NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

HOUSE BILL 08-1224

BY REPRESENTATIVE(S) Benefield, Casso, Gagliardi, Kerr J., Labuda, Looper, Massey, Merrifield, Primavera, Rice, Borodkin, Ferrandino, Frangas, Kerr A., Madden, Middleton, Mitchell V., Scanlan, Solano, Stafford, Todd, and Peniston;
also SENATOR(S) Tupa, Williams, Gibbs, Morse, Sandoval, Schwartz, and Windels.

CONCERNING WELLNESS EDUCATION IN PUBLIC SCHOOLS.

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

SECTION 1. 22-32-136, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-136. Children's nutrition - healthful alternatives - information - facilities - local wellness policy - competitive foods. (5.5) ON OR BEFORE OCTOBER 1, 2008, EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED TO EXPAND ITS LOCAL WELLNESS POLICY ADOPTED PURSUANT TO SUBSECTION (5) OF THIS SECTION TO INCLUDE GOALS FOR:

(a) INCREASING THE AVAILABILITY OF COURSES IN PHYSICAL EDUCATION, INCLUDING BUT NOT LIMITED TO, FOR A SCHOOL DISTRICT THAT

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

ENROLLS MORE THAN ONE THOUSAND FIVE HUNDRED STUDENTS, ESTABLISHING THE GOAL OF ENSURING THAT ALL PHYSICAL EDUCATION CLASSES OFFERED BY THE SCHOOL DISTRICT ARE TAUGHT BY PERSONS WHO ARE LICENSED AND ENDORSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE TO TEACH PHYSICAL EDUCATION;

(b) INCREASING CLASSES IN HEALTH EDUCATION;

(c) PROVIDING HEALTH SERVICES;

(d) PROVIDING NUTRITION SERVICES;

(e) PROVIDING INCREASED ACCESS TO MENTAL HEALTH COUNSELING AND SERVICES;

(f) DEVELOPING AND MAINTAINING A HEALTHY SCHOOL ENVIRONMENT IN EACH OF THE SCHOOLS OF THE SCHOOL DISTRICT;

(g) INCREASING THE LEVEL OF FAMILY AND COMMUNITY INVOLVEMENT IN DEVELOPING AND MAINTAINING AN EMPHASIS ON HEALTHY LIFESTYLES AND CHOICES TO ENABLE STUDENTS TO RETAIN HEALTHY BEHAVIORS THROUGHOUT THEIR LIVES.

SECTION 2. 22-25-102, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-25-102. Legislative declaration. (3) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

(a) FOR STUDENTS TO REACH THEIR FULL POTENTIAL, SCHOOL COMMUNITIES NEED TO ADDRESS COMPREHENSIVE ISSUES OF STUDENT WELLNESS, INCLUDING BUT NOT LIMITED TO ADDRESSING THE PHYSICAL, MENTAL, EMOTIONAL, AND SOCIAL NEEDS OF STUDENTS;

(b) HIGH-QUALITY PHYSICAL EDUCATION PROGRAMS TAUGHT BY PERSONS WHO ARE LICENSED AND ENDORSED IN PHYSICAL EDUCATION MAY BE A FACTOR IN BATTLING THE RISING INCIDENCE OF OBESITY BY ENSURING NOT ONLY THAT CHILDREN RECEIVE A HEALTHY LEVEL OF PHYSICAL ACTIVITY, BUT THAT THEY ALSO LEARN SKILLS AND DEVELOP KNOWLEDGE THAT WILL ENABLE THEM TO MAINTAIN A HEALTHY LEVEL OF ACTIVITY

THROUGHOUT THEIR LIFETIMES;

(c) IT IS THEREFORE APPROPRIATE FOR THE GENERAL ASSEMBLY TO EXPAND THE "COLORADO COMPREHENSIVE HEALTH EDUCATION ACT" TO INCLUDE FUNDING FOR LOCAL STUDENT WELLNESS PROGRAMS THAT ARE COORDINATED WITH LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAMS IN PUBLIC SCHOOLS.

