

No. 24-1267

**IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

ST. MARY CATHOLIC PARISH IN LITTLETON;
ST. BERNADETTE CATHOLIC PARISH IN LAKEWOOD;
DANIEL SHELEY; LISA SHELEY;
THE ARCHDIOCESE OF DENVER,

Plaintiffs-Appellants,

v.

LISA ROY, in her official capacity as Executive Director
of the Colorado Department of Early Childhood;
DAWN ODEAN, in her official capacity as Director
of Colorado's Universal Preschool Program,

Defendants-Appellees.

On Appeal from the United States District Court
for the District of Colorado
Case No. 1:23-cv-2079-JLK Hon. John L. Kane

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF COLORADO

3 Civil Action No. 23-cv-2079-JLK

4 ST. MARY CATHOLIC PARISH IN LITTLETON, et al.,

5 Plaintiffs,

6 vs.

7 LISA ROY, et al.,

8 Defendants.

9 -----
10 REPORTER'S TRANSCRIPT

11 Bench Trial, Vol. 3
12 -----

13 Proceedings before the HONORABLE JOHN L. KANE, Judge,
14 United States District Court for the District of Colorado,
15 commencing on the 4th day of January, 2024, in Courtroom A802,
United States Courthouse, Denver, Colorado.

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P R O C E E D I N G S

(Proceedings commenced at 9:03 a.m.)

THE COURT: And you know where you're supposed to be.
Cross examination, please.

CROSS EXAMINATION

BY MR. REAVES

Q Good morning, Dr. Tishelman.

A Good morning.

Q You provided your direct testimony yesterday; is that
right?

A Yes, it is.

Q And are you aware that today you're under the same oath
that you took yesterday?

A Yes, I am.

Q And did you meet with anybody after testifying yesterday to
talk about your testimony?

A Informally.

Q And with whom did you meet?

A Well, I went out for some wine yesterday with a couple of
people.

Q Okay. Thank you. Switching gears, then, what materials
did you review when preparing to give your expert opinion in
this case?

A I reviewed the materials that I cited in the report that I
wrote, and I reviewed the materials that were provided to me

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1 related to this case. I reviewed my own CV, and I'm not sure if
2 I reviewed anything else.

3 Q Okay. Just one or two specific questions about that. Did
4 you read the Archdiocese guidance for issues concerning the
5 human person and sexual identity when you were preparing for
6 this case?

7 A I don't recall.

8 Q Did you review the Catechesis of the Good Shepherd Catholic
9 preschool curriculum when you were preparing for this case?

10 A I may have looked at it if it was provided to me, but I
11 don't remember it very well. If you would like me to discuss
12 it, I would appreciate being able to review it again.

13 Q Sounds good.

14 A May I ask you to speak a little louder or closer to the
15 microphone? Because I'm a little hard of hearing.

16 Q Absolutely. I'm sorry about that. Are you aware of how
17 often St. Mary's and Wellspring have had to deny enrollment to a
18 preschool family?

19 A I don't recall.

20 Q Have you ever conducted research regarding the
21 psychological impacts of denying a family enrollment in a
22 Catholic school?

23 A No.

24 Q I'd like to pull up your expert report, which should be on
25 the screen momentarily, and it's marked as Exhibit 47. And I'd

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1 like to look at page seven at the end of the first full
2 paragraph specifically. And this is where you talk about your
3 research regarding the effects of bullying, and you state in
4 this portion -- let's see. You state in this portion that,
5 quote, these data pertain to adolescents. Did I read that
6 correctly?

7 A Yes. Can you point to where that is? But I remember
8 writing it. I don't actually see it.

9 Q Yeah. It's the end of the first full paragraph.

10 A Yes. I see it.

11 Q These data pertain -- yes. Thank you. And one of the
12 studies you cited in this portion is the 2021 Trevor Project
13 study. Are you familiar with that study?

14 A Yes, I am.

15 Q And are you aware that this study only covered middle
16 school and high school students?

17 A I am. That's why I wrote that although this pertains to
18 adolescents, it likely can be extrapolated to affect children.

19 Q And what is the Trevor Project?

20 A The Trevor Project is actually a project that does research
21 pertaining to LGBTQ communities.

22 Q So, this report is not a peer-reviewed study?

23 A No.

24 Q And this wasn't conducted by academics who are neutral on
25 these issues. This was conducted by an advocacy organization?

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1 A Yeah. I can't tell you who the -- what the background is
2 of the researchers, but I do know that they are people who are
3 in support of LGBT communities.

4 Q Have you ever studied LGBTQ bullying in preschools?

5 A No.

6 Q Are you aware of studies specific to preschool on LGBTQ
7 bullying?

8 A No.

9 Q You similarly testified yesterday that this research on
10 bullying is, quote, usually with older children, but can be
11 presumed to be relevant to younger children as well. Do you
12 recall that?

13 A Yes, I do.

14 Q In addition to conducting research, you also treat
15 patients; is that right?

16 A I'm not currently treating patients, but I have treated
17 many patients in the past.

18 Q Roughly how many transgender youth have you treated in your
19 career?

20 A Gosh. I don't know. Honestly, quite a few. But I don't
21 actually know that number. So, I'm afraid of misleading the
22 Court.

23 Q That's totally fine. How many of those people you've
24 treated were preschoolers?

25 A Quite a few were preschoolers, because I co-founded a

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1 clinic for children who are gender diverse and transgender in
2 approximately 2015, and then I was myself referred many of those
3 children. Also in my career, I have treated many preschoolers
4 for other reasons.

5 Q So, I guess specific to transgender preschoolers, you said
6 you've also treated preschoolers for other reasons, but just
7 talking about transgender preschoolers, is that a large
8 percentage of the transgender students you -- or transgender
9 patients you treat, or a small percentage?

10 A Well, I'm not treating them now, but for a while it was --
11 younger children, many of whom were preschoolers were a large
12 bulk of the children I was treating.

13 Q Yesterday you testified about a number of specific
14 examples. You talked about, you know, specific cases of
15 individuals. Do you recall that?

16 A Yes, I do.

17 Q Were any of those examples preschool students?

18 A I don't remember all the examples I told you -- I presented
19 to you, but I did have quite a few preschool children who I saw.

20 Q Were any of the examples of students enrolled in public
21 schools?

22 A Were any of them students enrolled in public schools?
23 Probably. I don't recall.

24 Q One thing you testified about yesterday was policies
25 regarding locker rooms and bathrooms for transgender students?

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1 A Yes.

2 Q Do you recall that? Are you aware of the testimony in this
3 case and specifically some of the documents submitted in this
4 case about how in preschool, the preschool students do not use
5 locker rooms?

6 A I'm aware that in preschools, often children don't use
7 locker rooms.

8 Q And similarly, some of the deposition testimony elicited in
9 this case and some of the documents in this case show that
10 preschool students use a single bathroom, one at a time, and
11 that they don't have a -- typically have a shared bathroom?

12 A In my experience, that can vary from school to school.

13 Q Yeah.

14 A But perhaps in your schools, that's the case.

15 Q That's fair. It does vary, but I think some of the
16 testimony was that regardless, there's always an adult
17 supervising the bathroom situation as well?

18 A There should be.

19 Q Yes. In your expert report, you defined adverse childhood
20 experiences as, quote, experiences that have the potential to
21 cause significant detriment to a child's well-being, both
22 emotional and physical, and are often traumatic; is that right?

23 A Yes.

24 Q And you gave examples yesterday of different adverse
25 childhood experiences, including neglect, physical abuse, sexual

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1 abuse, emotional neglect, being physically attacked at school,
2 death of a parent, homelessness, extreme stress and trauma, and
3 chronic illness; is that right?

4 A I'm not looking -- I don't have it on my screen, but I will
5 trust you that that's correct.

6 Q Generally speaking, those types of things would be adverse
7 childhood experiences?

8 A As well as gender minority stress, which I discussed.

9 Q Are you aware of any evidence presented in this case about
10 instances of these type of, to quote your own language, often
11 traumatic childhood experiences occurring at either St. Mary's
12 or Wellspring's preschools?

13 A No.

14 Q Okay. And in fact the testimony already in the record
15 confirms the opposite, that there's no evidence of even any
16 complaints from LGBTQ individuals about discrimination; is that
17 right?

18 A I believe so.

19 Q And the evidence in the record also shows that neither
20 school has enrolled an LGBTQ child in preschool to the best of
21 their knowledge; is that right?

22 A Yes.

23 Q And in fact --

24 A From what I recall.

25 Q Yes. And in fact Dr. Goldberg testified yesterday that

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1 when possible, LGBTQ families seek out LGBTQ-affirming schools;
2 is that right?

3 A In my experience, that's not always true.

4 Q Okay. And then the department has also repeatedly told
5 this Court that no LGBTQ preschool student has been denied
6 enrollment at either St. Mary's or Wellspring; is that right?

7 A That's what I recall, and I trust you are conveying
8 accurately.

9 Q So, instead of a case about severe childhood trauma, this
10 is a case about the Archdiocese and its schools' ability to
11 maintain their religious beliefs while participating in the UPK
12 program; is that right?

