

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 19-0032.03 Shelby Ross x4510

HOUSE BILL 19-1032

HOUSE SPONSORSHIP

Lontine,

SENATE SPONSORSHIP

Todd and Coram,

House Committees

Health & Insurance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COMPREHENSIVE HUMAN SEXUALITY EDUCATION, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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://leg.colorado.gov>.)

The bill moves provisions of the statutory legislative declaration to a nonstatutory legislative declaration.

The bill clarifies content requirements for public schools that offer comprehensive human sexuality education and prohibits instruction from explicitly or implicitly teaching or endorsing religious ideology or sectarian tenets or doctrines, using shame-based or stigmatizing language

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

or instructional tools, employing gender norms or gender stereotypes, or excluding the relational or sexual experiences of lesbian, gay, bisexual, or transgender individuals.

Current law provides for a comprehensive human sexuality education grant program. The bill amends certain provisions of the grant program to:

- ! Require the department of public health and environment to submit an annual report concerning the outcomes of the grant program indefinitely;
- ! Add 8 representatives to the oversight entity and require membership of the oversight entity to be comprised of at least 7 members who are members of groups of people who have been or might be discriminated against;
- ! Require grant applicants to demonstrate a need for money to implement comprehensive human sexuality education;
- and
- ! Require that rural public schools or public schools that do not currently offer comprehensive human sexuality education receive priority when selecting grant applicants.

The bill provides a general appropriation of at least \$1 million annually for the grant program.

The bill prohibits the state board of education from waiving the content requirements for any public school that provides comprehensive human sexuality education.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The decisions an individual makes regarding the individual's
5 sexual health impacts the public health and welfare of the community in
6 which the individual lives;

7 (b) Sexual assault, interpersonal violence, and bullying are
8 pervasive and serious public health concerns, placing impacted youth at
9 increased risk for unintended pregnancy, sexually transmitted infections,
10 low academic performance, truancy, dropout, self-harm, and other
11 harmful behaviors. According to the 2017 Healthy Kids Colorado Survey,

1 9.6% of youth who identify as female, 3% of youth who identify as male,
2 and 18.5% of youth who identify as lesbian, gay, or bisexual (LGB)
3 reported being physically forced to have sexual intercourse against their
4 will. Approximately 11.1% of youth who identify as female, 7.1% of
5 youth who identify as male, and 18.2% of youth who identify as LGB
6 reported being physically hurt on purpose by someone they were dating.
7 Over 28% of youth who identify as LGB reported being bullied or
8 name-called because of their sexual orientation, and 18.6% of all youth
9 reported being bullied on school property during the last year. These
10 statistics reflect a dire need for all Colorado youth to have access to
11 comprehensive human sexuality education that teaches consent, hallmarks
12 of safe and healthy relationships, self-acceptance, and respect for others.

13 (c) According to the centers for disease control and prevention
14 and the Colorado department of public health and environment, Colorado
15 has a lower rate of teen births and certain sexually transmitted infections
16 compared to the national average. In spite of this data, Colorado youth
17 still face barriers to obtaining the medically accurate information and
18 resources they need to make informed and responsible decisions
19 concerning their sexual health.

20 (d) When accounting for all fifty states and the District of
21 Columbia, Colorado is the only state that does not have a health
22 graduation requirement. Twenty-four states and the District of Columbia
23 mandate sexual health education as a graduation requirement, and
24 thirty-four states and the District of Columbia mandate human
25 immunodeficiency virus (HIV) education as a graduation requirement.
26 Colorado does not mandate sexual health education or HIV education.

27 (e) The Colorado general assembly and Colorado state board of

1 education have long recognized the value of comprehensive health
2 education, including comprehensive human sexuality education, by taking
3 the following actions:

4 (I) The Colorado general assembly passed House Bill 07-1292,
5 enacted in 2007, to establish content standards for the provision of human
6 sexuality courses taught in public schools throughout the state;

7 (II) The Colorado general assembly passed Senate Bill 08-194,
8 enacted in 2008, commonly known as the "Public Health Reauthorization
9 Act", to create a statewide public health improvement plan to eliminate
10 geographic-based and other disparities in the accessibility and availability
11 of services through the state's public health agencies;

12 (III) The Colorado general assembly passed the "Preschool to
13 Postsecondary Education Alignment Act", Senate Bill 08-212, enacted in
14 2008, which states that all school district standards must meet or exceed
15 established state standards, and that school districts must adopt
16 curriculum and assessments that are consistent with these standards;

17 (IV) The Colorado general assembly passed House Bill 13-1081,
18 enacted in 2013, which states that all Colorado youth have a right to
19 access comprehensive human sexuality education, and requires school
20 districts, boards of cooperative services, district charter schools, and
21 institute charter schools that provide human sexuality instruction to
22 ensure the instruction is comprehensive;

23 (V) In 2009, the Colorado state board of education adopted
24 academic content standards for comprehensive health education that
25 support youth in making informed and responsible decisions about their
26 health and in having access to the tools they need to lead healthy lives;
27 and

1 (VI) In 2018, the Colorado state board of education adopted
2 academic content standards for comprehensive health education,
3 including physical and personal wellness, social and emotional wellness,
4 and prevention and risk management; and

5 (f) Short of mandating comprehensive human sexuality education
6 as a graduation requirement, state law requires all human sexuality
7 instruction provided in public schools to be comprehensive, pursuant to
8 section 22-1-128, Colorado Revised Statutes. If the instruction is not
9 comprehensive, it is a violation of state law.

10 **SECTION 2.** In Colorado Revised Statutes, **repeal and reenact,**
11 **with amendments,** 22-1-128 as follows:

12 **22-1-128. Comprehensive human sexuality education -**
13 **guidelines and content standards - short title - legislative declaration**
14 **- definitions.** (1) **Short title.** THE SHORT TITLE OF THIS SECTION IS THE
15 "COLORADO YOUTH WELLNESS ACT".

