

## CHAPTER 408

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**EDUCATION - PUBLIC SCHOOLS**


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**HOUSE BILL 19-1032**

BY REPRESENTATIVE(S) Lontine and Caraveo, Arndt, Bird, Buckner, Buentello, Coleman, Cutter, Duran, Esgar, Froelich, Galindo, Gonzales-Gutierrez, Hansen, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, McCluskie, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Becker, Titone; also SENATOR(S) Todd and Coram, Bridges, Court, Danielson, Fenberg, Fields, Ginal, Gonzales, Lee, Pettersen, Rodriguez, Story, Winter.

**AN ACT**

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

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

**SECTION 1. Legislative declaration.** The general assembly finds that when accounting for all fifty states and the District of Columbia, Colorado is the only state that does not have a health graduation requirement. Twenty-four states and the District of Columbia mandate sexual health education as a graduation requirement, and thirty-four states and the District of Columbia mandate human immunodeficiency virus (HIV) education as a graduation requirement. Colorado does not mandate sexual health education or HIV education.

**SECTION 2.** In Colorado Revised Statutes, 22-1-128, **amend** (2)(c), (6) introductory portion, (6)(b), (6)(c), (6)(f), (7), and (11); and **add** (2)(b.5), (2)(d.3), (2)(d.5), (2)(d.7), (2)(d.9), (6)(i), (6)(j), (6.5), and (12) as follows:

**22-1-128. Comprehensive human sexuality education - legislative declaration - definitions - guidelines and content standards.** (2) As used in this section, unless the context otherwise requires:

(b.5) "CONSENT" MEANS THE AFFIRMATIVE, UNAMBIGUOUS, VOLUNTARY, CONTINUOUS, KNOWING AGREEMENT BETWEEN ALL PARTICIPANTS IN EACH PHYSICAL ACT WITHIN THE COURSE OF A SEXUAL ENCOUNTER OR INTERPERSONAL RELATIONSHIP.

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(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 WHO ARE INTERSEX; 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.3) "GENDER STEREOTYPE" MEANS A GENERALIZED VIEW OR PRECONCEPTION ABOUT WHAT ATTRIBUTES, CHARACTERISTICS, OR ROLES ARE, OR OUGHT TO BE, TAUGHT, POSSESSED BY, OR PERFORMED BY WOMEN AND MEN.

(d.5) "HEALTHY RELATIONSHIP" MEANS AN INTERPERSONAL RELATIONSHIP THAT IS FREE OF PHYSICAL, SEXUAL, AND EMOTIONAL ABUSE, COERCION, AND VIOLENCE.

(d.7) "HUMAN SEXUALITY INSTRUCTION" OR "INSTRUCTION" MEANS AN ORAL, WRITTEN, OR DIGITAL LESSON, LECTURE, OR PRESENTATION GIVEN BY SCHOOL STAFF OR NONSCHOOL STAFF THAT TEACHES ABOUT ABSTINENCE OR SEXUAL ACTIVITY IN THE CONTEXT OF STUDENT HEALTH OR HEALTHY RELATIONSHIPS. INSTRUCTION DOES NOT INCLUDE STUDENT SPEECH.

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

~~(6) Except as described in subsection (9) of this section, HUMAN SEXUALITY INSTRUCTION IS NOT REQUIRED. HOWEVER, IF 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~~ INSTRUCTION, THE INSTRUCTION MUST BE COMPREHENSIVE AND MEET THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT REQUIREMENTS. These requirements must:

(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 TAUGHT shall include information about the correct and consistent use of abstinence, contraception, INCLUDING ALL FDA APPROVED FORMS OF CONTRACEPTION, condoms, and other barrier methods AND MUST BE TAUGHT IN A COHESIVE, INTEGRATED, OBJECTIVE MANNER SO THAT YOUTH LEARN THE FULL SCOPE OF PREVENTIVE METHODS AVAILABLE TO THEM AND ARE EMPOWERED TO DECIDE FOR THEMSELVES WHICH PREVENTIVE METHODS ARE BEST SUITED FOR THEIR INDIVIDUAL NEEDS, BELIEFS, AND VALUES.

(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~~ PROMOTE THE DEVELOPMENT OF HEALTHY RELATIONSHIPS BY PROVIDING HUMAN SEXUALITY INSTRUCTION ON:

(I) HOW TO COMMUNICATE CONSENT, RECOGNIZE COMMUNICATION OF CONSENT, RECOGNIZE WITHDRAWAL OF CONSENT, AND UNDERSTAND AGE OF CONSENT AS IT RELATES TO SECTION 18-3-402;

~~(H)~~ (II) ~~Making~~ HOW TO AVOID MAKING unwanted verbal, physical, and sexual advances; and

~~(H)~~ (III) ~~Making~~ HOW TO AVOID MAKING assumptions about a person's supposed sexual intentions based on that person's appearance OR SEXUAL HISTORY; AND

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

(f) Be comprehensive, age-appropriate, ~~evidence-based~~, culturally sensitive, inclusive of a positive youth development framework, and medically accurate;

