

The SIECUS State Profiles



COLORADO

COLORADO'S SEX ED SNAPSHOT

THE STATE OF SEX EDUCATION

Advocates have worked diligently to advance sex education in Colorado over the past seven years, most recently cumulating in the monumental passage of [House Bill 1032](#). Sponsored by Representative Susan Lontine, House Bill 1032 requires sex education, if offered, to be comprehensive, prohibits emphasizing abstinence as the primary acceptable preventive method, and prevents instruction from using stigmatizing or shame-based language. The legislation provides funding opportunities to rural and low-income schools to support the implementation of comprehensive sex education, an important provision considering that the federal government has yet to provide funding for comprehensive sex education nationwide.

The passage of House Bill 1032 came six years after a [revision](#) of the previous sex education statute that updated the 2007 law to ensure that curriculum is age-appropriate, medically accurate, and culturally sensitive to young people of color, LGBT youth, young people with disabilities, and young people who have experienced sexual assault.

At least seven school districts have already begun the process of reviewing and improving their curriculum to comply with the new regulations and are expecting to implement new curriculum for the 2020-2021 school year. In addition to this revised regulation, organizations such as the Colorado Sexual Health Initiative provide comprehensive sex education programming and have grants available to support counties in developing such programs.

Since Colorado schools are not required to provide sex education to students, school districts are left to decide if they will provide youth with comprehensive sex education. Mandating local control over sex education presents unique challenges that have resulted in a glaring disparity regarding the quality of sex education that students receive. Prior to the passage of House Bill 1032, students [reported](#) receiving abstinence-only instruction that utilized shame-based tactics, including equating students who have had sex to pieces of tape that have lost their stickiness. Other students [reported](#) that curriculum failed to include instruction on consent.

While state statute mandates all schools comply with the new requirements, some schools, including the [Liberty Common School](#) in Fort Collins, have applied for a waiver to avoid implementing the new, comprehensive instruction. If successful, schools who are permitted to waive the new requirements may continue teaching abstinence-based curriculum that fails to provide young people with a comprehensive approach to ensuring their own reproductive and sexual health and well-being.

Right now, advocates can take action to ensure young people in their community have access to quality sex education. After contacting their local school board, advocates can determine if young people are receiving

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sex education and, if so, ensure that it complies with the new mandated requirements. They can then vocalize the important need for advancing sex education requirements in their community by complying with the new state mandates. Further, advocates can contact their representatives to discuss the critical need for increased funding to support schools in implementing comprehensive sex education. Advocates are encouraged to use the SIECUS [Community Action Toolkit](#) to guide local efforts.

STATE SEX EDUCATION POLICIES AND REQUIREMENTS AT A GLANCE

- Colorado schools are **not** required to teach sex education.
 - If sex education is offered, curriculum must be comprehensive.
 - If sex education is offered, curriculum must “not emphasize sexual abstinence as the primary or sole acceptable preventative method available to students.”
- If sex education is offered, curriculum must not exclude the health needs of lesbian, gay, bisexual, transgender, or intersex individuals.
- If sex education is offered, curriculum must include instruction on consent.
- Parents or guardians can remove their children from sex education instruction with written notification. [This is referred to as an “opt-out” policy.](#)
- If sex education is offered, curriculum must be medically accurate.

STATE HOUSE HIGHLIGHTS

This section highlights sex education bills that were introduced during the 2020 state legislative session as well as bills that have been introduced thus far in 2021. These proposed bills provide a brief overview of both recent and current legislative action taken to advance or restrict sex education. For a more comprehensive look at relevant legislation concerning sex education and related topics such as reproductive health care, LGBTQ rights, and HIV/AIDS, continue reading on to the “State Legislative Activity” section of Colorado’s profile.

2021 Legislative Session

No legislation has been introduced concerning sex education to date.

2020 Legislative Session

House Bill 1144 (failed):

- Aims to establish a “Parents Bill of Rights” that permits parents to remove their children from instruction they believe is harmful based on the belief that the material questions beliefs in sex, morality, or religion. The bill also permits parents to remove their children from any extracurricular clubs and activities, be exempt from any immunization law of Colorado, opt out of any data collection, and prohibits any entity or individual from performing surgeries, physical exams, or prescribe medication prior to obtaining parental consent.

Senate Bill 72 (failed):

- Sought to require schools that offer sex education to provide parents with an electronic notice 90 days in advance of their children participating in sex education.

MORE ON SEX ED IN COLORADO

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STATE LAW

Colorado state law does not require schools to provide sex or HIV instruction; however, it refers to “medically and scientifically accurate information” as a “right” of youth in [Colorado statute §22-1-128](#). Statute mandates that all school districts that offer human sexuality instruction must provide comprehensive sex education. Curricula must include medically accurate, culturally sensitive information about methods to prevent unintended pregnancy and sexually transmitted infections (STIs), including HIV/AIDS, and must include information about abstinence, all FDA approved forms of contraception, and be taught in a “cohesive, integrated, objective manner” so that youth are empowered to make decisions based on their “individual needs, beliefs, and values.”