16 (2) **Legislative declaration.** THE GENERAL ASSEMBLY FINDS AND
17 DECLARES THAT:

18 (a) ALL COLORADO YOUTH HAVE A RIGHT TO RECEIVE MEDICALLY
19 ACCURATE INFORMATION ABOUT THEIR SEXUAL HEALTH IN ORDER TO
20 EMPOWER THEM TO MAKE INFORMED DECISIONS THAT PROMOTE THEIR
21 PHYSICAL, MENTAL, AND SOCIAL-EMOTIONAL WELL-BEING;

22 (b) THIS RIGHT APPLIES TO ALL YOUTH, REGARDLESS OF
23 GEOGRAPHIC LOCATION, ETHNIC OR RACIAL BACKGROUND, IMMIGRATION
24 STATUS, FAMILY INCOME, PHYSICAL OR INTELLECTUAL ABILITY, SEXUAL
25 ORIENTATION, SEX, GENDER, OR GENDER EXPRESSION;

26 (c) PARENTS, CAREGIVERS, AND OTHER TRUSTED ADULTS SERVE AS
27 AN ESSENTIAL PART OF THE EDUCATION PROCESS AND MAY RELY ON

1 HEALTH AND EDUCATION PROFESSIONALS AND BROAD COMMUNITY-BASED
2 PARTNERSHIPS TO PROVIDE MEDICALLY ACCURATE INFORMATION THAT
3 EMPOWERS YOUTH TO MAKE DECISIONS THAT ARE CONSISTENT WITH THEIR
4 INDIVIDUAL NEEDS, VALUES, AND LIFE GOALS;

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

10 (e) IT IS IMPORTANT FOR YOUTH TO UNDERSTAND THE POSSIBLE
11 OUTCOMES OF THE INCONSISTENT OR IMPROPER USE OF SEXUAL
12 ABSTINENCE, CONTRACEPTION, OR CONDOMS. COMPREHENSIVE HUMAN
13 SEXUALITY EDUCATION STRESSES THE IMPORTANCE OF THE CORRECT AND
14 CONSISTENT USE OF SEXUAL ABSTINENCE, CONTRACEPTION, AND CONDOMS
15 TO PREVENT PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS.

16 (f) IT IS IMPORTANT FOR YOUTH TO LEARN ABOUT SEX AND
17 SEXUALITY IN THE CONTEXT OF HEALTHY RELATIONSHIPS.
18 COMPREHENSIVE HUMAN SEXUALITY EDUCATION TEACHES YOUTH ABOUT
19 CONSENT, SEXUAL ASSAULT, SEXUAL HARASSMENT, AND THE HALLMARKS
20 OF SAFE AND HEALTHY RELATIONSHIPS. IT ALSO TEACHES YOUTH ABOUT
21 THE DIFFERENT RELATIONSHIP MODELS THEY AND THEIR PEERS MAY
22 ENGAGE IN, INCLUDING LESBIAN, GAY, BISEXUAL, AND TRANSGENDER
23 PEERS, AND HOW TO BE A SAFE AND HEALTHY PARTNER IN A
24 RELATIONSHIP.

25 (g) COMPREHENSIVE HUMAN SEXUALITY EDUCATION FOSTERS
26 YOUTH SOCIAL-EMOTIONAL HEALTH AND WELL-BEING BY TEACHING
27 SELF-ACCEPTANCE AND RESPECT FOR THOSE WHOSE SEXUALITY, GENDER,

1 GENDER EXPRESSION, OR LIVED EXPERIENCE DIFFER FROM THEIR OWN.
2 COMPREHENSIVE HUMAN SEXUALITY EDUCATION REJECTS THE USE OF
3 SHAME, STIGMA, FEAR, AND GENDER NORMS OR GENDER STEREOTYPES AS
4 INSTRUCTIONAL TOOLS AND RECOGNIZES THAT SUCH TACTICS ARE
5 COUNTERPRODUCTIVE TO YOUTH EMPOWERMENT AND PARTICULARLY
6 HARMFUL TO VULNERABLE AND QUESTIONING YOUTH.

7 (h) THERE IS A NEED TO CONTINUE AND EXPAND EFFORTS TO
8 ENSURE THAT ALL COLORADO YOUTH HAVE ACCESS TO MEDICALLY
9 ACCURATE, CULTURALLY SENSITIVE, AND AGE-APPROPRIATE INFORMATION
10 AND RESOURCES CONVEYED BY COMPREHENSIVE HUMAN SEXUALITY
11 EDUCATION; AND

12 (i) THE STATE OF COLORADO AND ELIGIBLE STATE AGENCIES AND
13 OTHER ORGANIZATIONS MUST PURSUE FUNDING AND OTHER FEDERAL
14 SUPPORT TO IMPLEMENT COMPREHENSIVE HUMAN SEXUALITY EDUCATION
15 PROGRAMS. HOWEVER, COMPLIANCE WITH THIS SECTION IS NOT
16 CONTINGENT ON RECEIPT OF STATE FUNDS, FEDERAL FUNDS, OR PUBLIC OR
17 PRIVATE GIFTS, GRANTS, OR DONATIONS.

18 (3) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

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

24 (b) "COMPREHENSIVE HUMAN SEXUALITY EDUCATION" MEANS
25 HUMAN SEXUALITY INSTRUCTION THAT IS MEDICALLY ACCURATE,
26 AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND INCLUSIVE OF A POSITIVE
27 YOUTH DEVELOPMENT FRAMEWORK. COMPREHENSIVE HUMAN SEXUALITY

1 EDUCATION TEACHES YOUTH PREVENTIVE METHODS FOR AVOIDING
2 UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS.
3 PREVENTIVE METHODS TAUGHT MUST INCLUDE INFORMATION ABOUT THE
4 CORRECT AND CONSISTENT USE OF SEXUAL ABSTINENCE, CONTRACEPTION,
5 INCLUDING ALL FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED
6 FORMS OF CONTRACEPTION, EMERGENCY CONTRACEPTION, CONDOMS,
7 OTHER BARRIER METHODS, AND OTHER PREVENTIVE METHODS.

8 (c) "CONSENT" MEANS THE AFFIRMATIVE, UNAMBIGUOUS,
9 VOLUNTARY, CONTINUOUS, KNOWING AGREEMENT BETWEEN ALL
10 PARTICIPANTS IN EACH PHYSICAL ACT WITHIN THE COURSE OF A SEXUAL
11 ENCOUNTER OR INTERPERSONAL RELATIONSHIP.

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

24 (e) "HUMAN SEXUALITY INSTRUCTION" OR "INSTRUCTION" REFERS
25 TO ANY SINGLE ORAL, WRITTEN, OR DIGITAL LESSON, LECTURE, OR
26 PRESENTATION, GIVEN BY SCHOOL STAFF OR NONSCHOOL STAFF, THAT
27 COVERS TWO OR MORE OF THE FOLLOWING TOPICS:

1 (I) BIOLOGY AS IT RELATES TO HUMAN REPRODUCTION OR HUMAN
2 SEXUAL DEVELOPMENT;

3 (II) SEXUAL ORIENTATION, SEXUALITY, OR SEXUAL ACTIVITY; OR

4 (III) THE DEVELOPMENT OF SAFE AND HEALTHY RELATIONSHIPS.

5 (f) "MEDICALLY ACCURATE" MEANS VERIFIED OR SUPPORTED BY
6 RESEARCH CONDUCTED IN COMPLIANCE WITH SCIENTIFIC METHODS AND
7 PUBLISHED IN PEER-REVIEWED JOURNALS, WHERE APPROPRIATE, AND
8 RECOGNIZED AS ACCURATE, OBJECTIVE, AND UNBIASED BY THE AMERICAN
9 PUBLIC HEALTH ASSOCIATION, THE AMERICAN ACADEMY OF PEDIATRICS,
10 OR THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS.

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

16 (h) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A
17 DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, A FACILITY
18 SCHOOL, OR A SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES.

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

21 (4) **Comprehensive human sexuality education content**
22 **requirements.** EXCEPT AS DESCRIBED IN SUBSECTION (11) OF THIS
23 SECTION, A PUBLIC SCHOOL THAT OFFERS HUMAN SEXUALITY INSTRUCTION
24 MUST ENSURE THE INSTRUCTION MEETS COMPREHENSIVE HUMAN
25 SEXUALITY EDUCATION CONTENT REQUIREMENTS. THESE REQUIREMENTS
26 MUST:

27 (a) PROMOTE YOUTH UNDERSTANDING OF SEXUAL ACTIVITY,

1 SEXUALITY, AND SEXUAL ORIENTATION AS A NORMAL PART OF HUMAN
2 DEVELOPMENT AND ENCOURAGE YOUTH COMMUNICATION WITH PARENTS,
3 FAMILY, AND OTHER TRUSTED ADULTS ABOUT GENDER, GENDER
4 EXPRESSION, SEXUAL ACTIVITY, SEXUALITY, AND SEXUAL ORIENTATION;

5 (b) INCLUDE MEDICALLY ACCURATE INFORMATION ABOUT ALL
6 PREVENTIVE METHODS TO AVOID UNINTENDED PREGNANCY AND
7 SEXUALLY TRANSMITTED INFECTIONS, INCLUDING HIV/AIDS.

8 PREVENTIVE METHODS TAUGHT MUST:

9 (I) INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT
10 USE OF SEXUAL ABSTINENCE, CONTRACEPTION, INCLUDING ALL FEDERAL
11 FOOD AND DRUG ADMINISTRATION-APPROVED FORMS OF CONTRACEPTION,
12 EMERGENCY CONTRACEPTION, CONDOMS, AND OTHER BARRIER METHODS;

13 (II) BE TAUGHT IN A COHESIVE, INTEGRATED, OBJECTIVE MANNER
14 SO THAT YOUTH LEARN THE FULL SCOPE OF PREVENTIVE METHODS
15 AVAILABLE TO THEM AND ARE EMPOWERED TO DECIDE FOR THEMSELVES
16 WHICH PREVENTIVE METHODS ARE BEST SUITED FOR THEIR INDIVIDUAL
17 NEEDS, BELIEFS, AND VALUES; AND

18 (III) NOT ENDORSE SEXUAL ABSTINENCE AS THE PRIMARY OR SOLE
19 ACCEPTABLE PREVENTIVE METHOD AVAILABLE TO STUDENTS. SUCH
20 INSTRUCTION IS NOT COMPREHENSIVE AND IS INCONSISTENT WITH THE
21 REQUIREMENTS OF THIS SECTION.

22 (c) PROMOTE THE DEVELOPMENT OF SAFE AND HEALTHY
23 RELATIONSHIPS FREE OF PHYSICAL, SEXUAL, AND EMOTIONAL ABUSE AND
24 VIOLENCE BY PROVIDING HUMAN SEXUALITY INSTRUCTION ON:

25 (I) HOW TO COMMUNICATE CONSENT, RECOGNIZE
26 COMMUNICATION OF CONSENT, AND RECOGNIZE WITHDRAWAL OF
27 CONSENT;

1 (II) HOW TO AVOID MAKING UNWANTED VERBAL, PHYSICAL, AND
2 SEXUAL ADVANCES;

3 (III) HOW TO AVOID MAKING ASSUMPTIONS ABOUT A PERSON'S
4 SUPPOSED SEXUAL INTENTIONS BASED ON THAT PERSON'S APPEARANCE OR
5 SEXUAL HISTORY;

6 (IV) HOW TO AVOID PURSUING A SEXUAL ENCOUNTER WITH A
7 PERSON OR PERSUADING A PERSON TO PARTICIPATE IN A SEXUAL
8 ENCOUNTER WHEN THAT PERSON HAS NOT PROVIDED CONSENT OR HAS
9 WITHDRAWN CONSENT; AND

10 (V) HOW TO RECOGNIZE AND RESPOND SAFELY AND EFFECTIVELY
11 IN SITUATIONS WHERE PHYSICAL, SEXUAL, OR EMOTIONAL ABUSE OR
12 VIOLENCE MAY BE OCCURRING OR WHERE THERE MAY BE A RISK FOR THESE
13 BEHAVIORS TO OCCUR;

14 (d) TEACH HOW ALCOHOL AND DRUG USE CAN AFFECT
15 DECISION-MAKING, IMPACT SEXUAL HEALTH, AND FACILITATE INCIDENCES
16 OF GENDER-BASED VIOLENCE, INCLUDING THE DELIBERATE USE OF
17 ALCOHOL AND DRUGS TO PERPETRATE SEXUAL VIOLENCE;