(i) NOT EMPHASIZE SEXUAL ABSTINENCE AS THE PRIMARY OR SOLE ACCEPTABLE PREVENTIVE METHOD AVAILABLE TO STUDENTS. A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL NOT ENGAGE THE INSTRUCTIONAL SERVICES OF AN ORGANIZATION OR INDIVIDUAL THAT IS A DIRECT OR INDIRECT RECIPIENT OF MONEY FROM THE FEDERAL GOVERNMENT PURSUANT TO 42 U.S.C. SEC. 710, AS AMENDED, BECAUSE THE GUIDELINES OF 42 U.S.C. SEC. 710 ARE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION; AND

(j) PROVIDE AGE-APPROPRIATE INFORMATION CONCERNING SECTIONS 18-6-401 (9) AND 19-3-304.5, OR ANY SUCCESSOR LAWS, REFERRED TO GENERALLY AS "SAFE HAVEN LAWS", RELATING TO THE SAFE ABANDONMENT OF A CHILD TO A FIREFIGHTER AT A FIRE STATION OR TO A STAFF MEMBER AT A HOSPITAL OR A COMMUNITY CLINIC EMERGENCY CENTER WITHIN THE FIRST SEVENTY-TWO HOURS OF THE CHILD'S LIFE.

(6.5) COMPREHENSIVE HUMAN SEXUALITY EDUCATION DOES NOT REQUIRE INSTRUCTION ON PREGNANCY OUTCOME OPTIONS. HOWEVER, IF A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL OPTS TO PROVIDE INSTRUCTION ON PREGNANCY OUTCOME OPTIONS, THE INSTRUCTION MUST COVER ALL PREGNANCY OUTCOME OPTIONS, INCLUDING BUT NOT LIMITED TO ADOPTION, ABORTION, PARENTING, AND INFORMATION CONCERNING SECTIONS 18-6-401 (9) AND 19-3-304.5, OR ANY SUCCESSOR LAWS, REFERRED TO GENERALLY AS "SAFE HAVEN LAWS." INSTRUCTION ON PREGNANCY OUTCOME OPTIONS MUST BE PROVIDED IN AN OBJECTIVE, UNBIASED MANNER AND MUST NOT ENDORSE OR FAVOR ONE OR MORE PREGNANCY OUTCOME OPTIONS.

(7) (a) Nothing in subsection (6) OR (6.5) 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. SUCH

DISCUSSION IS ENCOURAGED.

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

(I) USE SHAME-BASED OR STIGMATIZING LANGUAGE OR INSTRUCTIONAL TOOLS;

(II) EMPLOY GENDER STEREOTYPES; OR

(III) EXCLUDE THE HEALTH NEEDS OF INTERSEX INDIVIDUALS OR LESBIAN, GAY, BISEXUAL, OR TRANSGENDER INDIVIDUALS.

(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.~~

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

**SECTION 3.** In Colorado Revised Statutes, 25-44-101, **repeal** (2); and **add** (6.5) as follows:

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

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

(6.5) "MEDICALLY ACCURATE" HAS THE SAME MEANING AS DEFINED IN SECTION 22-1-128.

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

**25-44-102. Comprehensive human sexuality education grant program - creation - notification to schools - report - 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~~ MONEY to public schools and school districts for use in the creation and implementation of comprehensive human sexuality education ~~programs in their curriculum~~ PURSUANT TO SECTION 22-1-128.

(2) Upon receipt of federal ~~moneys~~ MONEY 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~~ MONEY distributed to public schools and school districts through the program must only be used for the provision of ~~comprehensive~~ human sexuality education programs INSTRUCTION that ~~comply~~ COMPLIES with the provisions of and ~~meet or exceed~~ the CONTENT requirements for comprehensive human sexuality curriculum EDUCATION 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~~ DECEMBER 1, 2019, or not more than ninety days after the department receives sufficient ~~moneys~~ MONEY to implement the program, whichever is later, the state board shall promulgate rules, IF NECESSARY, for the administration of this ~~article~~ ARTICLE 44, using the recommendations developed by the oversight entity pursuant to section 25-44-103 (2)(b).

(6) (a) On or before ~~January 30, 2017~~ JANUARY 30, 2021, and every year thereafter in which grants have been awarded pursuant to this ~~article~~ ARTICLE 44, 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:

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

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

(III) The amount of each grant awarded;

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

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

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

(7) Notwithstanding any other provision of this ~~article~~ ARTICLE 44, the department ~~shall~~ IS NOT BE required to implement the provisions of this ~~article~~ ARTICLE 44 until sufficient ~~moneys have~~ MONEY HAS 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.~~

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

**25-44-103. Comprehensive human sexuality education grant program - oversight entity - duties - application process.** (1) On or before ~~July 1, 2013~~ JULY 1, 2019, the department shall convene the interagency youth sexual health team, referred to in this ~~article~~ ARTICLE 44 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~~ THE EXECUTIVE DIRECTOR'S designee;

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

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

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

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

(f) A YOUTH REPRESENTATIVE;

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

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

(i) A REPRESENTATIVE OF A STATEWIDE COALITION FOR SURVIVORS OF SEXUAL ASSAULT;

(j) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS OF YOUTH OF COLOR;

(k) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS OF IMMIGRANTS;

(l) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS OF LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH;

(m) A REPRESENTATIVE FROM AN INTERFAITH ORGANIZATION; AND

(n) A REPRESENTATIVE OF AN ORGANIZATION SERVING THE NEEDS OF INTERSEX INDIVIDUALS.

