

CHAPTER 212

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 07-1292

BY REPRESENTATIVE(S) Todd, Butcher, Casso, Kerr A., Massey, McKinley, Merrifield, Solano, Carroll M., Green, Labuda, Levy, Madden, McGihon, Pommer, and Marshall;
also SENATOR(S) Windels, Bacon, and Boyd.

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

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

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

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

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

(2) The general assembly further finds that:

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

(b) Comprehensive sex education programs that complement the involvement and

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

instruction of parents and respect the diversity and values of the state provide Colorado's youth with a foundation of information to help them make responsible, healthy, and informed decisions.

(3) Therefore, the general assembly hereby declares that the objective of this act is to reduce the incidence of sexually transmitted diseases, pregnancy, and abortion among teenagers by ensuring that school districts and teen pregnancy prevention programs that offer instruction and information concerning human sexuality provide teenagers the science-based information they need to make responsible and healthy decisions, with a primary emphasis on abstaining from sexual activity. For teenagers who become sexually active, school districts and teen pregnancy prevention programs that offer instruction concerning human sexuality shall both encourage such teenagers to return to abstinence and teach the effective use of condoms or other means of contraception.

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

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

(a) ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY COMMUNICATION;

(b) EMPHASIZE ABSTINENCE AND TEACH THAT SEXUAL ABSTINENCE IS THE ONLY CERTAIN WAY AND THE MOST EFFECTIVE WAY TO AVOID PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND INFECTIONS, INCLUDING BUT NOT LIMITED TO INSTRUCTION REGARDING HIV/AIDS, HEPATITIS C, THE LINK BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER, AND THE AVAILABILITY OF THE HUMAN PAPILLOMAVIRUS VACCINE;

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

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

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

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

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

(e) BE AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND MEDICALLY ACCURATE

ACCORDING TO PUBLISHED AUTHORITIES UPON WHICH MEDICAL PROFESSIONALS GENERALLY RELY;

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

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

(6) NOTHING IN SUBSECTION (5) OF THIS SECTION SHALL BE INTERPRETED TO PROHIBIT DISCUSSION OF HEALTH, MORAL, ETHICAL, OR RELIGIOUS VALUES AS THEY PERTAIN TO HUMAN SEXUALITY, HEALTHY RELATIONSHIPS, OR FAMILY FORMATION.

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

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

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

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

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules and regulations. (3) (a) With the assistance of parents, school districts, the department of public health and environment, the Colorado commission on higher education, and other interested parties, the department of education shall develop recommended guidelines for the implementation of local comprehensive health education programs. THE GUIDELINES DEVELOPED PURSUANT TO THIS SUBSECTION (3) SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 22-1-110.5.

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

22-25-110. Funding of existing programs - operation of other health

education programs. (2) Nothing in this article shall be interpreted to require a school district or board of cooperative services to establish a local comprehensive health education program nor shall it be interpreted to prevent a school district or board of cooperative services from offering a health education program which is not operated under the requirements of this article; except that any school district or board of cooperative services offering such a health education program shall:

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

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

(c) UNLESS THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES IS RECEIVING DIRECT OR INDIRECT FUNDING FROM THE FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710 AS DESCRIBED IN SECTION 22-1-110.5 (9), COMPLY WITH THE REQUIREMENTS SPECIFIED IN SECTION 22-1-110.5 (5) REGARDING THE ADOPTION OF SCIENCE-BASED CONTENT STANDARDS FOR INSTRUCTION REGARDING HUMAN SEXUALITY.

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

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

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

(II) Vocational, health, and educational guidance;

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

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

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

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

Approved: May 14, 2007