

# Revised Sample Policy

File: IHAM

*NOTE: Colorado school districts are required by law to adopt an exemption procedure on this topic that contains certain elements. The procedure should follow this policy and be coded IHAM-R.*

*This policy was substantially revised in April 2014 to address HB 13-1081, concerning human sexuality. Due to the extensive revisions, the policy is presented as all new language. This policy replaces former policies IHAMB, Family Life/Sex Education and IHAMC, HIV/AIDS Education.*

## **Health and Family Life/Sex Education**

The Board believes a comprehensive health education program is an integral part of each student's education. The health education program should emphasize the functioning and proper care of the human body and encourage the development of lifelong, positive health habits. In addition, it should inform students about potential physical and mental health hazards they are likely to encounter in various life situations and help them make sound, intelligent decisions when they are confronted with choices that could affect their health or that of others.

The Board further believes that the district's comprehensive health education program should provide information about family life and sex education. While parents have the prime responsibility to assist their children in developing moral values, the district should support and supplement these efforts by offering students factual information and opportunities to discuss the moral and practical concerns, issues and attitudes inherent in family life and sexual behavior.

The district shall teach about family life and sex education in regular courses on anatomy, physiology, science, health, consumer and family studies. If a separate family life or sex education program is developed, it shall not be required. Any curriculum that includes instruction on human sexuality shall be in accordance with applicable law and the district's academic standards.

In addition to the requirements listed below, the Board's policies and regulations concerning the approval of new curriculum and instructional materials shall apply to any comprehensive health education courses offered by the district:

1. The basic curriculum and instructional materials to be used in the district's comprehensive health education program shall be available for inspection by the public during school hours. A forum to receive comments from the public concerning the basic curriculum and instructional materials used in the district's health education program shall be scheduled prior to Board adoption.
2. In accordance with applicable state law, students' parents/guardians shall be notified in writing prior to the student's involvement in the health education course. The notice to parents/guardians shall include a detailed, substantive outline of the topics and materials to be presented.

*NOTE: State law requires districts to allow students' parents/guardians to exempt their child from curriculum discussing or teaching human sexuality and the district **cannot** require parents/guardians to state a reason for requesting an exemption. C.R.S. 22-1-128 (3); 22-25-104 (6)(d). State law also authorizes districts to restrict exemptions from other portions of the health education program **not** involving human sexuality to instances where the parent/guardian objects that the instruction is contrary to the religious beliefs or teachings of the student or the student's parent/guardian. C.R.S. 22-25-106 (4)(a). Thus, the Board has discretion to require students' parents/guardians to state a reason if the request involves an exemption from a portion of the health curriculum not involving human sexuality (Option 1 below), or to never require students' parents/guardians to state a reason for any requested exemption from the health education curriculum (Option 2 below).*

*[Option 1: Requires students' parents/guardians to state a reason for requesting an exemption from a part of the district's health education curriculum not involving human sexuality.]*

3. The notice shall also inform students' parents/guardians that they may exempt their child, upon written request, from a specific portion or portions of the instruction on the grounds that it is contrary to religious beliefs and teachings or closely held personal beliefs of the student or the student's parent/guardian. If the request for the exemption is from a specific portion of the curriculum that concerns human sexuality, no reason must be given by the parent/guardian when requesting the exemption.

*[or]*

*[Option 2: Does not require students' parents/guardians to state a reason for any requested exemption from any or all portions of the district's health education curriculum.]*

3. The notice shall also inform students' parents/guardians that they may exempt their child, upon written request, from any portion of the district's comprehensive health education curriculum.
4. Students shall be provided with alternate educational assignments or activities for credit corresponding to that portion of the planned curriculum from which they are exempt.

(Adoption date)

LEGAL REFS.: 20 U.S.C. 7906 (*prohibited uses of Title I Funds*)  
C.R.S. 22-1-128 (*education regarding human sexuality*)  
C.R.S. 22-25-105 (*Colorado Comprehensive Health Education Program*)  
C.R.S. 22-25-106 (4) (*district must provide exemption procedure*)  
C.R.S. 22-25-110 (2) (*operation of other health education programs*)

CROSS REFS.: IG, Curriculum Development  
JLC, Student Health Services and Records, and subcodes

*NOTE 1: State law now provides two slightly different approaches to exemptions from human sexuality courses. The first approach applies to districts with programs funded through state grant dollars under the Comprehensive Health Education Act of 1990, C.R.S. 22-25-101 et seq. (the Act). The Act provides:*

*For those schools receiving funds pursuant to [the Act], school officials must receive prior written consent from a parent or guardian before his or her child is excluded from any program discussing or teaching sexuality and human reproduction. At least two weeks prior to when instruction begins for such a program, each parent must receive an overview of topics and materials to be presented in the curriculum and a written form allowing him or her to decline to have his or her child participate in the program.*

*This statutory provision applies only to the programs funded through state grant dollars for comprehensive health education under the Act. Therefore, if a funded program uses the Act's grant money to teach sex education, at least two weeks prior to when instruction begins, the district must provide a written overview of the topics and materials to be presented and a written form allowing the student's parent/guardian to "opt out" of the program for any reason.*

*The second approach applies to districts with programs not funded by the Act or funded by grant dollars from the Colorado Department of Public Health and Environment (CDPHE). State law requires any district that "offers a planned curriculum that includes comprehensive human sexuality education" to provide students' parents/guardians, prior to commencing the planned curriculum:*

- (a) written notification of the ability to excuse a student, without penalty or additional assignment, from that portion of the planned curriculum that includes comprehensive human sexuality education, upon the written request of the student's parent or guardian; and*
- (b) a detailed, substantive outline of the topics and materials to be presented in that portion of the planned curriculum related to comprehensive human sexuality education.*

*C.R.S. 22-1-128 (3). While there is no required timeline for the notification to parents/guardians like the Act prescribes, the "detailed, substantive outline" of the materials to be presented and the ability of parents to "opt out" of curriculum involving human sexuality for any reason are almost identical to the Act's requirements. These requirements also apply to districts that receive a grant through CDPHE to provide a "comprehensive human sexuality education program." C.R.S. 25-44-103 (2)(b).*

*Finally, another state law authorizes districts to restrict exemptions from health education programs to instances where the parent/guardian objects that the instruction is contrary to the religious beliefs or teachings of the student or the student's parent/guardian. See, C.R.S. 22-25-106 (4)(a).*

*A simplified approach to address these varying statutory provisions is to modify the "opt out" provisions so they are consistent. This approach would allow a parent/guardian to request an exemption from any portion of the health education curriculum and not require the parent/guardian to state a reason for requesting the exemption. If a district chooses to simplify its exemption process in this way, the Board should select "Option 2" in this policy and accompanying regulation.*

*NOTE 2: 20 U.S.C.7906 states that no Title I funds may be used to:*

- Develop or distribute materials or operate programs or courses of instruction directed at youth that are designed to promote or encourage sexual activity, whether homosexual or heterosexual*
- Distribute or aid in the distribution by any organization of legally obscene materials to minors on school grounds*
- Provide sex education or HIV prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence*
- Operate a program of contraceptive distribution in the schools*

*NOTE 3: School districts are encouraged to establish a local student wellness program that includes or is otherwise coordinated with health education. C.R.S. 22-25-106 (1)(b). School districts may then seek state funding for their local student wellness programs pursuant to the Comprehensive Health Education Act of 1990. C.R.S. 22-25-105 (1).*