

## CHAPTER 303

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 13-1081**

BY REPRESENTATIVE(S) Duran, Buckner, Fields, Hamner, Kagan, McCann, Moreno, Court, Fischer, Ginal, Hullinghorst, Labuda, May, McLachlan, Melton, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Tyler, Williams, Young, Levy, Singer, Ferrandino;  
also SENATOR(S) Todd, Carroll, Giron, Guzman, Hodge, Hudak, Jones, Kerr, Newell, Nicholson, Steadman, Tochtrop, Ulibarri.

**AN ACT****CONCERNING HUMAN SEXUALITY EDUCATION.**

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

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

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

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

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

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

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

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

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

(V) IT IS IMPORTANT FOR YOUTH TO UNDERSTAND THE CONSEQUENCES OF THE INCONSISTENT OR IMPROPER USE OF SEXUAL ABSTINENCE, BIRTH CONTROL, OR CONDOMS. ALL COMPREHENSIVE HUMAN SEXUALITY EDUCATION MUST STRESS THE IMPORTANCE OF THE CORRECT AND CONSISTENT USE OF SEXUAL ABSTINENCE, BIRTH CONTROL, AND CONDOMS TO PREVENT PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS;

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

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

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

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

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

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

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

(XIII) THE COLORADO GENERAL ASSEMBLY PASSED THE "EDUCATION

ALIGNMENT ACT", SENATE BILL 08-212, ENACTED IN 2008, WHICH STATES THAT ALL SCHOOL DISTRICT STANDARDS MUST MEET OR EXCEED ESTABLISHED STATE STANDARDS, AND THAT SCHOOL DISTRICTS MUST ADOPT CURRICULUM AND ASSESSMENTS THAT ARE CONSISTENT WITH THESE STANDARDS; AND

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

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

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

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

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

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

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

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

(b) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS MEDICALLY ACCURATE INFORMATION ABOUT ALL METHODS TO PREVENT UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND INFECTIONS, INCLUDING HIV AND AIDS, AND THE LINK BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER, AND OTHER TYPES OF CANCER INVOLVING THE HUMAN REPRODUCTIVE SYSTEMS, INCLUDING BUT NOT LIMITED TO PROSTATE, TESTICULAR, OVARIAN, AND UTERINE

CANCER. METHODS MUST INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS. ADDITIONAL CONTENTS OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION MUST INCLUDE:

(I) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;

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

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

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

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

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

(A) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;

(B) HAVING AN ADEQUATE SAMPLE SIZE;

(C) USING SOUND RESEARCH METHODS AND PROCESSES;

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

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

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

(A) DELAYING SEXUAL INITIATION;

(B) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;

(C) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR

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

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

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

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

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

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

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

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

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

(a) ENCOURAGE PARENTAL INVOLVEMENT AND FAMILY COMMUNICATION;

(b) INCLUDE MEDICALLY ACCURATE INFORMATION ABOUT METHODS TO PREVENT

UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV/AIDS, AND THE LINK BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER. METHODS SHALL INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF ABSTINENCE, CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS.

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

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

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

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

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

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

(g) 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

(h) 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.

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

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

(9) A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL THAT HAS RECEIVED, PRIOR TO JULY 1, 2013, DIRECT

OR INDIRECT FUNDING FROM THE FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710 IS NOT REQUIRED TO ADOPT REQUIREMENTS FOR COMPREHENSIVE HUMAN SEXUALITY CURRICULUM FOR THE PROVISION OF SUCH INSTRUCTION AS DESCRIBED IN THIS SECTION FOR THE YEAR OR YEARS FOR WHICH THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL RECEIVED SUCH FUNDING. ON JULY 1, 2013, OR THEREAFTER, A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL NOT USE ANY DIRECT OR INDIRECT FUNDING FROM THE FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710. A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY USE FEDERAL MONEYS FOR HUMAN SEXUALITY EDUCATION, AS LONG AS THE HUMAN SEXUALITY PROGRAM OF THE SCHOOL DISTRICT BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MEETS THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION MODEL SET FORTH IN THIS SECTION.

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

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

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

#### **ARTICLE 44**

#### **Comprehensive Human Sexuality Education Grant Program**

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

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

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

(3) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS MEDICALLY ACCURATE INFORMATION ABOUT ALL METHODS TO PREVENT UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED DISEASES AND INFECTIONS, INCLUDING HIV AND AIDS, AND THE LINK BETWEEN HUMAN PAPILLOMAVIRUS AND CANCER, AND OTHER TYPES OF CANCER INVOLVING THE HUMAN REPRODUCTIVE SYSTEMS, INCLUDING BUT NOT LIMITED TO PROSTATE, TESTICULAR, OVARIAN, AND UTERINE CANCER. METHODS MUST INCLUDE INFORMATION ABOUT THE CORRECT AND

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

- (a) ENCOURAGING FAMILY COMMUNICATION ABOUT SEXUALITY;
- (b) TEACHING YOUNG PEOPLE TO AVOID MAKING UNWANTED VERBAL, PHYSICAL, AND SEXUAL ADVANCES;
- (c) DISCUSSIONS AND INFORMATION ON HOW TO RECOGNIZE AND RESPOND SAFELY AND EFFECTIVELY IN SITUATIONS WHERE SEXUAL OR PHYSICAL VIOLENCE MAY BE OCCURRING OR WHERE THERE MAY BE A RISK FOR THESE BEHAVIORS TO OCCUR;
- (d) FOCUSING ON THE DEVELOPMENT OF SAFE RELATIONSHIPS, INCLUDING THE PREVENTION OF SEXUAL VIOLENCE IN DATING; AND
- (e) TEACHING YOUNG PEOPLE HOW ALCOHOL AND DRUG USE CAN AFFECT RESPONSIBLE DECISION-MAKING.