13 A I have a different thought about that, if I may?

14 Q Yeah. Briefly.

15 A I think that it's about access to religious institutions
16 for people -- partly, at least, for people who do or may start
17 to while they're enrolled identify as transgender or gender
18 diverse or in the LGBTQ community, whether in my own research
19 and my clinical work with families, they often draw on religion
20 and faith as a source of -- as a source of solace to them.
21 Their religious beliefs help sustain them, and some families may
22 want to seek out religious institutions for that reason and not
23 be excluded on that basis, because that could be a terrible loss
24 of community and faith that's important for them.

25 Q So, you think it's important, and you think this case is

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1 about whether the Archdiocese would change its position on
2 letting in LGBTQ families?

3 A I don't think I'm saying that, but I'm saying that
4 excluding people of faith on -- even if there's some differences
5 in belief systems, can be hard on families and children. And if
6 children are already at a school and start to identify as within
7 a LGBTQ community and need to be then excluded from a community
8 that they have -- that they -- that they support and a community
9 that means something to them, that can be a significant
10 adversity and loss.

11 Q So, you teach at a Catholic school; is that right?

12 A What?

13 Q You teach at a Catholic school, Boston College?

14 A I teach at a Jesuit school, yes.

15 Q So, presumably you think that sending a child or anyone's
16 child to a Catholic school is not itself wrong or harmful?

17 A Yes.

18 Q Similarly, you would say sending your child to a Jewish
19 school is not itself wrong or harmful?

20 A Yes. I would say that people have various faiths, even at
21 the Jesuit school I teach at, and there's a recognition and
22 respect for differences in faith that I appreciate.

23 Q Yeah. I'd like to talk a little bit more about that,
24 actually, but I'd like to start with that in the context of
25 bullying. Your testimony yesterday talked a lot about the

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1 harmful effects of bullying; is that right?

2 A I don't remember how much I talked about it, but I know I
3 talked about it.

4 Q Do you know if either of the plaintiff preschools in this
5 case have policies that categorically prohibit bullying?

6 A I recall that you -- that the policies prohibit bullying,
7 but that -- those policies on the ground when I've worked with
8 schools don't always prevent bullying.

9 Q But you have no evidence that they do or don't work in this
10 case?

11 A No, I don't.

12 Q Okay.

13 A That's just a general statement.

14 Q Sure. I'd like to pull up Exhibit 17, and I will represent
15 to you that this is the stipulated exhibit showing St. Mary's
16 school handbook. And I'd like to go to page 47 at the second
17 full paragraph. Yeah. There it is. And it says, quote, the
18 Archdiocese of Denver and St. Mary Catholic Virtue School
19 prohibit the harassment and/or bullying of one student by
20 another student, parent, or staff member.

21 And then going down to the next page, under the header,
22 actions to take, it says, all reports of harassment and bullying
23 will be treated seriously and investigated. Did I read that
24 correctly?

25 A Yes.

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1 Q And then on the same page, it defines "bullying," and then
2 states in the next section, harassment and/or bullying -- I
3 think a little bit lower down, actually. There it is.
4 Harassment and/or bullying of any kind will not be tolerated by
5 the administration, faculty, and staff of this school. Did I
6 read that correctly too?

7 A Yes.

8 Q Okay.

9 A May I ask a question?

10 Q Sure.

11 A When I looked this over, I wasn't quite sure what -- how to
12 discriminate between bullying and teasing, because teasing isn't
13 included as bullying, but many people might consider teasing,
14 especially on the basis of gender, to be a kind of bullying.
15 And I'm not quite sure why that isn't considered harassment or
16 bullying.

17 Q I'm not an expert on teasing and bullying either, so we can
18 move on from there.

19 A I didn't say I wasn't an expert.

20 Q Okay. So, just to circle back to something I think we
21 briefly touched on, but I'm not sure if I was specific before,
22 are you aware of any instances of bullying specifically on
23 account of sexual orientation or gender identity at St. Mary's
24 or Wellspring?

25 A No, but I wouldn't be.

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1 Q Right. Do you think that just because someone has a
2 sincere religious belief about sexual orientation and gender
3 identity, they would permit LGBTQ students to be bullied?

4 A No. But it looks like they might permit them to be teased,
5 which I might consider part of bullying.

6 Q Are you aware of studies which show that students are less
7 likely to be bullied in private schools than public schools?

8 A No.

9 Q I'd like to pull up Exhibit 5, which I will represent to
10 you is stipulated as an authentic copy of the Archdiocese's
11 policy guidance on issues relating to sexual orientation and
12 gender identity in its Catholic Schools. And on page three of
13 this document, the second full paragraph, it's talking about how
14 to provide pastoral care on issues related to sexual orientation
15 and gender identity, and it states -- yeah. Second full
16 paragraph. Right there. Situations involving individuals
17 should be addressed with pastoral care that is rooted in love
18 and concern for the person. Did I read that correctly?

19 A I'm not a -- I'm sure you did, but I'm not seeing it
20 myself. Oh. I do see it. I just found it.

21 Q Great. And then also on that page, at the end of the
22 second full paragraph, it says, each person deserves to be heard
23 and treated with respect. It is our responsibility to respond
24 to their concerns with compassion, mercy, and honesty. Did I
25 read that correctly too?

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1 A Yes, you did.

2 Q You also briefly touched on individuals who are intersex in
3 your testimony yesterday; is that right?

4 A Yes. We didn't always call them intersex. The terminology
5 is in flux. So, I don't usually refer to them as intersex, but
6 I understand what you're talking about.

7 Q Okay. Thanks. I'm glad that we understand each other.
8 Are you aware that the Archdiocese and the Catholic Church have
9 provided specific guidance on issues surrounding individuals who
10 are intersex?

11 A I don't -- I am aware, but I don't recall what the guidance
12 is.

13 Q Okay. Are you aware -- well, I guess if you're not aware,
14 that's -- that's fine, then. I'd like to talk a little bit
15 about your testimony regarding enrollment rejections yesterday,
16 you know, what might happen if a student is not admitted to a
17 school. You were asked yesterday about what harm could result
18 from being denied enrollment in a preschool. Do you recall
19 that?

20 A I don't recall it very clearly, actually.

21 Q Okay. One thing you mentioned during that exchange was
22 about how you frequently -- or more frequently encounter
23 students, quote, who had negatively experienced -- who had
24 negative experiences at school than children who were actually
25 not admitted to the school. Does that ring a bell?

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1 A Well, I work with families who are trying to decide which
2 school would be the best school to send their children to based
3 on concerns about their well-being. And I know that for some
4 families, it would be their preference to be able to send their
5 child to a religious institution, and that, again, religion and
6 faith for many people in the United States is really important,
7 but that they sometimes opt not to do it because of concerns of
8 what the experience of the child will be. Then I've also worked
9 with children who are already enrolled in a school and not
10 comfortable or feeling safe, who had to, for their well-being,
11 leave the school.

12 Q And you described your testimony yesterday about enrollment
13 as speculative; is that right?

14 A Enrollment where?

15 Q Oh. Your testimony about enrollment decisions as
16 speculative?

17 A Well, I have worked with families clinically where, to help
18 and share decision-making about enrollment in terms of what
19 would be the best thing to do. I've also worked with families
20 who are grappling with the issue of whether to talk with their
21 faith communities about their children and their children's
22 status as either having a variation in sex trait or being gender
23 diverse, just because -- because religion can be so central for
24 many people, it does come up in clinical work.

25 Q Sorry. Just a few more questions. Let me take a look at

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1 my notes here. You testified yesterday in response to the
2 question should a parent be allowed to decide what is best for
3 their child in the realm -- in this realm, we're talking about,
4 of gender-diverse and transgender children.

5 And your response was, yes. Usually parents make
6 important decisions on behalf of their children under the law,
7 except in extreme circumstances when a child may be subject to
8 unacceptable behaviors on the part of a parent, such as sexual
9 abuse or other extreme and illegal behaviors; is that correct?

10 A That sounds correct.

11 Q And the bottom line, the last sentence in your expert
12 report says, it is especially important that policies not
13 undermine a parent's best efforts to accept and support their
14 child or to advocate for their child's well-being in any
15 environment; is that right?

16 A Yes.

17 Q So, is it your position that if a parent's best effort to
18 accept and support their child and advocate for their child's
19 well-being is to send them to a Catholic school like one of the
20 schools in this case, you would argue that no policies should
21 undermine their decision; is that right?

22 A Well, I know that for families that I've worked with who
23 have always drawn on their faith and their faith communities for
24 support, it can be a difficult decision about where to enroll a
25 child, if that would be their preference. And that's something

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1 that people grapple with, but it also can come up after a child
2 is enrolled in a school already, that a child is starting to be
3 perceived as gender diverse. And then it raises a different
4 issue about whether to stay in that setting or go someplace
5 else.

6 MR. REAVES: Okay. No further questions. Thank you.

7 THE COURT: Redirect, please?

8 MS. RUST: Good morning, Your Honor.

9 THE COURT: Good morning.

10 **REDIRECT EXAMINATION**

11 BY MS. RUST

12 Q Good morning, Dr. Tishelman.

13 A Good morning.

14 Q So, I'm going to pick up right where you left off about the
15 examples of enrollment you were giving. So, just to be clear,
16 is it possible for a child to enroll as cisgender in a school in
17 August, and then be revealed as gender diverse in March during
18 the school year?