Additional requirements state that the instruction must promote the development of healthy relationships through providing instruction on:

- a. How to communicate consent, recognize the withdrawal of consent, and understand the age of consent
- b. How to avoid making unwanted sexual advances or assuming a person’s supposed sexual intentions based on a person’s appearance or sexual history
- c. Age appropriate information on “Safe Haven Laws” relating to the safe abandonment of newborn children
- d. All pregnancy outcomes, including abortion, if the school district opts to provide instruction on pregnancy outcome options

In addition, sex education instruction must not:

- a. Explicitly or implicitly teach or endorse religious ideology
- b. Use shame-based or stigmatizing language or instructional tools
- c. Emphasize abstinence as the primary or sole preventative method
- d. Rely on gender stereotypes
- e. Exclude the health needs of intersex individuals or LGBT individuals

Parents or guardians must be notified if a sex education course is taught, and they must be given an opportunity to review the curriculum. They may remove their children from sex education or STI/HIV education classes by sending written notice to the school. This is referred to as an [“opt-out” policy](#).

Per [Colorado statute §22-25-104](#), the Colorado Department of Education is responsible for providing guidelines as to the length of courses, the subjects included, and the manner in which these subjects are addressed.

In 2013, the state legislature established a grant program for comprehensive human sex education, via [Colorado statute §25-44-102](#). Schools that accept this funding must use curricula that are age appropriate, culturally relevant, medically accurate, and are based in science. In 2019, the state legislature amended the statute to ensure that the grant program’s oversight entity is made up of a diverse population of community members. The amendment also instructed that rural public schools and schools that do not currently offer comprehensive sex education take priority during the grant recipient selection process.

STATE STANDARDS

The Department of Education provides guidelines on curriculum development through the [Colorado Academic Standards: Comprehensive Health Standards](#). Sexual health topics—including HIV and other STD transmission and prevention, unintended pregnancy, abstinence, and sexual assault—are components of these standards.

STATE LEGISLATIVE ACTIVITY

State legislative activity related to sex education does not take place in isolation from the broader embroiled political and policy climate. Attacks on the rights of lesbian, gay, bisexual, transgender, queer, or questioning (LGBTQ) individuals, and efforts to limit access to abortion care and other reproductive health care services prevent students

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from receiving comprehensive sex education and accessing sexual and reproductive health care services. Below are highlights of current legislative activity related to these topics.

TITLE	DESCRIPTION	STATUS
<u>HOUSE BILL 1075</u>	PROHIBITS ABORTION.	DIED IN THE HOUSE COMMITTEE ON STATE, VETERANS, AND MILITARY AFFAIRS (2020)
<u>HOUSE BILL 1098</u>	PROHIBITS ABORTION AFTER 22 WEEKS UNLESS IN THE CASE OF A MEDICAL EMERGENCY.	DIED IN THE HOUSE COMMITTEE ON STATE, VETERANS, AND MILITARY AFFAIRS (2020)
<u>HOUSE BILL 1273</u>	REQUIRES EXTRACURRICULAR AND INTERSCHOLASTIC TEAMS DESIGNATED FOR "FEMALES", "WOMEN, OR "GIRLS" TO ONLY BE OPEN TO STUDENTS OF THE "FEMALE SEX."	DIED IN THE HOUSE COMMITTEE ON STATE, VETERANS, AND MILITARY AFFAIRS (2020)
<u>HOUSE BILL 1144</u>	ESTABLISHES A “PARENTS BILL OF RIGHTS” THAT PERMITS PARENTS TO REMOVE THEIR CHILDREN FROM INSTRUCTION THEY BELIEVE IS HARMFUL BASED ON THE BELIEF THAT THE MATERIAL QUESTIONS BELIEFS IN SEX, MORALITY, OR RELIGION. THE BILL ALSO PERMITS PARENTS TO REMOVE THEIR CHILDREN FROM ANY EXTRACURRICULAR CLUBS AND ACTIVITIES, BE EXEMPT FROM ANY IMMUNIZATION LAW OF COLORADO, OPT OUT OF ANY DATA COLLECTION, AND PROHIBITS ANY ENTITY OR INDIVIDUAL FROM PERFORMING SURGERIES, PHYSICAL EXAMS, OR PRESCRIBE MEDICATION PRIOR TO OBTAINING PARENTAL CONSENT.	DIED IN THE HOUSE COMMITTEE ON STATE, VETERANS, AND MILITARY AFFAIRS (2020)
<u>SENATE BILL 72</u>	REQUIRES SCHOOLS THAT OFFER SEX EDUCATION TO PROVIDE PARENTS WITH AN ELECTRONIC NOTICE 90 DAYS IN ADVANCE OF THEIR CHILDREN PARTICIPATING IN SEX EDUCATION.	DIED IN THE HOUSE COMMITTEE ON STATE, VETERANS, AND MILITARY AFFAIRS (2020)

LEGISLATIVE KEY

<p>SEX EDUCATION</p> <p>REPRODUCTIVE HEALTH CARE</p>
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**SEXUAL ORIENTATION AND
GENDER IDENTITY
HIV/AIDS (THAT IMPACTS
YOUTH)**

COLORADO SCHOOL HEALTH PROFILES DATA

In 2019, the Centers for Disease Control and Prevention (CDC) released the School Health Profiles, which measure school health policies and practices and highlight which health topics were taught in schools across the country. Since the data were collected from self-administered questionnaires completed by schools' principals and lead health education teachers, the CDC notes that one limitation of the School Health Profiles is bias toward the reporting of more positive policies and practices. In the School Health Profiles, the [CDC identifies 20 sexual health education topics](#) as critical for ensuring a young person's sexual health.

Colorado did not participate in the 2016 or 2018 survey.

Visit the CDC's [School Health Profiles](#) report for additional information on school health policies and practices.

The quality of sex education taught often reflects funding available for sex education programs.

To learn more about federal funding streams, [click here](#).