18 (e) TEACH THAT SEXUAL HEALTH IS AN INTEGRAL PART OF ONE'S
19 OVERALL HEALTH AND WELLNESS; AND

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

24 (5) COMPREHENSIVE HUMAN SEXUALITY EDUCATION DOES NOT
25 REQUIRE INSTRUCTION ON PREGNANCY OUTCOME OPTIONS. HOWEVER, IF
26 A PUBLIC SCHOOL OPTS TO PROVIDE INSTRUCTION ON PREGNANCY
27 OUTCOME OPTIONS, THE INSTRUCTION MUST COVER ALL PREGNANCY

1 OUTCOME OPTIONS, INCLUDING BUT NOT LIMITED TO ADOPTION,
2 ABORTION, PARENTING, AND INFORMATION CONCERNING SECTIONS
3 18-6-401 (9) AND 19-3-304.5, OR ANY SUCCESSOR LAWS, REFERRED TO
4 GENERALLY AS "SAFE HAVEN LAWS." INSTRUCTION ON PREGNANCY
5 OUTCOME OPTIONS MUST BE PROVIDED IN AN OBJECTIVE, UNBIASED
6 MANNER AND MUST NOT ENDORSE OR FAVOR ONE OR MORE PREGNANCY
7 OUTCOME OPTIONS.

8 (6) (a) NOTHING IN SUBSECTION (4) OR (5) OF THIS SECTION SHALL
9 BE INTERPRETED TO PROHIBIT DISCUSSION OF MORAL, ETHICAL, OR
10 RELIGIOUS VALUES OF INDIVIDUALS AS THEY PERTAIN TO HUMAN
11 SEXUALITY, HEALTHY RELATIONSHIPS, OR FAMILY FORMATION.

12 (b) HOWEVER, HUMAN SEXUALITY INSTRUCTION MUST NOT
13 EXPLICITLY OR IMPLICITLY:

14 (I) TEACH OR ENDORSE RELIGIOUS IDEOLOGY OR SECTARIAN
15 TENETS OR DOCTRINE;

16 (II) USE SHAME-BASED OR STIGMATIZING LANGUAGE OR
17 INSTRUCTIONAL TOOLS;

18 (III) EMPLOY GENDER NORMS OR GENDER STEREOTYPES; OR

19 (IV) EXCLUDE THE RELATIONAL OR SEXUAL EXPERIENCES OF
20 LESBIAN, GAY, BISEXUAL, OR TRANSGENDER INDIVIDUALS.

21 (c) INSTRUCTION THAT INCLUDES ONE OR MORE OF THE
22 RESTRICTIONS IN SUBSECTION (6)(b) OF THIS SECTION IS NOT
23 COMPREHENSIVE AND IS NOT COMPLIANT WITH STATE LAW.

24 (7) PUBLIC SCHOOLS, SCHOOL DISTRICTS, AND BOARDS OF
25 COOPERATIVE SERVICES ARE ENCOURAGED TO INVOLVE TEACHERS,
26 SCHOOL NURSES, PARENTS, YOUTH, SEXUAL HEALTH ADVOCATES, AND
27 COMMUNITY PARTNERS IN THE DEVELOPMENT OF HUMAN SEXUALITY

1 INSTRUCTION THAT MEETS THE CONTENT REQUIREMENTS SET FORTH IN
2 SUBSECTION (4) OF THIS SECTION AND TO INTEGRATE AVAILABLE
3 COMMUNITY RESOURCES INTO PROGRAMS RELATED TO COMPREHENSIVE
4 HUMAN SEXUALITY EDUCATION.

5 (8) **Written notification required.** (a) EXCEPT AS OTHERWISE
6 PROVIDED IN SUBSECTION (4) OF THIS SECTION, A PUBLIC SCHOOL THAT
7 OFFERS HUMAN SEXUALITY INSTRUCTION SHALL PROVIDE TO THE PARENT
8 OR GUARDIAN OF EACH STUDENT, PRIOR TO COMMENCING THE
9 INSTRUCTION:

10 (I) WRITTEN NOTIFICATION OF THE ABILITY TO EXCUSE A STUDENT,
11 WITHOUT PENALTY OR ADDITIONAL ASSIGNMENT, UPON THE WRITTEN
12 REQUEST OF THE STUDENT'S PARENT OR GUARDIAN; AND

13 (II) A DETAILED, SUBSTANTIVE OUTLINE OF THE TOPICS AND
14 MATERIALS TO BE PRESENTED DURING THE HUMAN SEXUALITY
15 INSTRUCTION.

16 (b) HOWEVER, NOTHING IN THIS SECTION REQUIRES WRITTEN
17 NOTIFICATION FOR PROGRAMMING ON GENDER, GENDER EXPRESSION,
18 SEXUAL ORIENTATION, OR HEALTHY RELATIONSHIPS THAT OCCURS
19 OUTSIDE THE CONTEXT OF HUMAN SEXUALITY INSTRUCTION.

20 (9) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE
21 AN ACT OR PROCEDURE IN ADDITION TO THE SIGNATURE OF THE PARENT OR
22 GUARDIAN REQUIRED IN SUBSECTION (8) OF THIS SECTION TO EXCUSE A
23 STUDENT FROM COMPREHENSIVE HUMAN SEXUALITY EDUCATION.

24 (10) EACH SCHOOL DISTRICT BOARD OF EDUCATION, BOARD OF
25 COOPERATIVE SERVICES, GOVERNING BOARD OF A DISTRICT CHARTER
26 SCHOOL, OR THE STATE CHARTER SCHOOL INSTITUTE IS ENCOURAGED TO
27 DISSEMINATE POLICIES OR GUIDELINES TO ITS PUBLIC SCHOOLS TO ENSURE

1 THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION IN A MANNER
2 THAT WILL NOT DRAW UNDUE ATTENTION TO, NOR CAUSE UNDUE
3 EMBARRASSMENT FOR, STUDENTS EXCUSED FROM THE HUMAN SEXUALITY
4 INSTRUCTION PURSUANT TO SUBSECTION (8)(a)(I) OF THIS SECTION.

