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HB 19-1032

**REVISED
FISCAL NOTE**

(replaces fiscal note dated February 7, 2019)

Drafting Number: LLS 19-0032
Prime Sponsors: Rep. Lontine
Sen. Todd; Coram

Date: March 22, 2019
Bill Status: Senate Appropriations
Fiscal Analyst: Anna Gerstle | 303-866-4375
Anna.Gerstle@state.co.us

Bill Topic: COMPREHENSIVE HUMAN SEXUALITY EDUCATION

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> School District
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill modifies the comprehensive human sexuality education grant program and the content requirements for school districts that offer a comprehensive human sexuality education curriculum. The bill increases state expenditures and school district workload and revenue on an ongoing basis.

Appropriation Summary: In FY 2019-20, the bill requires an appropriation of \$1.0 million to the Colorado Department of Public Health and Environment.

Fiscal Note Status: This fiscal note reflects the reengrossed bill, as amended by the Senate Health and Human Services Committee.

**Table 1
State Fiscal Impacts Under HB 19-1032**

		FY 2019-20	FY 2020-21
Revenue		-	-
Expenditures	General Fund	\$1,000,000	\$1,000,000
	Centrally Appropriated Costs	\$113,034	\$114,793
	Total	\$1,113,034	\$1,114,793
	Total FTE	1.5 FTE	1.6 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill makes changes to state law related to comprehensive human sexuality education instruction and the associated grant program. The bill also modifies definitions of comprehensive human sexuality education, adds definitions of consent, healthy relationships, and human sexuality instruction.

Comprehensive human sexuality education content requirements. Under current law, if a public school offers a comprehensive human sexuality curriculum, the curriculum must meet certain requirements. The bill adds additional content requirements related to:

- youth understanding of sexuality, sexual activity and sexual orientation as a normal part of human development;
- all methods for preventing unintended pregnancy and sexually transmitted diseases;
- the development of safe and healthy relationships, including communication and consent; and
- optional instruction on all pregnancy outcome options.

The bill encourages student discussion of moral, ethical, or religious values in the context of human sexuality instruction, and specifies that human sexuality instruction must not:

- use shame-based or stigmatizing language or instructional tools;
- employ gender stereotypes; or
- exclude the health needs of lesbian, gay, bisexual, or transgender individuals.

The bill maintains current law related to a school district notifying parents of human sexuality instruction, and the ability of parents to excuse a student from human sexuality instruction. It also clarifies that the bill's provisions to not apply students in preschool through third grade. In addition, the bill prohibits a public school from receiving instructional services from any organization or individual that is a direct or indirect recipient of federal money for abstinence only or sexual risk avoidance programs that are inconsistent with the bill's requirements.

The State Board of Education may not waive content standards related to comprehensive human sexuality education for school districts or charter schools. The bill also specifies that content standards adopted by the Colorado Department of Education (CDE) prior to 2018 do not need to be revised.

Grant program. Current law contains parameters for a comprehensive human sexuality grant program to provide grants to schools and school districts, although the program has not been funded. The program is in the Colorado Department of Public Health and Environment (CDPHE) and overseen by the interagency youth sexual health team. The bill changes the program to:

- align with the bill's modified definition of comprehensive human sexuality education and modified content requirements.
- specify that the State Board of Health must promulgate rules for the grant program by December 1, 2019, and that CDPHE must complete a program report, including an analysis of the impact of the grant funding, by January 30, 2021;
- specify that grant applicants must demonstrate that the grant is needed to implement comprehensive human sexuality education, and that rural schools and schools that do not currently offer comprehensive human sexuality education must receive priority; and

- add eight members to the oversight group representing specific organizations and groups, and specify that CDPHE must convene the oversight group by July 1, 2019. The youth member and the member representing parents may be reimbursed for expenses incurred to serve on the oversight group.

Beginning in FY 2019-20, the General Assembly must annually appropriate \$1.0 million for the program, a reasonable portion of which may be used for program administration. CDPHE may seek, accept, and expend gifts, grants, and donations for the program, as long as the funds are not subject to conditions that are inconsistent with state law related to human sexuality education.

Background

The comprehensive human sexuality education grant program was created by House Bill 13-1081, to be implemented only when sufficient funding was received. As of January, 2019, no funding has been received. The initial bill did not contain an appropriation or staffing to the CDPHE for the program.

State Expenditures

The bill increases state General Fund expenditures in the CDPHE by approximately \$1.1 million beginning in FY 2019-20. Costs are listed in Table 2 and described below.

**Table 2
 Expenditures Under HB 19-1032**

	FY 2019-20	FY 2020-21
Department of Public Health and Environment		
Personal Services	\$100,933	\$110,107
Operating Expenses and Capital Outlay Costs	\$10,926	\$1,520
Grants	\$881,426	\$884,642
Oversight Group Costs	\$6,715	\$3,731
Centrally Appropriated Costs*	\$113,034	\$114,793
FTE – Personal Services	1.5 FTE	1.6 FTE
Total Cost	\$1,113,034	\$1,114,793
Total FTE	1.5 FTE	1.6 FTE

* Centrally appropriated costs are not included in the bill's appropriation.

CDPHE. The bill provides a \$1.0 million annual appropriation for the grant program. CDPHE requires 1.5 FTE in FY 2019-20 and 1.6 FTE in FY 2020-21 to implement the program. The staffing increase includes 1.0 FTE for a program manager, who will manage the application process, convene and support the oversight team, and conduct the program evaluation and analysis. In addition, 0.6 FTE is required for ongoing accounting, contracting, and oversight tasks. Personal services costs are prorated for the General Fund paydate shift.

Approximately \$883,000 will be used for grants to eligible schools and school districts beginning in FY 2019-20. The fiscal note assumes that approximately 17 grants will be awarded annually, for an average of \$50,000 per grant.

In addition, CDPHE requires \$6,715 in FY 2019-20 and \$3,731 in subsequent years to reimburse two members of the oversight group for expenses. The costs include travel, food, hotel, and childcare expenses for nine meetings in FY 2019-20 and five meetings in subsequent years.

CDE. The bill increases the workload for CDE to provide technical assistance to school districts to modify their comprehensive human sexuality education curriculum, and to update the State Board of Education's waiver rules. No change in appropriations is required.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$113,034 in FY 2019-20 and \$114,793 in FY 2020-21.

School District Impact

The bill increases workload and costs for school districts that need to update comprehensive human sexuality curricula. The impact will vary significantly among districts based on each district's current curriculum, instruction, and resources. In addition, the bill increases workload and revenue for districts that apply for and receive a comprehensive human sexuality education grant.

The bill reduces expenditures for any district that currently receives instructional services from an organization or individual that is a direct or indirect recipient of federal money for abstinence only education.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2019-20, the bill requires a General Fund appropriation of \$1,000,000 to the Colorado Department of Public Health and Environment, and an allocation of 1.5 FTE.

State and Local Government Contacts

Education
Public Health And Environment

Law
School Districts