SECTION 3. 22-25-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-25-103. Definitions. As used in this article, unless the context otherwise requires:

(5.5) "LOCAL STUDENT WELLNESS PROGRAM" MEANS A PROGRAM ADOPTED BY A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES THAT IS COORDINATED WITH HEALTH EDUCATION AND IS DESIGNED TO PROVIDE SERVICES TO STUDENTS IN ONE OR MORE OF THE FOLLOWING AREAS:

(a) PHYSICAL EDUCATION;

(b) NUTRITION SERVICES;

(c) MENTAL HEALTH COUNSELING AND SERVICES;

(d) PROMOTION OF A HEALTHY SCHOOL ENVIRONMENT;

(e) HEALTH EDUCATION;

(f) HEALTH SERVICES;

(g) INVOLVEMENT OF STUDENTS' FAMILIES AND COMMUNITIES IN SUPPORTING AND REINFORCING HEALTHY CHOICES.

SECTION 4. 22-25-104 (1), (2), (3), (4), and (5), Colorado Revised Statutes, are amended to read:

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules. (1) There is hereby created the Colorado

comprehensive health education program, which shall be a voluntary program in which school districts and boards of cooperative services may participate through the creation of local comprehensive health education programs, WHICH MAY INCLUDE COORDINATION WITH LOCAL STUDENT WELLNESS PROGRAMS. Implementation of the Colorado comprehensive health education program shall be a cooperative effort among the department of education, the Colorado commission on higher education, the department of public health and environment and other health education professionals, and participating school districts and boards of cooperative services.

(2) The department of education shall have the authority to promote the development and implementation of local comprehensive health education programs AND LOCAL STUDENT WELLNESS PROGRAMS.

(3) (a) With the assistance of parents, school districts, the department of public health and environment, the Colorado commission on higher education, and other interested parties, the department of education shall develop recommended guidelines for the implementation of local comprehensive health education programs AND LOCAL STUDENT WELLNESS PROGRAMS. The guidelines developed pursuant to this subsection (3) shall comply with the requirements of section 22-1-110.5.

(b) The guidelines developed by the department of education pursuant to paragraph (a) of this subsection (3) shall include, but shall not be limited to, the following for preschool, kindergarten, and grades one through twelve:

(I) The recommended information and topics to be covered in the local comprehensive health education program OR LOCAL STUDENT WELLNESS PROGRAM and the recommended methods of instruction to be used by teachers for such program;

(II) The recommended hours of instruction required to ensure that positive health knowledge, attitudes, and practices are achieved and maintained by the students; ~~and~~

(III) THE RECOMMENDED HOURS OF INSTRUCTION IN PHYSICAL EDUCATION REQUIRED TO ENSURE THAT STUDENTS NOT ONLY DEVELOP HEALTHY MUSCULAR AND CARDIOVASCULAR SYSTEMS, BUT THAT THEY ALSO

DEVELOP SKILLS AND KNOWLEDGE TO ENABLE THEM TO REMAIN ACTIVE AND HEALTHY THROUGHOUT THEIR LIFETIMES; AND

~~(III)~~ (IV) The recommended training ~~which~~ the school district OR BOARD OF COOPERATIVE SERVICES may require for staff who instruct in local comprehensive health education programs OR LOCAL STUDENT WELLNESS PROGRAMS.

(4) (a) The department of education shall develop a plan for the training of teachers to provide comprehensive health education AND STUDENT WELLNESS and shall promote the proper training of staff in health education AND IN STUDENT WELLNESS PROGRAMS.

(b) As part of the plan to train teachers to instruct in comprehensive health education AND STUDENT WELLNESS, the Colorado department of education and the Colorado commission on higher education shall cooperatively develop course work or instructor endorsements in health, PHYSICAL EDUCATION, and high-risk behaviors education in order that both interested students seeking teacher licensure and practicing teachers may secure endorsement in health education, PHYSICAL EDUCATION, AND OTHER AREAS OF STUDENT WELLNESS.