5 (11) A PUBLIC SCHOOL THAT HAS RECEIVED, PRIOR TO JULY 1,
6 2013, DIRECT OR INDIRECT MONEY FROM THE FEDERAL GOVERNMENT FOR
7 THE PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42
8 U.S.C. SEC. 710, AS AMENDED, IS NOT REQUIRED TO ADOPT THE CONTENT
9 REQUIREMENTS FOR COMPREHENSIVE HUMAN SEXUALITY EDUCATION
10 DESCRIBED IN THIS SECTION FOR THE YEAR OR YEARS FOR WHICH THE
11 PUBLIC SCHOOL RECEIVED SUCH MONEY. ON AND AFTER JULY 1, 2013, A
12 PUBLIC SCHOOL SHALL NOT USE ANY DIRECT OR INDIRECT MONEY FROM
13 THE FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE
14 EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710, AS AMENDED. A
15 PUBLIC SCHOOL SHALL NOT ENGAGE THE INSTRUCTIONAL SERVICES OF ANY
16 ORGANIZATION OR INDIVIDUAL THAT IS A DIRECT OR INDIRECT RECIPIENT
17 OF MONEY FROM THE FEDERAL GOVERNMENT PURSUANT TO 42 U.S.C. SEC.
18 710, AS AMENDED, AS THE GUIDELINES SET FORTH IN 42 U.S.C. SEC. 710,
19 AS AMENDED, ARE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION.
20 A PUBLIC SCHOOL MAY USE FEDERAL MONEY FOR COMPREHENSIVE HUMAN
21 SEXUALITY EDUCATION, AS LONG AS THE INSTRUCTION OF THE PUBLIC
22 SCHOOL MEETS THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION
23 CONTENT REQUIREMENTS SET FORTH IN THIS SECTION.

24 (12) NOTHING IN THIS SECTION REQUIRES AMENDING ANY
25 CONTENT STANDARDS RELATED TO COMPREHENSIVE HUMAN SEXUALITY
26 EDUCATION DEVELOPED BY THE DEPARTMENT OF EDUCATION AND
27 ADOPTED BY THE STATE BOARD OF EDUCATION PRIOR TO JULY 1, 2018.

1 (13) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO PUBLIC
2 SCHOOL STUDENTS IN PRESCHOOL THROUGH THIRD GRADE UNLESS THE
3 CONTENT OF THE INSTRUCTION RELATES TO PERSONAL HYGIENE, HEALTHY
4 HABITS, HEALTHY EMOTIONAL EXPRESSION, POSITIVE SELF-CONCEPT AND
5 RESPECT OF OTHERS, HEALTHY RELATIONSHIPS WITH ADULTS AND PEERS,
6 RESPECTING PERSONAL SPACE AND BOUNDARIES, INTERPERSONAL
7 COMMUNICATION SKILLS, AND PERSONAL SAFETY, AS IDENTIFIED IN THE
8 CONTENT STANDARDS DEVELOPED BY THE DEPARTMENT OF EDUCATION
9 AND ADOPTED BY THE STATE BOARD OF EDUCATION.

10 (14) A PUBLIC SCHOOL MAY SEEK GRANT MONEY PURSUANT TO
11 ARTICLE 44 OF TITLE 25 TO IMPLEMENT THE COMPREHENSIVE HUMAN
12 SEXUALITY EDUCATION CONTENT REQUIREMENTS SET FORTH IN THIS
13 SECTION. HOWEVER, COMPLIANCE WITH THIS SECTION IS NOT CONTINGENT
14 UPON RECEIPT OF GRANT MONEY PURSUANT TO ARTICLE 44 OF TITLE 25,
15 NOR IS IT CONTINGENT ON RECEIPT OF ANY OTHER STATE OR FEDERAL
16 FUNDS, OR PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS.

17 **SECTION 3.** In Colorado Revised Statutes, 25-44-101, **amend**
18 the introductory portion, (3), (6), (8), and (10); **repeal** (2); and **add** (10.5)
19 as follows:

20 **25-44-101. Definitions.** As used in this ~~article~~ ARTICLE 44, unless
21 the context otherwise requires:

22 (2) ~~"Cash fund" means the comprehensive human sexuality~~
23 ~~education grant program cash fund created in section 25-44-104.~~

24 (3) "Comprehensive human sexuality education" means HUMAN
25 SEXUALITY INSTRUCTION THAT IS medically accurate, ~~information about~~
26 ~~all methods to prevent unintended pregnancy and sexually transmitted~~
27 ~~infections, including HIV, the link between human papillomavirus and~~

1 ~~cancer, and other types of cancer involving the human reproductive~~
2 ~~systems, including prostate, testicular, ovarian, and uterine cancer.~~

3 ~~Methods~~ AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND INCLUSIVE OF
4 A POSITIVE YOUTH DEVELOPMENT FRAMEWORK. COMPREHENSIVE HUMAN
5 SEXUALITY EDUCATION TEACHES YOUTH PREVENTIVE METHODS FOR
6 AVOIDING UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED
7 INFECTIONS. PREVENTIVE METHODS TAUGHT must include information
8 about the correct and consistent use of SEXUAL abstinence,
9 CONTRACEPTION, INCLUDING ALL FEDERAL FOOD AND DRUG
10 ADMINISTRATION-APPROVED FORMS OF contraception, EMERGENCY
11 CONTRACEPTION, condoms, other barrier methods, and other ~~prevention~~
12 ~~measures. Additional contents of comprehensive human sexuality~~
13 ~~education must include:~~

- 14 (a) ~~Encouraging family communication about sexuality;~~
- 15 (b) ~~Teaching young people to avoid making unwanted verbal,~~
16 ~~physical, and sexual advances;~~
- 17 (c) ~~Discussions and information on how to recognize and respond~~
18 ~~safely and effectively in situations where sexual or physical violence may~~
19 ~~be occurring or where there may be a risk for these behaviors to occur;~~
- 20 (d) ~~Focusing on the development of safe relationships, including~~
21 ~~the prevention of sexual violence in dating; and~~
- 22 (e) ~~Teaching young people how alcohol and drug use can affect~~

23 ~~responsible decision-making~~ PREVENTIVE METHODS. HUMAN SEXUALITY
24 INSTRUCTION MUST COMPLY WITH THE CONTENT REQUIREMENTS SET
25 FORTH IN SECTION 22-1-128.