19 A Yeah.

20 Q Okay. So, if a school determines to disenroll that child,
21 what is the harm?

22 A Well, of course it would depend individually. Some
23 families might prefer for their child to leave that environment,
24 but assuming that that's not the case, it's a -- one of the
25 stressors for children is often even starting school and meeting

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1 new people. It's hard to imagine, but for children, changing
2 environments and beginning school can be really stressful. If a
3 child is happy in a school, has made friends, is feeling
4 supported and accepted by the teachers, having to leave a school
5 is hard to explain to a child that they need to leave a school
6 because of who they are, including something that they can't
7 change, and lose that support.

8 And even more, if a child has been schooled in a
9 particular religion and taught faith, losing and not
10 understanding why they're not able to be part of a community of
11 faith that is important to their family can be really hard as
12 well.

13 Q Would not letting them use their pronouns be harmful?

14 A Yes. And it can be very confusing.

15 Q Would not letting them use their bathrooms be harmful?

16 A If there are bathrooms that are -- that are male and
17 female, and they don't have access to the bathrooms that
18 coincide with their understanding of themselves, it can be
19 harmful.

20 Q Would not allowing them to dress in the dress code they
21 prefer be harmful?

22 A Yes. In certain situations, that can be harmful.

23 Q One second. Can you tell us why those situations would be
24 harmful?

25 A Yes. Because those are situations in which a child's

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1 understanding of themselves that is often shared with their
2 family is not being recognized in the school setting, and that
3 can be -- can instill a sense that they are not themselves
4 acceptable the way that they are, especially about something
5 that they can't change.

6 As I gave as an example yesterday, if I was in a school
7 and they had a code that you had to be over 5'5", and I was the
8 shortest kid at school, which I always was, and somebody said
9 you can't be here because you're not tall enough, that would
10 have been confusing to me. It would have made me feel like who
11 I was in something I couldn't change and had no control over was
12 not acceptable. And so it's kind of a parallel situation.

13 Q And are those types of confusion and struggles with
14 self-identity examples of what we talked about yesterday that
15 can lead to gender minority stress, or toxic stress?

16 A Yes. And it can lead to the internalization of a sense of
17 being flawed and not good enough. It can really lower a child's
18 confidence. I've seen this in many ways. Transgender and
19 gender-diverse children are one example, but that can happen
20 with children who have intellectual challenges, children who are
21 neurodiverse, autistic, children of certain races or ethnic
22 backgrounds who don't feel as accepted, and that is very, very
23 hard for children.

24 And we do know that transgender children often, as they
25 get older, have higher levels of mental health challenges than

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1 their cisgender peers, and that children who are supported in
2 their identities tend to have much better mental health than
3 those children who are not.

4 Q And to put a fine point on it, have you personally observed
5 this with your work with preschoolers in your clinic?

6 A I couldn't hear you. I'm sorry.

7 Q To put a finer point on it, have you personally observed
8 this with preschoolers that you worked with clinically?

9 A Yes. I observed it with preschoolers I've worked with, and
10 I've observed it in preschoolers who are really hesitant, they
11 even know then, to tell people. Like, I've had preschoolers
12 say, my gender is still a secret at school, because they're
13 afraid of the ramifications. And I've had children who as soon
14 as they come home change their dress and hair, and realize that
15 it would be stressful at school. But that's having to keep a
16 part of yourself secret that's important to you can be really
17 difficult.

18 Q Okay. And, Dr. Tishelman, the examples we just talked
19 about, the bathrooms, the dress code, the pronouns, are those
20 examples of harmful conduct, in your opinion?

21 A You're saying if children are not allowed to use the same
22 pronouns in school that they use at home?

23 Q Yes.

24 A Yes. And I think, you know, we've talked about the
25 importance of home-school collaborations and consistency, and

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1 that sort of defies that logic.

2 MS. RUST: Nothing further, Your Honor. Thank you,
3 Dr. Tishelman.

4 MR. REAVES: Just a few more questions?

5 THE COURT: Okay. Go ahead.

6 MR. REAVES: Thank you.

7 **RECROSS EXAMINATION**

8 BY MR. REAVES

9 Q Dr. Tishelman, you were just talking about consistency
10 between home and school; is that right?

11 A Yes.

12 Q And in your report, you talk about how research supports
13 the positive effects on children of consistent -- consistency
14 and mutual support across settings; is that right?

15 A Yes.

16 Q So, you would say it's important that parents and teachers
17 are on the same page regarding what's being taught in the school
18 and what's being affirmed in the home?

19 A I'm saying that it's important that children -- children's
20 identity be the same at home and at school, or their ability to
21 express themselves in terms of gender is important between a
22 home and school.

23 Research also shows that disciplinary actions at home
24 and at school can be coordinated. It's possible that children
25 will -- any child will go to a school where something is taught

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1 that the family doesn't believe. I mean, I think that happens
2 quite a bit. But -- and those are things that people need to
3 grapple with.

4 Q You also talked briefly in redirect on the outcomes for
5 transgender students who socially transition, and in your
6 report, you cite a couple studies. Have you done any research
7 specifically in this area?

8 A Of social transition?

9 Q I think you have one called social supports. Do you recall
10 that study?

11 A Yes. That was a retrospective study in which we looked at
12 children's well-being and what they reported about their social
13 support. And children who have social support at school and
14 peer support are more likely to have more positive mental
15 health.

16 Q And that study specifically looked at students between nine
17 and 18 years old; is that right?

18 A Yeah. Approximately.

19 Q Okay. And the report said the findings were, quote,
20 preliminary, and you found that additional research needed to be
21 done in this area; is that right?

22 A Yes.

23 Q Okay. During your testimony today, you talked a lot about
24 your own clinical work and individuals you've met with in that
25 work; is that right?

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1 A Yes.

2 Q So, these examples are offered as anecdotal examples.

3 These aren't peer-reviewed studies; is that correct?

4 A Yes.

5 Q So, unlike peer-reviewed research, these may not be truly
6 representative of the experiences of families more broadly; is
7 that right?

8 A Yes.

9 Q Okay. How do LGBTQ youth benefit from the fact that
10 St. Mary's and Wellspring have been excluded from the UPK
11 program?

12 A I couldn't hear the end of your sentence.

13 Q I'm sorry. How do LGBTQ youth benefit from the fact that
14 St. Mary's and Wellspring have been excluded from the UPK
15 program?

16 A How do they benefit? I don't understand the question, I
17 think.

18 Q Yeah. So, this case is about whether St. Mary's and
19 Wellspring can participate in the UPK program, and I'm trying to
20 figure out how it's beneficial to LGBTQ youth to keep these two
21 schools out of the program.

22 A I don't know that I can answer that question.

23 MR. REAVES: That's all, Your Honor. Thank you.

24 THE COURT: Any surredirect?

25 MS. RUST: No, Your Honor, but I have a quick --

23-cv-2079-JLK AMY TISHELMAN - Recross 01-04-2024

1 sorry. No, Your Honor. I'm done with Dr. Tishelman. But when
2 she steps down, I just have a quick housekeeping matter, if it
3 pleases the Court.

4 THE COURT: Well, Dr. Tishelman, thank you. You may
5 stand down.

6 THE WITNESS: Thank you very much.

7 MS. RUST: Your Honor, I have to apologize to the
8 Court. In our scramble with what was going on with our office
9 this week, I misidentified some exhibit numbers during
10 Dr. Goldberg's testimony. So, I just wanted to correct that for
11 the record.

12 So, my apologies to the Court, but for Dr. Goldberg's
13 testimony, when we were discussing the journal articles in order
14 of my discussion, the correct numbers of exhibits are
15 Exhibit 55, Exhibit 57, Exhibit 56, and Exhibit 54. Thank you,
16 Your Honor.

17 THE COURT: Okay. Thank you. I suppose it's not
18 really relevant, but your closing down of your offices is
19 compounded by the fact that today at noon is the National
20 Western Livestock Parade on 17th Street, and so not only are you
21 not permitted to go into your offices, but you should step very
22 carefully when you cross the street.

23 MS. RUST: Yes. We let our colleagues know that that
24 was happening too.

25 THE COURT: Next witness, please?

23-cv-2079-JLK JESSE BURNE - Direct 01-04-2024

1 MS. CARRENO: Thank you, Your Honor. The next witness
2 is Jesse Burne.

3 (The Witness is Sworn)

4 THE COURTROOM DEPUTY: Please be seated. Please state
5 your full name for the record, and spell your last name.

6 THE WITNESS: My name is Jesse Brandon Burne, and last
7 name is spelled B-U-R-N-E.

8 **DIRECT EXAMINATION**

9 BY MS. CARRENO

10 Q Good morning, Mr. Burne.

11 A Good morning.

12 Q Can you please tell us what your current employment
13 position is.

14 A I am the division director for early learning access and
15 quality at the Colorado Department of Early Childhood.

16 Q And what does that mean?

17 A In my capacity within this role, I oversee a division that
18 includes the Colorado Child Care Assistance Program, also known
19 as CCCAP, Colorado Shines, as well as many of our stimulus
20 grants. There's approximately 30 staff within my division that
21 range from policy analysts to administrators, compliance
22 specialists, grant administrators, various different roles. We
23 are focused on providing these types of programs and services to
24 families across Colorado.

25 Q And before you were employed in this position, where were

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Dated this 9th day of January, 2024.

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5.App.0975

UNIFIED EXHIBIT LIST IN CASE NO. 1:23-cv-2079-JLK

St. Mary Catholic Parish in Littleton; St. Bernadette Catholic Parish in Lakewood; Daniel Sheley; Lisa Sheley; and the Archdiocese of Denver

v.

Lisa Roy, in her official capacity as Executive Director of the Colorado Department of Early Childhood; and Dawn Odean, in her official capacity as Director of Colorado's Universal Preschool Program

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
1	Archdiocese of Denver Catholic Schools Administrator's Manual (excerpts) (PL_0000280-89)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance	
2	Archdiocese of Denver's Statements of Community Beliefs and Commitments (Catholic School Presidents, Principals, Assistant Principals; Catholic School Teachers and Formators; Catholic School Staff; Catholic School Parents and Guardians) (PL_0000291-98)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance; lacks personal knowledge; undisclosed statement of expert opinion or belief	
3	Mission and Charter of Catholic Schools in the Archdiocese of Denver (PL_0000300-01)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance; Lacks personal knowledge; undisclosed statement of expert opinion or belief	
4	Archdiocese of Denver's Code of Conduct (PL_0000303-37)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
5	Archdiocese of Denver's "Guidance for Issues Concerning the Human Person and Sexual Identity." (PL_0000339-56)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance; Lacks personal knowledge; undisclosed statement of expert opinion or belief	
6	Archdiocese of Denver's Parish School Full-Time Teacher and Formator Contract Terms and Conditions (PL_0000358-62)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance	
7	Archdiocese of Denver's "The Splendor of the Human Person: A Catholic Vision of the Person and Sexuality" (PL_0000364-91)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance; Lacks personal knowledge; undisclosed statement of expert opinion or belief	
8	Archdiocese of Denver's "School of the Lord's Service" (PL_0000393-419)	Stipulation to Authenticity Alone			Defendant object to hearsay, foundation and relevance; Lacks personal knowledge; undisclosed statement of expert opinion or belief	
9	Archdiocese of Denver Early Childhood Curriculum Guidelines (PL_0000421-458)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
10	Archdiocese of Denver's "Direction for Parishes and Schools on Universal (UPK) Pre-School Colorado" (PL_0000460-61)	Stipulation to Authenticity Alone			Defendants object to hearsay, foundation and relevance	
11	Coalition Letter to Governor Polis, dated February 17, 2023 (PL_0000463-64)	12/21				
12	Dr. Lisa Roy's Response to Coalition Letter, dated February 28, 2023 (PL_0000466-67)	12/21				
13	Program Service Agreement and Exhibits A & B (PL_0000480-518)	12/21				
14	Wellspring Catholic Academy Handbook (2022-2023) (PL_0000528-84)	12/21				
15	Wellspring Preschool Handbook Addendum (2023-2024) (PL_0003767-97)	12/21				
16	Wellspring Catholic Academy Handbook (2023-2024) (PL_0003894-949)	12/21				
17	St. Mary's Catholic Virtue School Handbook (2023-2024) (PL_0003802-70)	12/21				
18	St. Mary's Catholic Virtue School Preschool Handbook (2023-2024) (PL_0003871-93)	12/21				
19	Colorado Department of Early Childhood's webpage titled "Browse participating UPK Colorado providers"	12/22				

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
20	Colorado Department of Early Childhood's "Browse participating UPK Colorado providers" results webpages	12/22				
21	Proposed Universal Preschool Program Rules and Regulations	12/21				
22	Colorado Department of Early Childhood's webpage titled "Submit an application for UPK Colorado for the 2023-2024 school year"	12/22				
23	KDVR Article- Polis-Catholic schools that want universal pre-K must not discriminate	Stipulation to Authenticity Alone			Defendants object to hearsay, relevance	
24	UPK Colorado Provider Guide	12/22				
25	Colorado Department of Early Childhood's webpage entitled "Universal Preschool Colorado"	12/22				
26	Designations from November 8, 2023, Deposition of Dawn Odean				Defendants object to hearsay and cumulative	
27	Designations from November 8, 2023, Deposition of Lisa Roy				Defendants object to hearsay and cumulative	
28	Defendants' Answers to Plaintiffs' First Set of Interrogatories	12/21				
29	Defendants' Answers to Plaintiffs' Requests for Admission	12/21				

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
30	Colorado Department of Early Childhood UPK Exception Requests Data (excerpted from Excel original)	12/21				
31	Colorado Department of Early Childhood Individualized Exception Request Form	12/21				
32	Colorado Department of Early Childhood Approved Decline Process for Exceptions	12/22				
33	January 30, 2023 LCO Office Hours Transcript				Defendants object to foundation, object to parts of the transcript as hearsay as there are statements from non-CDEC employees.	
34	Colorado Department of Early Childhood UPK Exception Requests Response Data (excerpted from Excel original).	12/21				
35	2022-2023 Form of DPP Agreement	12/21				
36	2022-2023 Form of CCCAP Provider Agreement	12/21				
37	2020 St. Mary's CCCAP Provider Agreement	12/21				
38	Update on Guidance for Participation in UPK Slideshow (PL 0003712-22)				Defendants object to hearsay and foundation	
39	October 6, 2023, Odean Declaration				Defendants object hearsay and cumulative	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
40	Designations from November 28, 2023, Deposition of Avery Coats	12/21				
41	2015 St. Bernadette CCCAP Online Application (PL_0001695 to PL_0001705)	12/21				
42	2023 St. Mary Colorado Child Care Assistance Program "CCCAP" Fiscal Agreement	12/22				
43	St. Bernadette's Denver Preschool Program "DPP" Agreement	12/21				
44	CV of Dr. Abbie Goldberg	Stipulation to Authenticity Alone			Plaintiffs object to the relevance of Dr. Goldberg's testimony	
45	Expert Report of Dr. Abbie Goldberg	Stipulation to Authenticity Alone			Plaintiffs object to the relevance of Dr. Goldberg's testimony	
46	CV of Dr. Amy Tishelman	Stipulation to Authenticity Alone			Plaintiffs object to the relevance of Dr. Tishelman's testimony	
47	Expert Report of Dr. Amy Tishelman	Stipulation to Authenticity Alone			Plaintiffs object to the relevance of Dr. Tishelman's testimony	
48	CV of M. Michael Cooke	Stipulation to Authenticity Alone			Plaintiffs object to the qualification of Ms. Cooke, a fact witness, as an expert	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
49	CV of Dawn Odean	Stipulation to Authenticity Alone			Plaintiffs object to the qualification of Ms. Odean, a fact witness, as an expert	
50	CV of Jesse Burne	Stipulation to Authenticity Alone			Plaintiffs object to the qualification of Mr. Burne, a fact witness, as an expert	
51	CV of Elsa Holguín	Stipulation to Authenticity Alone			Plaintiffs object to the qualification of Ms. Holguín, a fact witness, as an expert	
52	Plaintiffs' Responses to Interrogatories from Defendants	12/21				
53	Cox, Diane D., <i>Evidence-Based Interventions using Home-School Collaboration</i> , School Psychology Quarterly 20.4, 473-97, (2005), ProQuest. Web. 8 Dec. 2023	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
54	Daly, S., MacNeela, P., & Sarma, K., <i>When parents separate and one parent 'comes out' as lesbian, gay, or bisexual: Sons and daughters engage with the tension that occurs when their family unit changes</i> , PLoS One, 10(12) (2015)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
55	Goldberg, A. E., & Smith, J.Z., <i>Predictors of school engagement among lesbian, gay, and heterosexual adoptive parents of kindergarteners</i> , Journal of School Psychology, 52, 463-478, (2014)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
56	Goldberg, A. E., <i>Lesbian, gay, and heterosexual adoptive parents' experiences in preschool environments</i> , Early Childhood Research Quarterly, 29, 669-681 (2014)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
57	Goldberg, A. E., & Smith, J. Z., <i>Preschool selection considerations and experiences of school mistreatment among lesbian, gay, and heterosexual adoptive parents</i> , Early Childhood Research Quarterly, 29, 64-75 (2014a)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
58	Jenkins, J. A., <i>Boundary ambiguity in gay stepfamilies: Perspectives of gay biological fathers and their same-sex partners</i> , Journal of Divorce and Remarriage, 54, 329–348 (2013)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
59	Joyce, A.N., <i>High-Conflict Divorce: A form of Child Neglect</i> , Family Court Review, 54:642-656. (2016)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
60	Masten, A.S. & Cicchetti, D., <i>Developmental cascades</i> , Development and Psychopathology, 22, 491-495 (2010)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
61	Shonkoff, J. P., Garner, A.S. et. al., <i>The lifelong effects of early childhood adversity and toxic stress</i> , Pediatrics, 129, 232-246 (2012)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
62	Sutherland, Kevin S.; Wu, Eleanor G.; Washington-Nortey, Melissa; McKnight, Kimberly W.; McLeod, Bryce D.; Conroy, Maureen A. et al., <i>Caregiver and Teacher Perspectives on Home-School Partnerships Within a Tier 2 Intervention</i> , Journal of Emotional and Behavioral Disorders 31.3, 219-232, (2023)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
63	Thoma Brain C., Rezeppa T.L., Choukas-Bradley S., et al., <i>Disparities in Childhood Abuse Between Transgender and Cisgender Adolescents</i> , Pediatrics 148(2): e2020016907 (2021)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
64	Thoma, Brian C., Rachel H. Salk, Sophia Choukas-Bradley, Tina R. Goldstein, Michele D. Levine, Michael P. Marshal, <i>Suicidality Disparities Between Transgender and Cisgender Adolescents</i> , Pediatrics, 144 (5): e20191183.10.1542/peds.2019-1183 (Nov. 2019)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
65	Tishelman, A., Nic Rider, G., <i>Assessment of Gender Diverse Children, Incorporating the Standard of Care 8th Edition</i> , Child Adolesc Psychiatric Clin N Am, https://doi.org/10.1016/j.chc.2023.05.008 (2023)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
66	Wilkinson L., & Pearson, J., <i>School culture and the well being of same-sex attracted youth</i> , Gender & Society, 23, 542-68 (2009)	Stipulation to Authenticity Alone			Plaintiffs object to relevance and cumulative	
67	Demonstrative Slide Show				Plaintiffs object to the introduction of a visual aid as evidence for inclusion in the trial record; lack of foundation; relevance. Plaintiffs do not object to the use of this Slide Show during Defendants' opening or closing if proper foundation is laid	
68	Deposition Designation of Mr. Elias Moo				The parties have agreed to file objections to deposition designations by 12/28/23 in accord with this Court's procedures	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
69	Deposition Designation of Ms. Tracy Seul				The parties have agreed to file objections to deposition designations by 12/28/23 in accord with this Court's procedures	
70	Deposition Designation of Ms. Lisa Sheley				The parties have agreed to file objections to deposition designations by 12/28/23 in accord with this Court's procedures	
	Any document marked as a deposition exhibit				Plaintiffs object to the extent such an exhibit would be untimely under Judge Kane's Pretrial Procedures (V.C.3)	
	Any exhibit necessary for impeachment or rebuttal				Plaintiffs object to the extent such an exhibit would be untimely under Judge Kane's Pretrial Procedures (V.C.3)	
	Any exhibit endorsed by any Defendant or Plaintiff				Plaintiffs object to the extent such an exhibit would be untimely under Judge Kane's Pretrial Procedures (V.C.3)	