(5) Upon the request of a school district or board of cooperative services, the department of education shall provide, within available resources, such technical assistance as may be necessary to develop a local comprehensive health education program OR LOCAL STUDENT WELLNESS PROGRAM.

SECTION 5. 22-25-105, Colorado Revised Statutes, is amended to read:

22-25-105. Review of local comprehensive health education programs and local student wellness programs - allocation of funds by the state board of education. (1) ~~Any~~ A school district or board of cooperative services ~~which~~ THAT is seeking funding for a local comprehensive health education program OR A LOCAL STUDENT WELLNESS PROGRAM under this article shall file an application with the department of education in such form as the department of education shall require. ~~Such~~ AN application FOR A LOCAL COMPREHENSIVE HEALTH EDUCATION PROGRAM shall include provisions for the implementation of a law-related

education program for the purpose of reducing the incidence of gang involvement and substance abuse by students through education.

(2) The commissioner or the commissioner's designee, with the assistance of the executive director of the department of public health and environment or his OR HER designee, shall review all applications for review of local comprehensive health education programs AND LOCAL STUDENT WELLNESS PROGRAMS submitted to the department of education.

(3) (a) The state board of education shall establish a review and prioritization process for the allocation of available funds to school districts or boards of cooperative services based upon applications submitted to the department of education and giving due consideration to the guidelines developed pursuant to section 22-25-104 (3) (a). Funding may be made available to districts to implement portions of a comprehensive health education program OR PORTIONS OF A LOCAL STUDENT WELLNESS PROGRAM THAT ARE COORDINATED WITH HEALTH EDUCATION, according to the needs of the individual school district. Pursuant to ~~such~~ THE review and prioritization process, the state board of education shall allocate available funds to ~~such~~ THE APPLYING school districts or boards of cooperative services as the state board of education finds have planned or developed local comprehensive health education programs ~~which~~ OR LOCAL SCHOOL WELLNESS PROGRAMS THAT will serve the objectives of this article. Funding for local comprehensive health education programs AND LOCAL SCHOOL WELLNESS PROGRAMS may include, but shall not be limited to, the implementation of training programs, in-service education institutes, and curriculum development programs for staff who shall instruct in comprehensive health education ~~No~~ OR FOR STAFF WHO SHALL INSTRUCT IN OR OTHERWISE PROVIDE SERVICES THROUGH STUDENT WELLNESS PROGRAMS THAT ARE COORDINATED WITH HEALTH EDUCATION. THE STATE BOARD SHALL NOT ALLOCATE funds ~~shall be allocated~~ to school districts pursuant to the provisions of this subsection (3) until the department determines the amount of money that will be available for allocation from the Colorado comprehensive health education fund.

(b) If moneys are not available in the Colorado comprehensive health education fund sufficient to fund programs in every school district, the department may establish pilot programs for school districts ~~which~~ THAT express an interest in developing or expanding a LOCAL COMPREHENSIVE HEALTH EDUCATION program OR ONE OR MORE COMPONENTS OF A LOCAL

STUDENT WELLNESS PROGRAM, THAT INCLUDE AND ARE COORDINATED WITH HEALTH EDUCATION, and in which there is a need for ~~such~~ A program.

(c) (I) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IN ANY BUDGET YEAR IN WHICH THE AMOUNT OF MONEYS AVAILABLE IN THE COLORADO COMPREHENSIVE HEALTH EDUCATION FUND, CREATED IN SECTION 22-25-109, IS EQUAL TO OR LESS THAN THE AMOUNT AVAILABLE FOR THE 2007-08 BUDGET YEAR, THE STATE BOARD SHALL NOT ALLOCATE MONEYS TO A LOCAL STUDENT WELLNESS PROGRAM.