- 26 (6) "Evidence-based program" means a program that:
27 (a) ~~Was evaluated using a rigorous research design, including:~~

- 1 ~~(I) Measuring knowledge, attitude, and behavior;~~
2 ~~(II) Having an adequate sample size;~~
3 ~~(III) Using sound research methods and processes;~~
4 ~~(IV) Replicating in different locations and finding similar~~
5 ~~evaluation results; and~~
6 ~~(V) Publishing results in a peer-reviewed journal;~~
7 ~~(b) Research has shown to be effective in changing at least one of~~
8 ~~the following behaviors that contribute to early pregnancy, sexually~~
9 ~~transmitted infections and disease, and HIV infection:~~
10 ~~(I) Delaying sexual initiation;~~
11 ~~(II) Reducing the frequency of sexual intercourse;~~
12 ~~(III) Reducing the number of sexual partners; or~~
13 ~~(IV) Increasing the use of condoms and other contraceptives~~

14 "MEDICALLY ACCURATE" HAS THE SAME MEANING AS DEFINED IN SECTION
15 22-1-128.

16 (8) "Positive youth development" means an approach that
17 emphasizes the many positive attributes of ~~young people~~ YOUTH and
18 focuses on developing inherent strengths and assets to promote health.
19 Positive youth development is culturally sensitive, ~~age-appropriate,~~
20 inclusive of all youth, collaborative, and strength-based.

21 (10) "Public school" means a school of a school district, a district
22 charter school, an institute charter school, a facility school, or a SCHOOL
23 OPERATED BY A board of cooperative services. ~~as defined in section~~
24 ~~22-5-103.~~

25 (10.5) "SEXUAL ABSTINENCE" HAS THE SAME MEANING AS DEFINED
26 IN SECTION 22-1-128.

27 **SECTION 4.** In Colorado Revised Statutes, **amend** 25-44-102 as

1 follows:

2 **25-44-102. Comprehensive human sexuality education grant**
3 **program - creation - notification to schools - report - rules.** (1) There
4 is ~~hereby~~ created in the department the comprehensive human sexuality
5 education grant program. The purpose of the program is to provide
6 ~~moneys~~ MONEY to public schools and school districts for use in the
7 creation and implementation of comprehensive human sexuality
8 education ~~programs in their curriculum~~ PURSUANT TO SECTION 22-1-128.

9 (2) Upon receipt of federal ~~moneys~~ MONEY or other
10 appropriations, ~~to the cash fund~~, the department, in conjunction with the
11 oversight entity, shall notify the school districts, the state charter school
12 institute, and boards of cooperative services throughout the state of grants
13 available through the program.

14 (3) Based on the recommendations of the oversight entity, the
15 department shall award grants to public schools and school districts for
16 periods of one to three years.

17 (4) ~~Moneys~~ MONEY distributed to public schools and school
18 districts through the program must only be used for the provision of
19 ~~comprehensive human sexuality education programs~~ INSTRUCTION that
20 ~~comply~~ COMPLIES with the provisions of and ~~meet or exceed~~ the CONTENT
21 requirements for comprehensive human sexuality ~~curriculum~~ EDUCATION
22 set forth in section 22-1-128 ~~C.R.S.~~, and developed pursuant to section
23 22-25-104 (3). ~~C.R.S.~~

24 (5) On or before ~~December 1, 2013~~ DECEMBER 1, 2019, or not
25 more than ninety days after the department receives sufficient ~~moneys~~
26 MONEY to implement the program, whichever is later, the state board shall
27 promulgate rules, IF NECESSARY, for the administration of this ~~article~~

1 ARTICLE 44, using the recommendations developed by the oversight entity
2 pursuant to section 25-44-103 (2)(b).

3 (6) (a) On or before ~~January 30, 2017~~ JANUARY 30, 2021, and
4 every year thereafter in which grants have been awarded pursuant to this
5 ~~article~~ ARTICLE 44, the department shall submit a report concerning the
6 outcomes of the program to the state board of education, the department
7 of education, and the education committees of the senate and house of
8 representatives, the health and human services committee of the senate,
9 and the public health care and human services committee of the house of
10 representatives, or any successor committees. The report must include, at
11 a minimum:

12 (I) The number of public schools and school districts that received
13 a grant under the program;

14 (II) The number of students reached and the ~~curriculum~~
15 INSTRUCTION utilized;

16 (III) The amount of each grant awarded;

17 (IV) The average amount of all grants awarded; and

18 (V) ~~The source and amount of each gift, grant, or donation~~
19 ~~received by the department for the implementation of this article~~ AN
20 ANALYSIS BY THE DEPARTMENT OF THE IMPACT OF FUNDING.

21 (b) ~~Pursuant to~~ NOTWITHSTANDING THE PROVISIONS OF section
22 24-1-136 (11)(a)(I), THE REPORT REQUIRED IN this subsection (6) is
23 ~~repealed, effective July 2, 2020~~ CONTINUES INDEFINITELY.

24 (7) Notwithstanding any other provision of this ~~article~~ ARTICLE 44,
25 the department ~~shall~~ IS not be required to implement the provisions of this
26 ~~article~~ ARTICLE 44 until sufficient ~~moneys have~~ MONEY HAS been received
27 and transferred or appropriated. ~~to the cash fund.~~

1 (8) ~~The provisions of this article shall not apply to students in~~
2 ~~kindergarten through third grade unless the content of the instruction~~
3 ~~relates to personal hygiene, healthy habits, respecting personal space and~~
4 ~~boundaries, interpersonal communication skills, and personal safety, as~~
5 ~~identified in the content standards developed by the department of~~
6 ~~education and adopted by the state board of education.~~

7 **SECTION 5.** In Colorado Revised Statutes, **amend** 25-44-103 as
8 follows:

9 **25-44-103. Comprehensive human sexuality education grant**
10 **program - oversight entity - duties - application process.** (1) On or
11 before ~~July 1, 2013~~ JULY 1, 2019, the department shall convene the
12 interagency youth sexual health team, referred to in this ~~article~~ ARTICLE
13 44 as the "oversight entity". Membership of the oversight entity must
14 include:

15 (a) The executive director of the department of public health and
16 environment, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee;

17 (b) The executive director of the department of health care policy
18 and financing, or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee;

19 (c) The commissioner of education, or ~~his or her~~ THE
20 COMMISSIONER'S designee;

21 (d) The executive director of the department of human services,
22 or ~~his or her~~ THE EXECUTIVE DIRECTOR'S designee; ~~and~~

23 (e) A parent representative; ~~appointed by the department of health.~~

24 (f) A YOUTH REPRESENTATIVE;

25 (g) A REPRESENTATIVE OF KINDERGARTEN THROUGH
26 TWELFTH-GRADE EDUCATORS;

27 (h) A REPRESENTATIVE OF SCHOOL-BASED HEALTH CENTERS OR A

- 1 SCHOOL NURSE;
- 2 (i) A REPRESENTATIVE OF A STATEWIDE COALITION FOR SURVIVORS
- 3 OF SEXUAL ASSAULT;
- 4 (j) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS
- 5 OF YOUTH OF COLOR;
- 6 (k) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS
- 7 OF IMMIGRANTS;
- 8 (l) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS
- 9 OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH; AND
- 10 (m) A REPRESENTATIVE FROM AN INTERFAITH ORGANIZATION.

11 (1.5) THE MEMBERS SPECIFIED IN SUBSECTIONS (1)(e) TO (1)(m)

12 OF THIS SECTION SHALL BE APPOINTED BY THE DEPARTMENT. THE

13 MEMBERSHIP OF THE OVERSIGHT ENTITY SHALL AT ALL TIMES REPRESENT

14 DIVERSE COMMUNITY PERSPECTIVE AND MAKE AN EFFORT TO INCLUDE

15 COMMITTEE MEMBERS WHO ARE DIVERSE WITH REGARDS TO DISABILITY,

16 RACE, CREED, COLOR, GENDER, GENDER EXPRESSION, IMMIGRATION

17 STATUS, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, MARITAL

18 STATUS, RELIGION, AGE, ENGLISH PROFICIENCY, INCOME, AND

19 GEOGRAPHIC REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL

20 AREAS.

21 (1.7) THE PARENT REPRESENTATIVE AND YOUTH REPRESENTATIVE

22 DESCRIBED IN SUBSECTIONS (1)(e) AND (1)(f) OF THIS SECTION ARE

23 ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY EXPENSES

24 INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES, INCLUDING

25 DEPENDENT OR ATTENDANT CARE.

- 26 (2) The oversight entity has the following duties:
- 27 (a) During the ~~2013-14~~ 2019-20 academic year and every

1 academic year thereafter, to assess opportunities for available federal and
2 state ~~moneys to fund~~ MONEY FOR the program; except that the oversight
3 entity shall not recommend applying for any federal or state ~~moneys~~
4 MONEY that ~~promote~~ PROMOTES SEXUAL abstinence as the sole ~~behavioral~~
5 ACCEPTABLE PREVENTIVE method for youth or ~~funding~~ MONEY requiring
6 adherence to the ~~A-H~~ guidelines of section 510 (~~b~~) of title V of the
7 federal "Social Security Act", ~~Pub. L. 104-193~~ 42 U.S.C. SEC. 710, AS
8 AMENDED, which are inconsistent with the provisions of section 22-1-128.
9 ~~C.R.S.~~ The oversight entity ~~will~~ SHALL provide information to the
10 appropriate state departments concerning available federal and state
11 ~~moneys~~ MONEY related to comprehensive human sexuality education
12 ~~funds~~ for which a given department is eligible to apply.

13 (b) To develop policies and procedures for the implementation of
14 the program and recommend such policies and procedures to the state
15 board for adoption by rule pursuant to section 25-44-102. The policies
16 and procedures must include but are not limited to:

17 (I) A process by which public schools and school districts ~~will be~~
18 ARE notified of available program ~~funds~~ MONEY for comprehensive
19 human sexuality education;

20 (II) The procedures by which public schools and school districts
21 may apply for grants pursuant to this ~~article~~ ARTICLE 44. Each grant
22 application must, at a minimum, describe:

23 (A) How the applicant public school or school district ~~will~~ MUST
24 use any awarded grant ~~moneys~~ MONEY to provide comprehensive human
25 sexuality education to its student population;

26 (B) How the proposed comprehensive human sexuality education
27 program complies with THE CONTENT REQUIREMENTS OF section 22-1-128

1 ~~Č.R.S.~~, and article 25 of title 22 ~~Č.R.S.~~, and is ~~evidence-based~~
2 MEDICALLY ACCURATE, culturally sensitive, and represents positive youth
3 development principles;

4 (C) How many students the public school or school district
5 expects to reach through the comprehensive human sexuality education
6 program; ~~and~~

7 (D) The length of time for which the applicant is requesting grant
8 ~~moneys~~ MONEY; AND

9 (E) DEMONSTRATED EVIDENCE OF THE NEED FOR MONEY NEEDED
10 FOR AN APPLICANT SCHOOL DISTRICT OR PUBLIC SCHOOL TO IMPLEMENT
11 COMPREHENSIVE HUMAN SEXUALITY EDUCATION PURSUANT TO SECTION
12 22-1-128;

13 (III) Criteria for the oversight entity to apply in selecting public
14 schools and school districts that may receive grants and how to determine
15 the amount of grant ~~moneys~~ MONEY to be awarded to each grant recipient.
16 The criteria must include a requirement that the proposed comprehensive
17 human sexuality education program complies with sections 22-1-128 and
18 22-25-104 ~~Č.R.S.~~, and is ~~evidence-based~~ MEDICALLY ACCURATE,
19 culturally sensitive, and represents positive youth development principles.
20 THE CRITERIA MUST ALSO INCLUDE A REQUIREMENT THAT RURAL PUBLIC
21 SCHOOLS OR PUBLIC SCHOOLS THAT DO NOT CURRENTLY OFFER
22 COMPREHENSIVE HUMAN SEXUALITY EDUCATION RECEIVE PRIORITY WHEN
23 SELECTING GRANT RECIPIENTS.

