

CHAPTER 338

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 04-1375

BY REPRESENTATIVE(S) Mitchell, Brophy, Cadman, Crane, Harvey, Hefley, King, Lee, Lundberg, May M., Miller, Rhodes, Rose, Sinclair, Welker, Wiens, Schultheis, and Stafford;
also SENATOR(S) Arnold, Hillman, Johnson S., McElhany, Cairns, Evans, Jones, Lamborn, and May R.

AN ACT

CONCERNING LIMITATIONS ON EDUCATION REGARDING MANIFESTATIONS OF HUMAN SEXUALITY.

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

SECTION 1. Article 1 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-1-110.5. Education regarding human sexuality - prior written notice to parent. (1) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, A SCHOOL DISTRICT THAT OFFERS A PLANNED CURRICULUM THAT INCLUDES THE DISCUSSION OF OR INSTRUCTION CONCERNING HUMAN SEXUALITY 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 CONCERNS HUMAN SEXUALITY, 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 THAT CONCERNS HUMAN SEXUALITY.

(2) 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 THAT PORTION OF THE PLANNED CURRICULUM THAT CONCERNS HUMAN SEXUALITY.

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

(3) EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED TO DISSEMINATE POLICIES OR INSTRUCTIONS TO THE PUBLIC SCHOOLS OF THE SCHOOL DISTRICT 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 THAT PORTION OF THE PLANNED CURRICULUM THAT CONCERNS HUMAN SEXUALITY.

(4) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO A LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAM IMPLEMENTED BY A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES PURSUANT TO ARTICLE 25 OF THIS TITLE.

SECTION 2. Effective date. This act shall take effect July 1, 2004.

SECTION 3. 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, 2004