A BILL FOR AN ACT

CONCERNING COMPREHENSIVE HUMAN SEXUALITY EDUCATION, AND,

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.
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.

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

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

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

(b) The liberty of parents and legal guardians to direct the upbringing, education, and care of their children is a fundamental right, and a parent's or legal guardian's interest and effort to guide his or her children in healthy and appropriate cultural and sexual relationships is a fundamental part of parenting;
Sexual assault, interpersonal violence, and bullying are pervasive and serious public health concerns, placing impacted youth at increased risk for unintended pregnancy, sexually transmitted infections, low academic performance, truancy, dropout, self-harm, and other harmful behaviors. According to the 2017 Healthy Kids Colorado Survey, 9.6% of youth who identify as female, 3% of youth who identify as male, and 18.5% of youth who identify as lesbian, gay, or bisexual (LGB) reported being physically forced to have sexual intercourse against their will. Approximately 11.1% of youth who identify as female, 7.1% of youth who identify as male, and 18.2% of youth who identify as LGB reported being physically hurt on purpose by someone they were dating. Over 28% of youth who identify as LGB reported being bullied or name-called because of their sexual orientation, and 18.6% of all youth reported being bullied on school property during the last year. These statistics reflect a dire need for all Colorado youth to have access to comprehensive human sexuality education that teaches consent, hallmarks of safe and healthy relationships, self-acceptance, and respect for others.

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

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.

(f) The Colorado general assembly and Colorado state board of
education have long recognized the value of comprehensive health
education, including comprehensive human sexuality education, by taking
the following actions:

(I) 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;

(II) The Colorado general assembly passed Senate Bill 08-194,
enacted in 2008, commonly known as the "Public Health Reauthorization
Act", 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;

(III) The Colorado general assembly passed the "Preschool to
Postsecondary 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;

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

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

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

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

22-1-128. Comprehensive human sexuality education - guidelines and content standards - short title - legislative declaration - definitions. (1) Short title. The short title of this section is the "COLORADO YOUTH WELLNESS ACT".

(2) Legislative declaration. The general assembly finds and declares that:

(a) All Colorado youth have a right to receive medically accurate information about their sexual health in order to empower them to make informed decisions that promote their physical, mental, and social-emotional well-being;

(b) This right applies to all youth, regardless of
GEOGRAPHIC LOCATION, ETHNIC OR RACIAL BACKGROUND, IMMIGRATION
STATUS, FAMILY INCOME, PHYSICAL OR INTELLECTUAL ABILITY, SEXUAL
ORIENTATION, SEX, GENDER, OR GENDER EXPRESSION;

(c) PARENTS, CAREGIVERS, AND OTHER TRUSTED ADULTS SERVE AS
AN ESSENTIAL PART OF THE EDUCATION PROCESS AND MAY RELY ON
HEALTH AND EDUCATION PROFESSIONALS AND BROAD COMMUNITY-BASED
PARTNERSHIPS TO PROVIDE MEDICALLY ACCURATE INFORMATION THAT
EMPOWERS YOUTH TO MAKE DECISIONS THAT ARE CONSISTENT WITH THEIR
INDIVIDUAL NEEDS, VALUES, AND LIFE GOALS;

(d) 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;

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

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

(g) Comprehensive human sexuality education fosters youth social-emotional health and well-being by teaching self-acceptance and respect for those whose sexuality, gender, gender expression, or lived experience differ from their own. Comprehensive human sexuality education rejects the use of shame, stigma, fear, and gender norms or gender stereotypes as instructional tools and recognizes that such tactics are counterproductive to youth empowerment and particularly harmful to vulnerable and questioning youth.

(h) There is a need to continue and expand efforts to ensure that all Colorado youth have access to medically accurate, culturally sensitive, and age-appropriate information and resources conveyed by comprehensive human sexuality education; and

(i) 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. However, compliance with this section is not contingent on receipt of state funds, federal funds, or public or private gifts, grants, or donations.

(3) Definitions. 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 HUMAN SEXUALITY INSTRUCTION THAT IS MEDICALLY ACCURATE, AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND INCLUSIVE OF A POSITIVE YOUTH DEVELOPMENT FRAMEWORK. COMPREHENSIVE HUMAN SEXUALITY EDUCATION TEACHES YOUTH PREVENTIVE METHODS FOR AVOIDING UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS. PREVENTIVE METHODS TAUGHT MUST INCLUDE INFORMATION ABOUT THE CORRECT AND CONSISTENT USE OF SEXUAL ABSTINENCE, CONTRACEPTION, INCLUDING ALL FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED FORMS OF CONTRACEPTION, EMERGENCY CONTRACEPTION, CONDOMS, OTHER BARRIER METHODS, AND OTHER PREVENTIVE METHODS.