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

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

- (6) "EVIDENCE-BASED PROGRAM" MEANS A PROGRAM THAT:
  - (a) WAS EVALUATED USING A RIGOROUS RESEARCH DESIGN, INCLUDING:
    - (I) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;
    - (II) HAVING AN ADEQUATE SAMPLE SIZE;
    - (III) USING SOUND RESEARCH METHODS AND PROCESSES;
    - (IV) REPLICATING IN DIFFERENT LOCATIONS AND FINDING SIMILAR EVALUATION RESULTS; AND
    - (V) PUBLISHING RESULTS IN A PEER-REVIEWED JOURNAL;
  - (b) RESEARCH HAS SHOWN TO BE EFFECTIVE IN CHANGING AT LEAST ONE OF THE FOLLOWING BEHAVIORS THAT CONTRIBUTE TO EARLY PREGNANCY, SEXUALLY



TRANSMITTED INFECTIONS AND DISEASE, AND HIV INFECTION:

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

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

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

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

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

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

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

(1) THERE IS HEREBY CREATED IN THE DEPARTMENT THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM. THE PURPOSE OF THE PROGRAM IS TO PROVIDE MONEYS TO PUBLIC SCHOOLS AND SCHOOL DISTRICTS FOR USE IN THE CREATION AND IMPLEMENTATION OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS IN THEIR CURRICULUM.

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

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

(4) MONEYS DISTRIBUTED TO PUBLIC SCHOOLS AND SCHOOL DISTRICTS THROUGH THE PROGRAM MUST ONLY BE USED FOR THE PROVISION OF COMPREHENSIVE HUMAN SEXUALITY EDUCATION PROGRAMS THAT COMPLY WITH THE PROVISIONS OF AND MEET OR EXCEED THE REQUIREMENTS FOR COMPREHENSIVE HUMAN SEXUALITY

CURRICULUM SET FORTH IN SECTION 22-1-128, C.R.S., AND DEVELOPED PURSUANT TO SECTION 22-25-104 (3), C.R.S.

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

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

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

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

(c) THE AMOUNT OF EACH GRANT AWARDED;

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

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

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

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

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

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

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

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

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

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

(2) THE OVERSIGHT ENTITY HAS THE FOLLOWING DUTIES:

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

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

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

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

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

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

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

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

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

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

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

**25-44-104. Comprehensive human sexuality education grant program cash fund - creation - notice of funding through gifts, grants, and donations - repeal.**

(1) THERE IS HEREBY ESTABLISHED IN THE STATE TREASURY THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM CASH FUND. THE CASH FUND CONSISTS OF MONEYS TRANSFERRED THERETO PURSUANT TO SUBSECTION (3) OF THIS SECTION AND ANY OTHER MONEYS THAT MAY BE MADE AVAILABLE BY THE GENERAL ASSEMBLY. THE MONEYS IN THE CASH FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. ANY MONEYS NOT PROVIDED AS GRANTS MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED IN SECTION 24-36-113, C.R.S. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE CASH FUND MUST BE CREDITED TO THE CASH FUND. ANY AMOUNT REMAINING IN THE CASH FUND AT THE END OF ANY FISCAL YEAR MUST REMAIN IN THE CASH FUND AND MUST NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

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

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

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

TO THE CASH FUND.

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

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

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

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

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

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

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

(I) MEASURING KNOWLEDGE, ATTITUDE, AND BEHAVIOR;

(II) HAVING AN ADEQUATE SAMPLE SIZE;

(III) USING SOUND RESEARCH METHODS AND PROCESSES;

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

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

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

(I) DELAYING SEXUAL INITIATION;

(II) REDUCING THE FREQUENCY OF SEXUAL INTERCOURSE;

(III) REDUCING THE NUMBER OF SEXUAL PARTNERS; OR

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

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

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

**22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules.** (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 and local student wellness programs. The guidelines developed pursuant to this subsection (3) ~~shall~~ **must** comply with the requirements of section ~~22-1-110.5~~ 22-1-128 AND SHALL APPLY TO ALL SCHOOL DISTRICTS.

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

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

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

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

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

**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:

(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)~~ 22-1-128 (9), comply with the requirements specified in section ~~22-1-110.5 (5)~~ 22-1-128 (6) regarding the adoption of science-based content standards for instruction regarding human sexuality.

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

**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:

(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)~~ 22-1-128 (6), C.R.S., as if the program were provided by a school district.

**SECTION 8. 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 28, 2013