EX NO.	DESCRIPTION	STIP.	DATE ADM.	DATE REJ.	OBJECTION	COURT USE ONLY
	Any exhibit containing relevant information that is not known at this time but becomes known prior to trial				Plaintiffs object to the extent such an exhibit would be untimely under Judge Kane's Pretrial Procedures (V.C.3)	
	Any demonstrative exhibit that may assist any witness or the Judge				Plaintiffs object to the extent such an exhibit would be untimely under Judge Kane's Pretrial Procedures (V.C.3)	

1000 SERIES—Organization and Administration**Policy # 1000****Canonical Overview**

Effective: August 2002

Revised: August 2007; August 2017; August 2018

EXHIBIT**1**

The policies, processes, and procedures in this administrator's manual are subject to and shall be administered and interpreted consistently with ecclesiastical principles, Catholic doctrine and the Code of Canon Law, especially Canons 796 through 806 and 827.2, all of which are incorporated into this manual by reference.

Specifically, the Archbishop has the right to watch over and inspect the Catholic schools within the territory of the Archdiocese, even those established or directed by members of religious institutes. He has also the right to issue directives concerning the general regulation of Catholic schools; these directives apply also to schools conducted by members of a religious institute, although they retain their autonomy in the internal management of their schools. Further, those who are in charge of Catholic schools are to ensure, under the supervision of the Archbishop, that the formation given in them is, in its academic standards, at least as outstanding as that in other schools in the area (canon 806).

Accordingly, the norms contained in the *Archdiocese of Denver Catholic Schools Administrator's Manual* published by the Office of Catholic Schools are subject to the general administration, interpretation, and authority of the Parish Pastor and Principal, and in regard to matters of religion, morals and general regulation, to the canonical authority of the Archbishop and his designee, the Superintendent.

The series of the *Archdiocese of Denver Catholic Schools Administrator's Manual* are as follows:

- A) Series 1000 – Organization and Administration
- B) Series 2000 – Students
- C) Series 3000 – Personnel
- D) Series 4000 – Instruction and Evaluation
- E) Series 5000 – Parish School Finance
- F) Series 6000 – Federal and State Regulations and Aid Programs

The *Pastoral Handbook* contains only a portion of the policies in Series 1000, 2000, 5000 and 6000 (referred to as Parts 1, 2, 3 and 4 in the *Pastoral Handbook*). Series 2000, 3000 and 4000 policies are contained solely in the *Archdiocese of Denver Catholic Schools Administrator's Manual*.

- A) Within the territory of the Archdiocese, there are two types of Catholic schools as well as specific guidelines for the establishment of Catholic schools as follows:
 - 1) Schools which are a part of and which operate under the authority of the Archbishop of Denver referred to as Archdiocesan Catholic Schools.

1000 SERIES—Organization and Administration**Canonical Overview—continued**

Effective: August 2002

Revised: August 2007; August 2017

- 2) Schools owned and operated by a person or organization other than the Archdiocese of Denver with the necessary ongoing approval of the Archbishop. These schools are hereinafter referred to as Archdiocesan related Catholic schools.
 - 3) The Archbishop has sole ecclesiastical authority to recognize and designate a school as "Catholic." All Catholic schools within the Archdiocese are canonically responsible to the Archbishop pursuant to canon 806.
 - 4) Schools seeking the title "Catholic" are required to submit a request in writing to the Superintendent of Catholic Schools, who evaluates the request and makes a recommendation to the Archbishop.
 - 5) Each school owned or operated by a canonically recognized religious institute and privately operated schools seeking a relationship with the Archdiocese are to demonstrate a written philosophy and Mission Statement in accord with the 1983 Code of Canon Law in its section on schools and the major documents published by the Congregation for Catholic Education.
 - The school is to adhere to all Archdiocesan policies contained in the *Archdiocese of Denver Catholic Schools Administrator's Manual*.
 - The school is to strive to ensure that all aspects of education are rooted in and faithful to Catholic teaching as set forth in *The Catechism of the Catholic Church*.
 - The school personnel are to cooperate in the periodic review of the school for compliance with these standards.
 - A written agreement is entered into in acknowledgment of meeting the requirements for related schools.
 - 6) On behalf of the Archbishop, the Superintendent of Catholic Schools will conduct periodic reviews of schools related with the Archdiocese or schools bearing the title "Catholic."
- B) Unless explicitly stated to the contrary, policies contained in the *Archdiocese of Denver Catholic Schools Administrator's Manual* refer only to Archdiocesan Catholic schools and not Archdiocesan related schools.

1000 SERIES—Organization and Administration**Policy # 1150****Roles and Responsibilities: Archbishop, Pastor, Office of Catholic Schools, Superintendent, Principal, Preschool Director, Assistant Principal and Teacher**

Effective: August 2002

Revised: August 2007; February 2017

The roles and responsibilities of the Superintendent, Office of Catholic Schools, pastor, principal and preschool director in the administration of the Catholic schools are interrelated and collaborative and are to reflect the intent of the local Ordinary in the duties of education and sanctification.

Archbishop

- A) The responsibility for the educational apostolate in the Archdiocese belongs to the Archbishop. All policies in this manual have been approved by the Archbishop.

Pastor

- A) The pastor, on behalf of the Ordinary, assumes responsibility for both the administrative and spiritual leadership of the parish Catholic school. The pastor is also responsible in the following areas:
 - 1) Works with the Superintendent as co-supervisors of the principal.
 - 2) Works with the principal as employer and co-supervisor of the teachers and school staff.
 - 3) Cooperates with the Office of Catholic Schools in the supervision of the school's academic and religious programs.
 - 4) Ensures that the religious teachings directed by the Archbishop are implemented in the parish school.
 - 5) Consults with the Superintendent before making any decisions regarding legal matters and contractual disputes.
 - 6) Maintains a close working relationship with the principal.
 - 7) Approves the budget and long-range plans.
 - 8) Provides for worship opportunities at the school.
 - 9) Is visible at school and present to students.
 - 10) Employs the principals in parish schools. For the incorporated high schools operated by the Archdiocese, principals are employed by the respective schools with oversight by the Board of Trustees and the Board of Members.
 - 11) Pastors are encouraged to familiarize themselves with *The Archdiocese of Denver Catholic Schools Administrator's Manual* in order to support the Superintendent of Catholic Schools and the principal in carrying out these mandatory policies.

1000 SERIES—Organization and Administration**Roles and Responsibilities—continued**

Effective: August 2002

Revised: August 2007; February 2017

Superintendent

- A) The Superintendent has been appointed by the Archbishop as his designee in all matters pertaining to Catholic schools. Therefore, s/he is responsible to the Archbishop for all activities of the apostolate of Catholic schools and directs this apostolate in its entirety. The Superintendent of Catholic Schools ensures the Catholicity of all Catholic preschools, elementary schools, and high schools in the Archdiocese.
- B) The Superintendent intervenes when called upon by the Archbishop, pastor or principal or when an emergent or significant cause has been brought to his/her attention.
- C) The Superintendent oversees the implementation of all school policies according to the *Archdiocese of Denver Catholic Schools Administrator's Manual*. Exemption from any of these policies must be obtained in writing from the Superintendent.
- D) The Superintendent assists each school in evaluation of program effectiveness.
- E) Supervises, along with the Pastor, the principals in Parish schools.
- F) Supervises, along with the Board of Members, the principals in the incorporated schools operated by the Archdiocese of Denver.
- G) Associate Superintendents may be delegated specialized responsibilities that they will fulfill on behalf of and in communication with the Superintendent.

Office of Catholic Schools

- A) The Office of Catholic Schools, under the direction of the Superintendent of Catholic Schools, is authorized to carry out the mandate of the Archbishop pursuant to Canon Law. This delegation of authority is further classified and defined by policies in the *Archdiocese of Denver Catholic Schools Administrator's Manual*. The Superintendent of Catholic Schools may delegate certain responsibilities.
- B) The Office of Catholic Schools also:
 - 1) Serves the educational needs of the people of the Archdiocese through Catholic schools by providing necessary programs at the Archdiocesan level, as well as leadership, support and consultative services to pastors, principals and to those who collaborate with them in the ministry of Catholic school education.
 - 2) Recommends to the Archbishop policies in regard to the qualification, hiring, supervision, and evaluation of Archdiocesan Catholic school principals, assistant principals, and teachers.
 - 3) Helps to ensure the quality of Catholic education and places particular emphasis on faith formation in each Catholic school in the Archdiocese by cultivating a love for Jesus Christ,

1000 SERIES—Organization and Administration**Roles and Responsibilities—continued**

Effective: August 2002

Revised: August 2007; February 2017

fidelity to His Church, commitment to the dignity of the human person, service to others, and evangelization.

- 4) Directs planning for new schools, sets the academic standards for the schools and sets technology standards for the schools.
- 5) Assists pastors and Catholic school educational leaders in managing educational and administrative trends. This includes:
 - Developing creative approaches to methodology;
 - Evaluating new and revised theological and catechetical texts;
 - Assisting with and developing, implementing, and monitoring the required curriculum;
 - And implementing Church directives important to the educational ministry.
- 6) Coordinates services, communication and cooperation among the various educational components.
- 7) Supervises the spiritual and professional formation of all Archdiocesan school educators.
- 8) Helps to ensure the financial stability of the school. In school financial matters requiring additional monitoring, reporting, and intervention, the Superintendent of Catholic Schools works with the Office of Parish Finance.
- 9) Organizes, directs, and implements staff development programs and promotes professional and faith educational programs and services among the faculty and staff of each Catholic school in the Archdiocese, while providing valuable resources to parents whose children are served by these schools.
- 10) Provides advice and consultation to schools in legal, financial, business operations, school safety, and evaluates the quality of Catholic education in accord with the guidance of the Archbishop.

Principal

- A) The principal is responsible for the ordinary operation of the school as specified in the principal contract and for following Archdiocesan policies and directives.
- B) The principal is also responsible for:
 - 1) Exercising leadership in all phases of the educational program.
 - 2) Maintaining communication with the pastor and the Office of Catholic Schools.
 - 3) Collaborating with appropriate parties in establishing the budget and in long-range planning for the school.
 - 4) Setting local school policies in consultation with the pastor.

1000 SERIES—Organization and Administration**Roles and Responsibilities—continued**

Effective: August 2002

Revised: August 2007; February 2017

- 5) Interviewing, hiring, supervising and terminating teachers in consultation with the pastor and in accordance with Archdiocesan policy.
- 6) Meeting expectation of the Office of Catholic Schools regarding implementation of the curriculum and co-curricular programs.
- 7) Working with the pastor to provide spiritual leadership in the school.
- 8) Establishing positive public relations within and outside the school community.
- 9) Fostering a positive working relationship with the other principals in the Archdiocese.
- 10) Attending Archdiocesan principals' meetings and annual retreat.

Preschool Director

- A) Under the supervision of the pastor and/or the principal, the preschool director is responsible for the general administration of the Catholic preschool.
- B) The preschool director is also responsible for:
 - 1) Providing leadership in the faith, academic, and administrative dimensions of the preschool program.
 - 2) Formulating, evaluating, and periodically revising the philosophy of the preschool program.
 - 3) Maintaining a continuous plan for the supervision and evaluation of the teachers and support staff.
 - 4) Developing an ongoing program to ensure the religious and professional development of the faculty.
 - 5) Making recommendations to the pastor/principal regarding the hiring and dismissing of teachers and support staff.
 - 6) Developing, evaluating, and revising the preschool curriculum according to Archdiocesan guidelines.
 - 7) Maintaining appropriate records as required by the Archdiocese and the State of Colorado.
 - 8) Ensuring the maintenance and safety of the school buildings according to local procedures.
 - 9) Administering the preschool program budget.
 - 10) Promoting good public relations within and beyond the parish.

Assistant Principal

- A) The assistant principal shall assist in the administration and supervision of the school under the direction of the principal and shall exercise the authority of the principal during the latter's absence from the school. A job description should be developed at each local school to outline specific job

1000 SERIES—Organization and Administration**Roles and Responsibilities—continued**

Effective: August 2002

Revised: August 2007; February 2017

responsibilities.

Teacher

- A) Catholic school teachers serve actively in the education and faith development of their students. Catholic school teachers are expected to abide by the standards of faith, morals and teachings of the Catholic Church. Catholic school teachers shall fulfill the duties outlined in the teacher job description and those stated in the contract.
- B) Under the supervision of the principal/director, the teacher:
 - 1) Strives to achieve the goals of Catholic education.
 - 2) Assumes responsibility for the leadership and management of the grades or classes assigned.
 - 3) Develops and implements a daily instructional program according to the needs of the students and established curriculum.
 - 4) Maintains accurate records of attendance, scholastic achievement, and other records as required by the school, Archdiocese, and state.
 - 5) Establishes positive public relations within and outside the school community.

3000 SERIES—Personnel**Policy # 3120****Licensure and Certification**

Effective: August 2002

Revised: November 2012; August 2017

Overview

Licensure and certification of principals, assistant principals and teachers is a key component of success with the Archdiocese of Denver Catholic Schools. Accreditation through nationally recognized accrediting agencies is critical for the continued improvement of the Catholic schools system.

Principals and Assistant Principals

- A) All principals and full-time assistant principals employed by the Archdiocesan schools shall hold a current and valid state license or certificate in administration and have a fingerprint background check.
- B) Exemptions to this policy may be made by the Superintendent. However, if an exemption is given, the principal has a period of three (3) years to earn a Colorado Initial Principal License.
- C) Principals hired to the position before 1989 and who have not had a break in service at the same school as principal, shall meet the requirements of this policy as stated at the time they were first hired to the position. Principals who are in this category must also meet the requirements for professional development, as set by the Office of Catholic Schools.
- D) All principals new to the Archdiocese of Denver, regardless of previous employment in Colorado public schools or another Catholic school system, shall participate in the Administrator Induction Program through the Office of Catholic Schools. This year-long program will meet the requirements to move the principal from an Initial license to a Professional license. This program will include mandatory monthly meetings and working with an assigned principal mentor.
- E) Part-time assistant principals employed by archdiocesan schools shall hold a current and valid state license or certificate in either administration or teaching.

Teachers

- A) Teachers employed by archdiocesan schools shall hold a current and valid state license or certificate and have a fingerprint background check.
- B) Secondary and elementary Catholic schools in the Archdiocese of Denver should impose additional qualifications or requirements as to areas of endorsement for teaching assignments.
- C) All teachers new to the Archdiocese of Denver, regardless of previous employment in Colorado public schools or another Catholic school system, shall participate in New Teacher Induction, a one-day program held before the start of the academic school year each August.

Process for Teachers to move from Initial to Professional Licensure

The Archdiocese of Denver has been empowered by the Colorado Department of Education (CDE), to provide teacher induction sufficient to graduate teacher certification from an Initial License to a Professional

3000 SERIES—Personnel**Licensure and Certification—continued**

Effective: August 2002

Revised: November 2012; August 2017

License. Teachers must be current employees of the Archdiocese of Denver Catholic Schools. If a teacher terminates employment, is not offered a contract, does not accept a contract for the upcoming academic school year, or has otherwise left the Catholic schools system of the Archdiocese of Denver, his/her application for movement from Initial to Professional Licensure will not be approved. A teacher wishing to move from Initial to Professional licensure must:

- A) Submit his/her credentials to the Associate Superintendent in the Office of Catholic Schools for review and approval prior to submitting an application to CDE;
- B) Demonstrate attendance at the August New Teacher Induction program;
- C) Ongoing mentoring from a trained building mentor;
- D) Successful completion of 225 hours of professional development, including supporting documentation;
- E) Submission of the Office of Catholic Schools Completion Survey form.

Teachers wishing to move from Initial to Professional Licensure must allow a minimum of ten (10) business days between submission of materials to the Office of Catholic Schools and approval of their submission paperwork by the Associate Superintendent.

Alternative Licensure Program for Teachers

The Archdiocese of Denver is a Designated Agency of the Colorado Department of Education for provision of an Alternative Licensure Program for teachers. Schools who hire teachers that do not meet the requirements for Teachers as outlined above may enroll that teacher in the Alternative Licensure Program, running from August through May. Teachers who do not meet the requirements for Teachers as outlined above must participate in the Alternative Licensure Program within the first two (2) years of employment in the Archdiocese of Denver Catholic Schools.

Religion Teachers

Teachers who hold a degree in Catholic theology (Master's preferred) and teach ONLY religion and/or theology cannot qualify for state licensure and therefore are exempt from the Colorado Department of Education requirements; background checks must be conducted by an approved vendor and the cost of the background screening will be paid by the parish/school.

- A) Theology and religion teachers exempt from the state requirements must comply with the requirements for Catechist Certification, as stated in this policy.
- B) Theology and religion teachers must attend New Teacher Induction.

3000 SERIES—Personnel**Licensure and Certification—continued**

Effective: August 2002

Revised: November 2012; August 2017

Mentoring

The Mentor Training Program provides research-based training to master teachers throughout the Archdiocese of Denver Catholic Schools. Schools are strongly encouraged to have a trained mentor on staff to guide new teachers in their first years of teaching. Working with a trained mentor is a requirement of the Teacher Induction program. The guidance and support from a mentor teacher is critical for the retention of new teachers and has proved to be an effective method of promoting strong classroom management and instructional practices. Teachers cannot move from an Initial to a Professional License without documented hours and meetings with their mentors.

- A) The Office of Catholic Schools conducts Mentor Training once a year in September with two (2) follow-up sessions held later in the year.
- B) Once a mentor is approved, his/her name is kept on file. If that teacher leaves a school, the school should train another mentor in his/her place.
- C) Mentoring is a requirement of the Colorado Department of Education.
- D) Principals should allow flexibility in the schedule of the mentor teacher to ensure that he/she is providing adequate support to the mentee.

Religious Certification Requirements for all Educators

Classes required for certification in the Archdiocese of Denver are provided by the Archdiocese of Denver Catechetical/Biblical School for the following reasons based on principles of catechesis cited in the National Directory for Catechesis: (a) Adult catechesis should be the organizing principle which gives coherence to various programs in the local Church; (b) Adult catechesis should be based on the circumstances of those to whom it is addressed—their situations as adults, their experiences and problems, their educational and spiritual maturity; (c) Adult catechesis should involve the community so that it may be a welcoming and supportive environment.

- A) Each principal, all assistant principals and teachers (whether Catholic or not) must meet the Provisional Certification requirements of the Archdiocesan Catechetical/Biblical School.
- B) Provisional certification through the Archdiocesan Catechetical/Biblical School must be accomplished within 18 months of their hire date.
- C) Only Catholics in good standing with the Church who meet the certification requirements of the Archdiocesan Catechetical School, or who are in the process of certification, or have a Catholic theological degree may teach religion classes.



Catholic School Community Beliefs and Commitments: Catholic School Presidents, Principals, Assistant Principals

We are excited to present you with the opportunity to be a member of our Catholic community and join us in our Catholic education mission for the 23-24 academic year. This statement and its acknowledgement on your Contract cover sheet shall confirm that you have accepted the role offered to you beginning July 1, 2023 and ending June 30, 2024. The terms, conditions, duties, and responsibilities for your role are all delineated in your Contract attached to this letter and the Contract cover sheet.

By joining our Catholic educational mission, you are committing to joining us in building up the Kingdom of God here on earth by contributing to the mission of our Catholic schools through partnering with parents in the education and formation of their children. As such, by agreeing to become an employee of a Catholic School in the Archdiocese of Denver, you are acknowledging your understanding that we are a Catholic community composed primarily of adherents to a religious faith. Further, you are acknowledging that the mission of the Catholic school is to bring the young men and women in our care to encounter Jesus Christ and the truths of our Catholic faith through their intellectual, spiritual, moral, and human formation.

Even employees who do not share our religious faith are important members of our community who have voluntarily committed themselves to service within it. Unfortunately, the assumptions of the secular culture from which all members of our community, Catholic and non-Catholic alike, come from, are increasingly at odds with the teachings of our faith. Thus, it is important for all members of our community to be aware of this disconnect and ultimately, be committed to our community's worldview and beliefs.

- ❖ We believe that the sanctity of life from the moment of conception to natural death, and the givenness of our sexuality, in all its aspects as male and female created in God's image and likeness, is the basis for human dignity and identity. It is an essential means by which we come to know God, to understand our identity as his sons and daughters, to understand how we are to love and honor one another, and to understand the vocation for which he has created us. It provides the foundation for the education and formation of the human person.
- ❖ We believe that Catholic teachings on sexual identity, marriage, family, and parenting are inseparable from the way we live and interact. These teachings allow us to fully comprehend how to love God with our whole mind, heart, and soul, and our neighbors as ourselves. We believe that sexual expression contributes to human flourishing in as much as it is integrated with a view toward its natural ends: faithful, covenantal love between a man and a woman, and a self-gift ordered to procreation.
- ❖ We believe that far from being within the domain of mere opinion, a true understanding, expression, and living out of human sexuality is a foundational part of who we are and how we see the world. Given that our faith is lived out and transmitted in all aspects of our lives, it is important that all members of our community, which includes Catholic school employees, share these beliefs especially when their work is in service of those who do not live by and share our beliefs.

In addition, to work in a Catholic school is a fundamentally different endeavor than working for a secular school institution. Catholic schools exist to be sanctuaries of education partnering with families so their children can come to encounter Jesus Christ, be transformed by a relationship with him, grow in wisdom and virtue, and discover their call for their lives as young men and women created in God's image and likeness. This understanding of our mission is vital if we are to truly live up to our missionary charge in a time where moral relativism has consumed our society and culture, and where to proclaim the truth is erroneously considered oppressive and bigoted. Knowing the truth leads to true human freedom and human flourishing because it leads to Jesus Christ, he who rescues us and gives us the fullness of abundant life.

Thus, this mission requires attention not merely to academic outcomes, but it requires that all students be given a formation rooted in our understanding of the dignity and vocation of the human person as male and female created for heaven. Among all the members of the school community, leaders as the lead teachers in their community, stand out as having a special responsibility for education. Through their leadership, as well as by bearing witness through their lives,

they allow the Catholic school to realize its formative project. In a Catholic school in fact, the service of the school leader is an ecclesiastical office.¹ Therefore, in our community, a leader must ensure:

- ❖ All aspects of the Catholic school program will be ordered to the highest aims of education: the cultivation of wisdom and virtue, and the formation of the supernatural man and woman who thinks, judges, and acts according to right reason illuminated by the fullness of the teachings and example of Jesus Christ and his Church (*Divini Illius Magistri*, #98).
- ❖ Catholic school faculty and staff take to heart the school's mission to guide and form young men and women in the fullness of truth as revealed by Jesus Christ and taught by the Church, not personal or worldly political preferences, ideologies, or agendas.
- ❖ Faculty and staff are faithful men and women who are "outstanding in correct doctrine and integrity of life,"² and who desire to grow in their love for Jesus Christ and his Church, joyfully giving witness to the truth of the Gospel.
- ❖ Non-Catholic, faculty, and staff understand the moral and ethical standards are for all employees and must respect our Catholic worldview, giving a joyful model of good character and maturity, and carrying out their duties in support of the school's Catholic mission. They "have the obligation to recognize and respect the Catholic character of the school from the moment of their employment."³
- ❖ Catholic schools will be fully pro-life institutions, not merely recognizing the sanctity of human life from conception to natural death, but unabashedly defending it and forming students in the knowledge of the truth of the sanctity of life that they might be freed from the culture of death that pervades our world today.
- ❖ Catholic schools will provide and protect:
 - A joyful respect and proclamation of the good of the Christian family as a domestic Church in which children can first encounter their identity as beloved children of the Father.
 - A curriculum that encourages children to talk to their parents and siblings about what they are learning and understanding, that is, an education that seeks to strengthen the relationships in the family.
 - An understanding of History as the drama of our salvation by Jesus Christ from sin and death.
 - Instruction in math and science that allows students to come to know the logic and order of the genius behind creation.
 - Literature that forms a sacramental imagination and moral imagination in young men and women through grappling with the big questions of life in pursuit of what is true, good, and virtuous.
 - Physical formation that trains students to be a gift of self to others.
 - An immersion in art and music that seeks to form students in recognizing and loving beauty.
 - Formation of the mind and heart which allows students to submit their identity, feelings, and desires to the Lordship of Jesus Christ.
 - An environment that holds respect for the dignity of the human person, ensuring that all interactions by all members of the community towards each other and towards others outside of the school are grounded in the proper Christian charity and respect.
 - An environment that addresses issues of race, gender, poverty, and inequality in a manner that is consistent with Church teaching and avoids the influence of secular, critical philosophies and theories that contradict Church teaching.

