8 DEVELOPED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2), MAKE
9 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING WHICH PUBLIC
10 SCHOOLS OR SCHOOL DISTRICTS SHOULD RECEIVE GRANTS AND IN WHAT
11 AMOUNT.

12 **25-44-104. Comprehensive human sexuality education grant**
13 **program cash fund - creation - notice of funding through gifts,**
14 **grants, and donations - repeal.** (1) THERE IS HEREBY ESTABLISHED IN
15 THE STATE TREASURY THE COMPREHENSIVE HUMAN SEXUALITY
16 EDUCATION GRANT PROGRAM CASH FUND. THE CASH FUND CONSISTS OF
17 MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS
18 SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE
19 GENERAL ASSEMBLY. THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY
20 APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS
21 ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT
22 PROVIDED AS GRANTS MAY BE INVESTED BY THE STATE TREASURER AS
23 PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME
24 DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH
25 FUND MUST BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN
26 THE CASH FUND AT THE END OF ANY FISCAL YEAR MUST REMAIN IN THE
27 CASH FUND AND MUST NOT BE CREDITED OR TRANSFERRED TO THE

1 GENERAL FUND OR TO ANY OTHER FUND.

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

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

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

19 (c) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
20 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN
21 IT HAS RECEIVED ADEQUATE FUNDING THROUGH GIFTS, GRANTS, OR
22 DONATIONS FOR THE PROGRAM AND SHALL INCLUDE IN THE NOTIFICATION
23 THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

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

25 **SECTION 4.** In Colorado Revised Statutes, 22-25-103, **add** (3.1),
26 (3.2), and (5.7) as follows:

27 **22-25-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES:

2 (3.1) "CULTURALLY SENSITIVE" MEANS THE INTEGRATION OF
3 KNOWLEDGE ABOUT INDIVIDUALS AND GROUPS OF PEOPLE INTO SPECIFIC
4 STANDARDS, REQUIREMENTS, POLICIES, PRACTICES, AND ATTITUDES USED
5 TO INCREASE THE QUALITY OF SERVICES. "CULTURALLY SENSITIVE"
6 INCLUDES RESOURCES, REFERENCES, AND INFORMATION THAT ARE
7 MEANINGFUL TO THE EXPERIENCES AND NEEDS OF COMMUNITIES OF
8 COLOR; IMMIGRANT COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND
9 TRANSGENDER COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL
10 DISABILITIES; PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION;
11 AND OTHERS WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT
12 OF SEXUAL HEALTH EDUCATION, PROGRAMS, AND POLICIES.

13 (3.2) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:

14 (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN,
15 INCLUDING:

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

17 (II) HAVING AN ADEQUATE SAMPLE SIZE;

18 (III) USING SOUND RESEARCH METHODS AND PROCESSES;

19 (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR
20 EVALUATION RESULTS; AND

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

22 (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT
23 LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY
24 PREGNANCY, SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV:

25 (I) DELAYING SEXUAL INITIATION;

26 (II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;

27 (III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR

1 (IV) INCREASING THE USE OF CONDOMS AND OTHER
2 CONTRACEPTIVES.

3 (5.7) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH
4 THAT EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUNG PEOPLE
5 AND FOCUSES ON DEVELOPING INHERENT STRENGTHS AND ASSETS TO
6 PROMOTE HEALTH. POSITIVE YOUTH DEVELOPMENT IS CULTURALLY
7 SENSITIVE, INCLUSIVE OF ALL YOUTH, COLLABORATIVE, AND
8 STRENGTH-BASED.

9 **SECTION 5.** In Colorado Revised Statutes, 22-25-104, **amend**
10 (3) (a) and (6) (c); repeal (6) (b); and **add** (4.5) and (6) (d) as follows:

11 **22-25-104. Colorado comprehensive health education program**
12 **- role of department of education - recommended curriculum**
13 **guidelines - allocation of funds - rules.** (3) (a) With the assistance of
14 parents, school districts, the department of public health and environment,
15 the Colorado commission on higher education, and other interested
16 parties, the department of education shall develop recommended
17 guidelines for the implementation of local comprehensive health
18 education programs and local student wellness programs. The guidelines
19 developed pursuant to this subsection (3) ~~shall~~ **MUST** comply with the
20 requirements of section ~~22-1-110.5~~ 22-1-128 AND SHALL APPLY TO ALL
21 SCHOOL DISTRICTS.

22 (4.5) THE DEPARTMENT OF EDUCATION SHALL IDENTIFY PROGRAMS
23 THAT ARE EVIDENCE-BASED, CULTURALLY SENSITIVE, AND REFLECTIVE OF
24 POSITIVE YOUTH DEVELOPMENT GUIDELINES FOR USE BY SCHOOL
25 DISTRICTS IN LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAMS
26 RELATED TO COMPREHENSIVE HUMAN SEXUALITY EDUCATION. _____

27 (6) (b) School officials shall receive prior written approval from

1 a parent or guardian before his or her child may participate in any
2 program discussing or teaching sexuality and human reproduction.
3 Parents must receive, with the written permission slip, an overview of the
4 topics and materials to be presented in the curriculum.

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

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

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

19 **22-25-110. Funding of existing programs - operation of other**
20 **health education programs.** (2) Nothing in this article shall be
21 interpreted to require a school district or board of cooperative services to
22 establish a local comprehensive health education program nor shall it be
23 interpreted to prevent a school district or board of cooperative services
24 from offering a health education program which is not operated under the
25 requirements of this article; except that any school district or board of
26 cooperative services offering such a health education program shall:

27 (c) Unless the school district or board of cooperative services is

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

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

9 **25.5-5-603. Program - teen pregnancy and dropout**
10 **prevention.** (2) (b) Such services may include, but shall not be limited
11 to, the following services or combination of services:

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

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