(II) IN ANY BUDGET YEAR IN WHICH THE AMOUNT OF MONEYS AVAILABLE IN THE COLORADO COMPREHENSIVE HEALTH EDUCATION FUND EXCEEDS THE AMOUNT AVAILABLE FOR THE 2007-08 BUDGET YEAR, THE TOTAL AMOUNT OF MONEYS THAT THE STATE BOARD MAY ALLOCATE TO LOCAL STUDENT WELLNESS PROGRAMS SHALL NOT EXCEED THE DIFFERENCE BETWEEN THE AMOUNT AVAILABLE IN THE FUND IN THE APPLICABLE BUDGET YEAR AND THE AMOUNT AVAILABLE IN THE FUND IN THE 2007-08 BUDGET YEAR.

(4) (a) A SCHOOL DISTRICT MAY RECEIVE FUNDING FOR A LOCAL STUDENT WELLNESS PROGRAM ONLY IF IT INCLUDES OR IS OTHERWISE COORDINATED WITH HEALTH EDUCATION.

(b) A SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES MAY RECEIVE FUNDING FOR A LOCAL STUDENT WELLNESS PROGRAM THAT INCLUDES PHYSICAL EDUCATION ONLY IF EACH PERSON WHO TEACHES ONE OR MORE PHYSICAL EDUCATION COURSES IN THE SCHOOL DISTRICT OR FOR THE BOARD OF COOPERATIVE SERVICES IS LICENSED AND ENDORSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE IN PHYSICAL EDUCATION; EXCEPT THAT THIS REQUIREMENT SHALL NOT APPLY TO A SCHOOL DISTRICT THAT ENROLLS ONE THOUSAND FIVE HUNDRED OR FEWER STUDENTS.

SECTION 6. 22-25-106 (1), Colorado Revised Statutes, is amended to read:

22-25-106. Local comprehensive health education programs - local student wellness programs - establishment of comprehensive health education advisory councils. (1) (a) Each school district and board of cooperative services may and is encouraged to establish a local comprehensive health education program. To ensure that a local

comprehensive health education program reflects the health issues and values of the community, each school district or board of cooperative services may establish a comprehensive health education advisory council, or may add necessary representatives to the school district's accountability committee created pursuant to section 22-7-104 (1) or other appropriate committee, to address and make recommendations to the school district or board of cooperative services concerning the curriculum of the local comprehensive health education program.

(b) EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE SERVICES IS FURTHER ENCOURAGED TO ESTABLISH A LOCAL STUDENT WELLNESS PROGRAM THAT INCLUDES OR IS OTHERWISE COORDINATED WITH HEALTH EDUCATION. A SCHOOL DISTRICT'S OR BOARD OF COOPERATIVE SERVICES' COMPREHENSIVE HEALTH EDUCATION ADVISORY COUNCIL OR ACCOUNTABILITY COMMITTEE MAY ADDRESS AND MAKE RECOMMENDATIONS TO THE SCHOOL DISTRICT OR THE BOARD OF COOPERATIVE SERVICES CONCERNING THE LOCAL STUDENT WELLNESS PROGRAM, INCLUDING BUT NOT LIMITED TO THE PROGRAMS TO BE PROVIDED AND BEST PRACTICES AND STRATEGIES FOR INVOLVING FAMILIES AND THE COMMUNITY IN THE LOCAL STUDENT WELLNESS PROGRAMS.

SECTION 7. 22-25-107 (1), Colorado Revised Statutes, is amended to read:

22-25-107. Reports required. (1) Each school district or board of cooperative services ~~which~~ THAT receives funding for a local comprehensive health education program OR A LOCAL STUDENT WELLNESS PROGRAM pursuant to this article shall annually file a written report with the department of education concerning the status of the ~~education~~ program. ~~Such~~ THE report shall include such information and data as the department of education shall require, including but not limited to the information received in the public forum held pursuant to section 22-25-106 (4), and ~~such~~ THE report shall be filed on or before such date as the department of education shall determine.

SECTION 8. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);

except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

_____	_____
Andrew Romanoff	Peter C. Groff
SPEAKER OF THE HOUSE	PRESIDENT OF
OF REPRESENTATIVES	THE SENATE

_____	_____
Marilyn Eddins	Karen Goldman
CHIEF CLERK OF THE HOUSE	SECRETARY OF
OF REPRESENTATIVES	THE SENATE

APPROVED_____

_____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO