

COLORADO COMPREHENSIVE HEALTH EDUCATION ACT

Editor's note: This article was originally enacted in 1975. The substantive provisions of this article were repealed and reenacted in 1990, causing some addition, relocation, and elimination of sections as well as subject matter. For prior amendments, consult the red book table distributed with the session laws; the table located in front of the 1995 replacement volume; and the 1988 replacement volume and annual supplements to this volume and the original volume of C.R.S. 1973 prior to 1990.

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22-25-101. Short title.

This article shall be known and may be cited as the "Colorado Comprehensive Health Education Act".

Source: L. 90: Entire article R&RE, p. 1093, § 62, effective May 31.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-101 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

22-25-102. Legislative declaration.

(1) The general assembly hereby finds and declares that comprehensive health education is an

essential element of public education in the state of Colorado. The school system is a logical vehicle for conveying to children and parents significant health information, developing an awareness of the value of good health to the individual and to the community, promoting healthy behavior and positive self-concepts, and providing means for dealing with peer and other pressures. It is further declared that many serious health problems in Colorado, including high-risk behaviors, are directly attributable to the insufficient health knowledge and motivation of the school-age population and the general public and that studies have demonstrated the effectiveness of a planned school curriculum throughout the elementary and secondary grades in developing healthy behavior. The purpose of this article is to foster healthy behaviors in our children and communities through a comprehensive educational plan which has as its goal not only the increase of health knowledge but also the modification of high-risk behaviors.

(2) Since the enactment of this article the general assembly has further determined that the insidious attractions of gangs and substance abuse are endangering the youth of Colorado and, by doing so, are endangering all Colorado citizens. Accordingly, the general assembly finds and declares that the implementation of educational programs in the public schools is necessary to assist young people in avoiding gang involvement and substance abuse.

Source: L. 90: Entire article R&RE, p. 1093, § 62, effective May 31. **L. 94:** Entire section amended, p. 1256, § 1, effective May 22.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-102 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

ANNOTATION

Applied in *La Loma, Inc. v. City & County of Denver*, 40 Colo. App. 55, 572 P.2d 1219 (1977).

22-25-104. Colorado comprehensive health education program - role of department of education - recommended curriculum guidelines - allocation of funds - rules and regulations.

(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. 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.

(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.

(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 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 training which the school district may require for staff who instruct in local **comprehensive health education** programs.

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

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

(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.

(6) Any curriculum and materials developed and used in teaching sexuality and human reproduction shall include values and responsibility and shall give primary emphasis to abstinence by school aged children. School officials shall receive prior written approval from a parent or guardian before his or her child may participate in any program discussing or teaching sexuality and human reproduction. Parents must receive, with the written permission slip, an overview of the topics and materials to be presented in the curriculum.

(7) The department of education shall promulgate, in accordance with article 4 of title 24, C.R.S., such rules and regulations as may be necessary to carry out the duties of the department of education as set forth in this article.

Source: L. 90: Entire article R&RE, p. 1094, § 62, effective May 31. **L. 94:** (1) and (3)(a) amended, p. 2737, § 367, effective July 1. **L. 2000:** (4)(b) amended, p. 1855, § 52, effective August 2; (6) amended, p. 372, § 24, effective April 10.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-104, 22-25-105, and 22-25-106 as said sections existed in 1989, the year prior to the repeal and reenactment of this article.

Cross references: For the legislative declaration contained in the 1994 act amending this section, see section 1 of chapter 345, Session Laws of **Colorado** 1994.

ANNOTATION

Am. Jur.2d. See 68 Am. Jur.2d, Schools, §§ 311, 314, 315, 335, 336.

22-25-104.5. Law-related education program - creation.

(1) (a) There is hereby created, within the Colorado department of education prevention initiatives unit, the Colorado law-related education program for the purpose of promoting behavior which will reduce the incidence of gang or other antisocial behavior and substance abuse by students in the public schools through education.

(b) Under the program, each school district in the state is strongly encouraged to implement a law-related education program pursuant to the requirements of this article, which program shall specifically address the development of resistance to antisocial gang behavior and substance abuse without compromising academics.

(2) (a) A law-related education program implemented by a school district may be designed to promote responsible citizenship and reduce antisocial behavior without compromising academics. Specific grade levels should be determined by school districts based on local curricular frameworks and review of what is known about existing and promising programs. All topics addressed in such law-related education program shall be taught in a manner which is appropriate for the ages of the students to be instructed.

(b) The topics for instruction in a law-related education program implemented by a school district shall include instruction on the United States constitution and the declaration of independence and may include, but need not be limited to, the following:

- (I) The rights and responsibilities of citizenship;
- (II) The foundations and principles of American constitutional democracy;
- (III) The role of law in American society;
- (IV) The organization and purpose of legal and political systems;
- (V) The disposition to abide by law;
- (VI) The opportunities for responsible participation;

(VII) The alternative dispute resolution approach including mediation and conflict resolution.

(c) (Deleted by amendment, L. 2000, p. 372, § 25, effective April 10, 2000.)

(3) and (4) (Deleted by amendment, L. 99, p. 106, § 1, effective March 24, 1999.)

(5) (a) The state board shall promulgate guidelines to provide grants to and to assist school districts in the implementation of effective, comprehensive law-related education programs addressing gang awareness and substance abuse resistance. Such guidelines shall include, but shall not be limited to, the following:

- (I) Suggested topics for instruction;
- (II) Suggested texts and other instructional materials; and
- (III) The necessary training for instructors.

(b) The state board shall make such guidelines available to all school districts for use in implementing law-related education programs.

(c) The department of education, through the coordinator and staff of the prevention initiatives unit, shall be responsible for implementation, monitoring, and administration of the program and shall maintain certifications and records and act as a statewide clearinghouse for information and assistance for the school district law-related education programs.

(6) (a) All school districts are encouraged to create programs for the training of instructors and administrators in gang awareness and substance abuse resistance education in order to provide effective instruction to students concerning the dangers of gang involvement and substance abuse by the students in the school district.

(b) Upon the request of school district officials, the state board shall assist school district officials in the preparation of plans for the creation by school districts of training programs for instructors and administrators in gang awareness and substance abuse resistance education.

(7) (a) Each school district may prepare an annual report concerning the progress of the school district in

implementing a law-related education program. Such report shall be filed with the state board on or before October 1, 1996, and on or before October 1 of each year thereafter.

(b) Each annual report of a school district prepared pursuant to paragraph (a) of this subsection (7) shall include, but shall not be limited to, an analysis by school district officials of the effect of the law-related education program on the incidence of gang involvement and substance abuse by the students in the school district.

Source: L. 94: Entire section added, p. 1257, § 3, effective May 22. L. 99: (3), (4), (5), and (6) amended, p. 106, § 1, effective March 24. L. 2000: IP(2)(b) and (2)(c) amended, p. 372, § 25, effective April 10.

22-25-105. Review of local comprehensive health education programs - allocation of funds by the state board of education.

(1) Any school district or board of cooperative services which is seeking funding for a local comprehensive health education program under this article shall file an application with the department of education in such form as the department of education shall require. Such application 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 designee, shall review all applications for review of local comprehensive health education 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, according to the needs of the individual school district. Pursuant to such review

and prioritization process, the state board of education shall allocate available funds to such school districts or boards of cooperative services as the state board of education finds have planned or developed local comprehensive health education programs which will serve the objectives of this article. Funding for local comprehensive health education 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 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 express an interest in developing or expanding a program and in which there is a need for such program.

Source: L. 90: Entire article R&RE, p. 1095, § 62, effective May 31. L. 94: (1) amended, p. 1261, § 4, effective May 22; (2) amended, p. 2738, § 368, effective July 1.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-107 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

Cross references: For the legislative declaration contained in the 1994 act amending subsection (2), see section 1 of chapter 345, Session Laws of Colorado 1994.

22-25-106. Local comprehensive health education programs - establishment of comprehensive health education advisory councils.

(1) 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.

(2) In establishing a comprehensive health education advisory council or in supplementing an accountability committee or other appropriate committee, the board of a school district or board of cooperative services is encouraged to appoint members of the community who represent various points of view within the school district concerning comprehensive health education; however, a majority of the committee shall be comprised of parents of children enrolled in the district. Members may include, but shall not be limited to, parents, a member of the clergy, teachers, school administrators, pupils, health care professionals, members of the business community, law enforcement representatives, senior citizens, and other interested residents of the school district.

(3) In addition to the requirements of section 22-25-104 (3) (b), each school district and board of cooperative services is encouraged to include instruction in its local comprehensive health education program which:

(a) Promotes parental involvement, promotes abstinence from high-risk behaviors, fosters positive self-concepts, develops decision-making skills, and provides mechanisms for coping with and resisting peer pressure;

(b) Focuses on the dynamic relationship among physical, mental, emotional, and social well-being; and

(c) Integrates available community resources into the educational program.

(4) (a) Each local comprehensive health education program which is adopted by a school district or board of cooperative services shall include a procedure to exempt a student, upon request of the parent or guardian of such student, from a specific portion of the program on the grounds that it is contrary to the religious beliefs and teachings of the student or the student's parent or guardian.

(b) Any local school district or board of cooperative services which adopts a local comprehensive health education program shall ensure that at a minimum the following public information requirements are met:

(I) Written notification of such local comprehensive health education program shall be given to the parents or guardians of all students within such school district or board of cooperative services, including notification that a student is allowed an exemption which permits such a student, at the request of the parent or guardian of the student, to be excused from all or any part of the local comprehensive health education program; and

(II) The curriculum and materials to be used shall be made available for public inspection at reasonable times and reasonable hours and a public forum to receive public comment upon such curriculum and materials shall be held.

Source: L. 90: Entire article R&RE, p. 1096, § 62, effective May 31. L. 92: (4) amended, p. 550, § 28, effective May 28. L. 2002: (1) and (2) amended, p. 1018, § 27, effective June 1.

22-25-107. Reports required.

(1) Each school district or board of cooperative services which receives funding for a local comprehensive health education program pursuant to this article shall annually file a written report with the department of education concerning the status of the education program. Such 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 report shall be filed on or before such date as the department of education shall determine.

(2) Repealed.

Source: L. 90: Entire article R&RE, p. 1097, § 62, effective May 31. L. 94: (2) amended, p. 2738, § 369, effective July 1. L. 98: (2) repealed, p. 1076, § 4, effective June 1.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-108 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

Cross references: For the legislative declaration contained in the 1994 act amending this section, see section 1 of chapter 345, Session Laws of Colorado 1994.

22-25-108. Participation of nonpublic school personnel.

Teachers, school nurses, or school administrators employed by a nonpublic school may participate as students in in-service education institutes or curriculum development programs conducted by school districts or boards of cooperative services pursuant to this article. At the discretion of the school district or board of cooperative services conducting such institutes or programs, such participants may be required to pay the pro rata share of the cost of participation.

Source: L. 90: Entire article R&RE, p. 1098, § 62, effective May 31.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-109 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

22-25-109. Colorado comprehensive health education fund - creation - acceptance of funds.

(1) There is hereby created in the state treasury the Colorado comprehensive health education fund, which fund shall be made up of moneys transferred thereto from the state public school fund pursuant to section 22-54-114, if any, as well as any moneys received by the department of education pursuant to subsection (2) of this section. The moneys in such fund shall be subject to annual appropriation by the general assembly to the department of education for the purpose of carrying out the provisions of this article.

(2) In addition to any funds appropriated for the implementation of this article, the department of education is authorized to accept gifts, donations, or grants of any kind from any private source or from any governmental unit to carry out the purposes of this article subject to the conditions upon which the gifts, donations, or grants are made; except that no gift, grant, or donation shall be accepted if the conditions attached thereto require the use or expenditure thereof in a manner contrary to law or require expenditures from the general fund unless such expenditures are approved by the general assembly. All such gifts, donations, and grants shall be transmitted to the state treasurer, who shall credit the same to the Colorado comprehensive health education fund.

Source: L. 90: Entire article R&RE, p. 1098, § 62, effective May 31. **L. 94:** (1) amended, p. 812, § 22, effective April 27.

Editor's note: This section was contained in an article that was repealed and reenacted in 1990. Provisions of this section, as it existed in 1990, are similar to those contained in 22-25-112 as said section existed in 1989, the year prior to the repeal and reenactment of this article.

22-25-110. Funding of existing programs - operation of other health education programs.

(1) Nothing in this article shall be interpreted to prevent a school district or board of cooperative services currently offering health education programs from being eligible to receive funding pursuant to this article.

(2) Nothing in this article shall be interpreted to require 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; except that any school district or board of cooperative services offering such a health education program shall:

(a) Comply with the public information requirements contained in section 22-25-106 (4); and

(b) Establish a procedure to exempt a student, upon request of the parent or guardian of such student, from a specific portion of the health education program on the grounds that it is contrary to the religious beliefs and teachings of the student or the student's parent or guardian.

Source: L. 90: Entire article R&RE, p. 1098, § 62, effective May 31. **L. 92:** (2) amended, p. 551, § 29, effective May 28.