(c) "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.

(d) "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 IS MEANINGFUL TO THE EXPERIENCES AND NEEDS OF COMMUNITIES OF COLOR; IMMIGRANT COMMUNITIES; LESBIAN, GAY, BISEXUAL, AND TRANSGENDER COMMUNITIES; PEOPLE WITH PHYSICAL OR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES; PEOPLE WHO HAVE EXPERIENCED SEXUAL VICTIMIZATION; AND OTHERS WHOSE EXPERIENCES HAVE TRADITIONALLY BEEN LEFT OUT OF SEXUAL HEALTH EDUCATION,
PROGRAMS, AND POLICIES.

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

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

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

(III) THE DEVELOPMENT OF SAFE AND HEALTHY RELATIONSHIPS.

(f) "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.

(g) "POSITIVE YOUTH DEVELOPMENT" MEANS AN APPROACH THAT EMPHASIZES THE MANY POSITIVE ATTRIBUTES OF YOUTH 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.

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

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

(4) Comprehensive human sexuality education content requirements. Except as described in subsection (11) of this
SECTION, A PUBLIC SCHOOL THAT OFFERS HUMAN SEXUALITY INSTRUCTION MUST ENSURE THE INSTRUCTION MEETS COMPREHENSIVE HUMAN SEXUALITY EDUCATION CONTENT REQUIREMENTS. THESE REQUIREMENTS MUST:

(a) PROMOTE YOUTH UNDERSTANDING OF SEXUAL ACTIVITY, SEXUALITY, AND SEXUAL ORIENTATION AS A NORMAL PART OF HUMAN DEVELOPMENT AND ENCOURAGE YOUTH COMMUNICATION WITH PARENTS, FAMILY, AND OTHER TRUSTED ADULTS ABOUT GENDER, GENDER EXPRESSION, SEXUAL ACTIVITY, SEXUALITY, AND SEXUAL ORIENTATION;

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

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

(II) 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; AND

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

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

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

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

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

(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; AND

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

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

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

(f) 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
(5) Comprehensive human sexuality education does not require instruction on pregnancy outcome options. However, if a public school opts to provide instruction on pregnancy outcome options, the instruction must cover all pregnancy outcome options, including but not limited to adoption, 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.

(6) (a) Nothing in subsection (4) or (5) of this section shall be interpreted to prohibit discussion of moral, ethical, or religious values of individuals as they pertain to human sexuality, healthy relationships, or family formation.

(b) However, human sexuality instruction must not explicitly or implicitly:

(I) Teach or endorse religious ideology or sectarian tenets or doctrine;

(II) Use shame-based or stigmatizing language or instructional tools;

(III) Employ gender norms or gender stereotypes; or

(IV) Exclude the relational or sexual experiences of lesbian, gay, bisexual, or transgender individuals.

(c) Instruction that includes one or more of the restrictions in subsection (6)(b) of this section is not
COMPREHENSIVE AND IS NOT COMPLIANT WITH STATE LAW.

(7) Public schools, school districts, and boards of cooperative services are encouraged to involve teachers, school nurses, parents, youth, sexual health advocates, and community partners in the development of human sexuality instruction that meets the content requirements set forth in subsection (4) of this section and to integrate available community resources into programs related to comprehensive human sexuality education.

(8) **Written notification required.** (a) Except as otherwise provided in subsection (4) of this section, a public school that offers human sexuality instruction shall provide to the parent or guardian of each student, prior to commencing the instruction:

(I) Written notification of the ability to excuse a student, without penalty or additional assignment, upon the written request of the student’s parent or guardian; and

(II) A detailed, substantive outline of the topics and materials to be presented during the human sexuality instruction.

(b) However, nothing in this section requires written notification for programming on gender, gender expression, sexual orientation, or healthy relationships that occurs outside the context of human sexuality instruction.

(9) Nothing in this section shall be construed to require an act or procedure in addition to the signature of the parent or guardian required in subsection (8) of this section to excuse a
STUDENT FROM COMPREHENSIVE HUMAN SEXUALITY EDUCATION.

(10) EACH SCHOOL DISTRICT BOARD OF EDUCATION, BOARD OF
COOPERATIVE SERVICES, GOVERNING BOARD OF A DISTRICT CHARTER
SCHOOL, OR THE STATE CHARTER SCHOOL INSTITUTE IS ENCOURAGED TO
DISSEMINATE POLICIES OR GUIDELINES TO ITS PUBLIC SCHOOLS 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 THE HUMAN SEXUALITY
INSTRUCTION PURSUANT TO SUBSECTION (8)(a)(I) OF THIS SECTION.