24 (c) In conjunction with the department, to solicit grant
25 applications from public schools and school districts; AND

26 (d) To review grant applications and, based on the criteria
27 developed pursuant to ~~paragraph (b)~~ SUBSECTION (2)(b) of this ~~subsection~~

1 SECTION, make recommendations to the department concerning which
2 public schools or school districts should receive grants and in what
3 amount.

4 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**
5 **with amendments,** 25-44-104 as follows:

6 **25-44-104. Appropriation - gifts, grants, and donations - uses.**

7 (1) BEGINNING IN THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
8 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT
9 LEAST ONE MILLION DOLLARS TO THE DEPARTMENT FOR THE
10 COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM.

11 (2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR
12 PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE
13 SOURCES TO IMPLEMENT THIS ARTICLE 44; EXCEPT THAT THE DEPARTMENT
14 SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO
15 CONDITIONS THAT ARE INCONSISTENT WITH THE PROVISIONS OF SECTION
16 25-44-102 (2) OR ANY OTHER STATE LAW. THE DEPARTMENT IS
17 AUTHORIZED TO EXPEND A REASONABLE AMOUNT OF THE MONEY
18 APPROPRIATED OR RECEIVED FOR THE PROGRAM FOR THE DIRECT AND
19 INDIRECT COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM, UNLESS
20 OTHERWISE PROVIDED BY ANY PROVISION RELATED TO THE DEPARTMENT'S
21 RECEIPT OF FEDERAL MONEY THAT IS APPLIED TO THE PROGRAM.

22 **SECTION 7.** In Colorado Revised Statutes, 22-2-117, **amend**
23 (1)(b)(VI) and (1)(b)(VII); and **add** (1)(b)(VIII) as follows:

24 **22-2-117. Additional power - state board - waiver of**
25 **requirements - rules.** (1) (b) The state board shall not waive any of the
26 requirements specified in any of the following statutory provisions:

27 (VI) The requirement to post on the internet the statutes for which

1 waivers are granted as provided in section 22-44-305; ~~or~~

2 (VII) Any provisions of section 22-1-130, relating to notification
3 to parents of alleged criminal conduct by school district employees; OR

4 (VIII) ANY PROVISIONS OF SECTION 22-1-128, RELATING TO
5 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT
6 REQUIREMENTS.

7 **SECTION 8.** In Colorado Revised Statutes, 22-25-110, **amend**
8 (2) introductory portion; and **repeal** (2)(c) as follows:

9 **22-25-110. Funding of existing programs - operation of other**
10 **health education programs.** (2) Nothing in this ~~article shall be~~
11 ~~interpreted to require~~ ARTICLE 25 REQUIRES a school district or board of
12 cooperative services to establish a local comprehensive health education
13 program nor shall it be interpreted to prevent a school district or board of
14 cooperative services from offering a health education program ~~which~~
15 ~~THAT~~ is not operated under the requirements of this ~~article~~ ARTICLE 25;
16 except that any school district or board of cooperative services offering
17 such a health education program shall:

18 (c) ~~Unless the school district or board of cooperative services is~~
19 ~~receiving direct or indirect funding from the federal government for the~~
20 ~~provision of an abstinence education program pursuant to 42 U.S.C. sec.~~
21 ~~710 as described in section 22-1-128 (9), comply with the requirements~~
22 ~~specified in section 22-1-128 (6) regarding the adoption of science-based~~
23 ~~content standards for instruction regarding human sexuality.~~

24 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-104, **amend**
25 (6)(c)(VI) and (6)(c)(VII); and **add** (6)(c)(VIII) as follows:

26 **22-30.5-104. Charter school - requirements - authority - rules.**
27 (6) (c) A school district, on behalf of a charter school, may apply to the

1 state board for a waiver of a state statute or state rule that is not an
2 automatic waiver. Notwithstanding any provision of this subsection (6)
3 to the contrary, the state board may not waive any statute or rule relating
4 to:

5 (VI) The requirement to post on the internet the statutes for which
6 waivers are granted as provided in section 22-44-305; ~~or~~

7 (VII) Any provisions of section 22-1-130, relating to notification
8 to parents of alleged criminal conduct by charter school employees; OR

9 (VIII) ANY PROVISIONS OF SECTION 22-1-128, RELATING TO
10 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT
11 REQUIREMENTS.

12 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-507,
13 **amend** (7)(b)(VI) and (7)(b)(VII); and **add** (7)(b)(VIII) as follows:

14 **22-30.5-507. Institute charter school - requirements -**
15 **authority - rules.** (7) (b) An institute charter school may apply to the
16 state board, through the institute, for a waiver of state statutes and state
17 rules that are not automatic waivers. The state board may waive state
18 statutory requirements or rules promulgated by the state board; except that
19 the state board may not waive any statute or rule relating to:

20 (VI) The requirement to post on the internet the statutes for which
21 waivers are granted as provided in section 22-44-305; ~~or~~

22 (VII) Any provisions of section 22-1-130, relating to notification
23 to parents of alleged criminal conduct by institute charter school
24 employees; OR

25 (VIII) ANY PROVISIONS OF SECTION 22-1-128, RELATING TO THE
26 COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT
27 REQUIREMENTS.

1 **SECTION 11. Appropriation.** (1) For the 2019-20 state fiscal
2 year, \$12,405 is appropriated to the department of public health and
3 environment. This appropriation is from the general fund. To implement
4 this act, the department may use this appropriation as follows:

5 (a) \$11,274 for personal services related to administration and
6 support, which amount is based on an assumption that the department will
7 require an additional 0.2 FTE; and

8 (b) \$1,131 for operating expenses related to administration and
9 support.

10 (2) For the 2019-20 state fiscal year, \$987,595 is appropriated to
11 the department of public health and environment for use by the prevention
12 services division. This appropriation is from the general fund, and is
13 based on an assumption that the division will require an additional 1.3
14 FTE. To implement this act, the division may use this appropriation for
15 sexual health education.

16 **SECTION 12. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, and safety.