(1.5) THE MEMBERS SPECIFIED IN SUBSECTIONS (1)(e) TO (1)(n) OF THIS SECTION SHALL BE APPOINTED BY THE DEPARTMENT. THE MEMBERSHIP OF THE OVERSIGHT ENTITY SHALL AT ALL TIMES REPRESENT DIVERSE COMMUNITY PERSPECTIVE AND

MAKE AN EFFORT TO INCLUDE COMMITTEE MEMBERS WHO ARE DIVERSE WITH REGARDS TO DISABILITY, RACE, CREED, COLOR, GENDER, GENDER EXPRESSION, IMMIGRATION STATUS, SEXUAL ORIENTATION, NATIONAL ORIGIN, ANCESTRY, MARITAL STATUS, RELIGION, AGE, ENGLISH PROFICIENCY, INCOME, AND GEOGRAPHIC REGION OF THE STATE, INCLUDING BOTH URBAN AND RURAL AREAS.

(1.7) THE PARENT REPRESENTATIVE AND YOUTH REPRESENTATIVE DESCRIBED IN SUBSECTIONS (1)(e) AND (1)(f) OF THIS SECTION ARE ENTITLED TO RECEIVE REIMBURSEMENT FOR NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THE MEMBER'S DUTIES, INCLUDING DEPENDENT OR ATTENDANT CARE.

(2) The oversight entity has the following duties:

(a) During the ~~2013-14~~ 2019-20 academic year and every academic year thereafter, to assess opportunities for available federal and state ~~moneys to fund~~ MONEY FOR the program; except that the oversight entity shall not recommend applying for any federal or state ~~moneys~~ MONEY that ~~promote~~ PROMOTES SEXUAL abstinence as the sole ~~behavioral~~ ACCEPTABLE PREVENTIVE method for youth or ~~funding~~ MONEY requiring adherence to the ~~A-H~~ guidelines of section 510 ~~(b)~~ of title V of the federal "Social Security Act", ~~Pub. L. 104-193~~ 42 U.S.C. SEC. 710, AS AMENDED, which are inconsistent with the provisions of section 22-1-128. ~~C.R.S.~~ The oversight entity ~~will~~ SHALL provide information to the appropriate state departments concerning available federal and state ~~moneys~~ MONEY 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~~ ARE notified of available program ~~funds~~ MONEY for comprehensive human sexuality education;

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

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

(B) How the proposed comprehensive human sexuality education program complies with ~~THE CONTENT REQUIREMENTS OF~~ section 22-1-128 ~~C.R.S.~~, and article 25 of title 22 ~~C.R.S.~~, and is ~~evidence-based~~ MEDICALLY ACCURATE, 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~~

MONEY; AND

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

(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~~ MONEY 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~~ MEDICALLY ACCURATE, culturally sensitive, and represents positive youth development principles. THE CRITERIA MUST ALSO INCLUDE A REQUIREMENT THAT RURAL PUBLIC SCHOOLS OR PUBLIC SCHOOLS THAT DO NOT CURRENTLY OFFER COMPREHENSIVE HUMAN SEXUALITY EDUCATION RECEIVE PRIORITY WHEN SELECTING GRANT RECIPIENTS.

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

(d) To review grant applications and, based on the criteria developed pursuant to ~~paragraph (b)~~ SUBSECTION (2)(b) of this ~~subsection~~ SECTION, make recommendations to the department concerning which public schools or school districts should receive grants and in what amount.

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

**25-44-104. Appropriation - gifts, grants, and donations - uses.** (1) BEGINNING IN THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE AT LEAST ONE MILLION DOLLARS TO THE DEPARTMENT FOR THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION GRANT PROGRAM.

(2) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES TO IMPLEMENT THIS ARTICLE 44; 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 IS AUTHORIZED TO EXPEND A REASONABLE AMOUNT OF THE MONEY APPROPRIATED OR 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 MONEY THAT IS APPLIED TO THE PROGRAM.

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

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



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

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

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

**SECTION 8.** In Colorado Revised Statutes, 22-25-110, **amend** (2) introductory portion; and **repeal** (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~~ ARTICLE 25 REQUIRES 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~~ THAT is not operated under the requirements of this ~~article~~ ARTICLE 25; 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 22-1-128 (9), comply with the requirements specified in section 22-1-128 (6) regarding the adoption of science-based content standards for instruction regarding human sexuality.~~

**SECTION 9. Appropriation.** (1) For the 2019-20 state fiscal year, \$12,405 is appropriated to the department of public health and environment. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

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

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

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

**SECTION 10. 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 31, 2019