(11) A PUBLIC SCHOOL THAT HAS RECEIVED, PRIOR TO JULY 1,
2013, DIRECT OR INDIRECT MONEY FROM THE FEDERAL GOVERNMENT FOR
THE PROVISION OF AN ABSTINENCE EDUCATION PROGRAM PURSUANT TO 42
U.S.C. SEC. 710, AS AMENDED, IS NOT REQUIRED TO ADOPT THE CONTENT
REQUIREMENTS FOR COMPREHENSIVE HUMAN SEXUALITY EDUCATION
DESCRIBED IN THIS SECTION FOR THE YEAR OR YEARS FOR WHICH THE
PUBLIC SCHOOL RECEIVED SUCH MONEY. ON AND AFTER JULY 1, 2013, A
PUBLIC SCHOOL SHALL NOT USE ANY DIRECT OR INDIRECT MONEY FROM
THE FEDERAL GOVERNMENT FOR THE PROVISION OF AN ABSTINENCE
EDUCATION PROGRAM PURSUANT TO 42 U.S.C. SEC. 710, AS AMENDED. A
PUBLIC SCHOOL SHALL NOT ENGAGE THE INSTRUCTIONAL SERVICES OF ANY
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, AS THE GUIDELINES SET FORTH IN 42 U.S.C. SEC. 710,
AS AMENDED, ARE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION.
A PUBLIC SCHOOL MAY USE FEDERAL MONEY FOR COMPREHENSIVE HUMAN
SEXUALITY EDUCATION, AS LONG AS THE INSTRUCTION OF THE PUBLIC
SCHOOL MEETS THE COMPREHENSIVE HUMAN SEXUALITY EDUCATION
CONTENT REQUIREMENTS SET FORTH IN THIS SECTION.

   (12) Nothing in this section requires amending any content standards related to comprehensive human sexuality education developed by the Department of Education and adopted by the State Board of Education prior to July 1, 2018.

   (13) The provisions of this section do not apply to public school students in preschool through third grade unless the content of the instruction relates to personal hygiene, healthy habits, healthy emotional expression, positive self-concept and respect of others, healthy relationships with adults and peers, 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.

   (14) A public 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, amend the introductory portion, (3), (6), (8), and (10); repeal (2); and add (10.5) 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:

(3) "Comprehensive human sexuality education" means HUMAN SEXUALITY INSTRUCTION THAT IS medically accurate, information about all methods to prevent unintended pregnancy and sexually transmitted infections, including HIV, the link between human papillomavirus and cancer, and other types of cancer involving the human reproductive systems, including prostate, testicular, ovarian, and uterine cancer.

Methods AGE-APPROPRIATE, CULTURALLY SENSITIVE, AND INCLUSIVE OF A POSITIVE YOUTH DEVELOPMENT FRAMEWORK. COMPREHENSIVE HUMAN SEXUALITY EDUCATION TEACHES YOUTH PREVENTIVE METHODS FOR AVOIDING UNINTENDED PREGNANCY AND SEXUALLY TRANSMITTED INFECTIONS. PREVENTIVE METHODS TAUGHT must include information about the correct and consistent use of SEXUAL abstinence, CONTRACEPTION, INCLUDING ALL FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED FORMS OF contraception, EMERGENCY CONTRACEPTION, condoms, other barrier methods, and other prevention measures. 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
PREVENTIVE METHODS. HUMAN SEXUALITY INSTRUCTION MUST COMPLY WITH THE CONTENT REQUIREMENTS SET FORTH IN SECTION 22-1-128.

(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

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

(8) "Positive youth development" means an approach that emphasizes the many positive attributes of young people YOUTH 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.

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

(10.5) "SEXUAL ABSTINENCE" 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 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 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) 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 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
(5) On or before December 1, 2013 DECEMBER 1, 2019, or not more than ninety days after the department receives sufficient 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
(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.

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, 2019, 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 the executive director's designee;

(b) The executive director of the department of health care policy and financing, or the executive director's designee;

(c) The commissioner of education, or the commissioner's designee;

(d) The executive director of the department of human services, or 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; AND

(m) A REPRESENTATIVE FROM AN INTERFAITH ORGANIZATION.

(1.5) The members specified in subsections (1)(e) to (1)(m) 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 must use any awarded grant 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 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 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) of this subsection, 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)(VIII) 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

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

22-30.5-104. Charter school - requirements - authority - rules. (6) (c) A school district, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not an automatic waiver. Notwithstanding any provision of this subsection (6) to the contrary, the state board may not waive any statute or rule relating to:

(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 charter school employees; OR

(VIII) Any provisions of section 22-1-128, relating to comprehensive human sexuality education content requirements.

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

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

(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 institute charter school
employees; OR

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

SECTION 11. 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 adminstration 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 12. 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.