Therefore, at a minimum, all employees of the Catholic Schools in the Archdiocese of Denver and of Archdiocesan ecclesiastical entities must have a positive and supportive attitude toward the Catholic Church, her teachings, her work, and the mission of the Catholic school. They must refrain from public promotion or approval of any conduct or lifestyle that would discredit, disgrace, or bring scandal to the Parish, the School, and the Church in the Archdiocese of Denver, or be considered in contradiction with Catholic doctrine or morals.

Additionally, for this position, it is required that the employee be a fully sacramentally initiated Catholic who not only shares our beliefs but is living by the tenant of our faith in the communion of the Catholic Church, and intentionally living out the five precepts of the Church (CCC 2041-2043).

To work for the Church in our Catholic Schools is truly more than a professional calling. It is a ministry in service of our mission so that in Jesus Christ all might be rescued and have abundant life for the glory of the Father. Your particular work as a minister of this mission, observing those things noted in this statement, will be critical to our school's success. As St. Paul VI said, "Modern man listens more willingly to witnesses than to teachers, and if he does listen to teachers, it is because they are witnesses." (*Evangelii Nuntiandi*, #41). We look forward to joining you on mission this academic year.

¹ Dicastery for Catholic Education. *Instruction on the identity of the Catholic School for a Culture of Dialogue*. January 25, 2022. #45

² *Ibid* #47

³ *Ibid*



Catholic School Community Beliefs and Commitments: Catholic School Teachers and Formators

We are excited to present you with the opportunity to be a member of our Catholic community and join us in our Catholic education mission for the 23-24 academic year. This statement and its acknowledgement on your contract cover sheet shall confirm that you have accepted the role offered to you beginning and ending per the terms delineated in your Contract. The terms, conditions, duties, and responsibilities for your role are all delineated in your Contract attached to this letter and the Contract cover sheet.

By joining our Catholic educational mission, you are committing to joining us in building up the Kingdom of God here on earth by contributing to the mission of our Catholic schools through partnering with parents in the education and formation of their children. As such, by agreeing to become an employee of a Catholic School in the Archdiocese of Denver, you are acknowledging your understanding that we are a Catholic community composed primarily of adherents to a religious faith. Further, you are acknowledging that the mission of the Catholic school is to bring the young men and women in our care to encounter Jesus Christ and the truths of our Catholic faith through their intellectual, spiritual, moral, and human formation.

Even employees who do not share our religious faith are important members of our community who have voluntarily committed themselves to service within it. Unfortunately, the assumptions of the secular culture from which all members of our community, Catholic and non-Catholic alike, come from, are increasingly at odds with the teachings of our faith. Thus, it is important for all members of our community to be aware of this disconnect and ultimately, be committed to our community's worldview and beliefs.

- ❖ We believe that the sanctity of life from the moment of conception to natural death, and the givenness of our sexuality, in all its aspects as male and female created in God's image and likeness, is the basis for human dignity and identity. It is an essential means by which we come to know God, to understand our identity as his sons and daughters, to understand how we are to love and honor one another, and to understand the vocation for which he has created us. It provides the foundation for the education and formation of the human person.
- ❖ We believe that Catholic teachings on sexual identity, marriage, family, and parenting are inseparable from the way we live and interact. These teachings allow us to fully comprehend how to love God with our whole mind, heart, and soul, and our neighbors as ourselves. We believe that sexual expression contributes to human flourishing in as much as it is integrated with a view toward its natural ends: faithful, covenantal love between a man and a woman, and a self-gift ordered to procreation.
- ❖ We believe that from being within the domain of mere opinion, a true understanding, expression, and living out of human sexuality is a foundational part of who we are and how we see the world. Given that our faith is lived out and transmitted in all aspects of our lives, it is important that all members of our community, which includes Catholic school employees, share these beliefs especially when their work is in service of those who do not live by and share our beliefs.

In addition, to work in a Catholic school is a fundamentally different endeavor than working for a secular school institution. Catholic schools exist to be sanctuaries of education partnering with families so their children can come to encounter Jesus Christ, be transformed by a relationship with him, grow in wisdom and virtue, and discover their call for their lives as young men and women created in God's image and likeness. This understanding of our mission is vital if we are to truly live up to our missionary charge in a time where moral relativism has consumed our society and culture, and where to proclaim the truth is erroneously considered oppressive and bigoted. Knowing the truth leads to true human freedom and human flourishing because it leads to Jesus Christ, he who rescues us and gives us the fullness of abundant life.

Thus, this mission requires attention not merely to academic outcomes, but it requires that all students be given a formation rooted in our understanding of the dignity and vocation of the human person as male and female created for heaven. "Among all the members of the school community, teachers stand out as having a special responsibility for education. Through their teaching-pedagogical skills, as well as by bearing witness through their lives, they allow the

Catholic school to realize its formative project. In a Catholic school in fact, the service of the teacher is an ecclesiastical office.⁷¹ Therefore, in our community:

- ❖ All aspects of the Catholic school program must be ordered to the highest aims of education: the cultivation of wisdom and virtue, and the formation of the supernatural man and woman who thinks, judges, and acts according to right reason illuminated by the fullness of the teachings and example of Jesus Christ and his Church (*Divini Illius Magistri*, #98).
- ❖ Catholic School teachers must take to heart the school's mission to guide and form young men and women in the fullness of truth as revealed by Jesus Christ and taught by the Church, not personal or worldly political preferences, ideologies, or agendas.
- ❖ Catholic School teachers must be men and women who are "outstanding in correct doctrine and integrity of life,"⁷² and who desire to grow in their love for Jesus Christ and his Church, joyfully giving witness to the truth of the Gospel.
- ❖ Non-Catholic faculty must understand the moral and ethical standards are for all employees and must respect our Catholic worldview, giving a joyful model of good character and maturity, and carrying out their duties in support of the school's Catholic mission. They "have the obligation to recognize and respect the Catholic character of the school from the moment of their employment."⁷³
- ❖ Catholic schools must be fully pro-life institutions, not merely recognizing the sanctity of human life from conception to natural death, but unabashedly defending it and forming students in the knowledge of the truth of the sanctity of life that they might be freed from the culture of death that pervades our world today.
- ❖ Catholic schools must provide and protect:
 - A joyful respect and proclamation of the good of the Christian family as a domestic Church in which children can first encounter their identity as beloved children of the Father.
 - A curriculum that encourages children to talk to their parents and siblings about what they are learning and understanding, that is, an education that seeks to strengthen the relationships in the family.
 - An understanding of History as the drama of our salvation by Jesus Christ from sin and death.
 - Instruction in math and science that allows students to come to know the logic and order of the genius behind creation.
 - Literature that forms a sacramental imagination and moral imagination in young men and women through grappling with the big questions of life in pursuit of what is true, good, and virtuous.
 - Physical formation that trains students to be a gift of self to others.
 - An immersion in art and music that seeks to form students in recognizing and loving beauty.
 - Formation of the mind and heart which allows students to submit their identity, feelings, and desires to the Lordship of Jesus Christ.
 - An environment that holds respect for the dignity of the human person, ensuring that all interactions by all members of the community towards each other and towards others outside of the school are grounded in the proper Christian charity and respect.
 - An environment that addresses issues of race, gender, poverty, and inequality in a manner that is consistent with Church teaching and avoids the influence of secular, critical philosophies and theories that contradict Church teaching.

Therefore, at a minimum, all employees of the Catholic Schools in the Archdiocese of Denver and of Archdiocesan ecclesiastical entities must have a positive and supportive attitude toward the Catholic Church, her teachings, her work, and the mission of the Catholic school. They must refrain from public promotion or approval of any conduct or lifestyle that would discredit, disgrace, or bring scandal to the Parish, the School, and the Church in the Archdiocese of Denver, or be considered in contradiction with Catholic doctrine or morals.

To work for the Church in our Catholic Schools is truly more than a professional calling. It is a ministry in service of our mission so that in Jesus Christ all might be rescued and have abundant life for the glory of the Father. Your particular work as a minister of this mission, observing those things noted in this statement, will be critical to our school's success. As St. Paul VI said, "Modern man listens more willingly to witnesses than to teachers, and if he does listen to teachers, it is because they are witnesses." (*Evangelii Nuntiandi*, #41).

We look forward to joining you on mission this academic year.

⁷¹ Dicastery for Catholic Education. *Instruction on the Identity of the Catholic School for a Culture of Dialogue*. January 25, 2022. #45

⁷² *Ibid* #47

⁷³ *Ibid*



Catholic School Community Beliefs and Commitments Catholic School Staff

We are excited to present you with the opportunity to be a member of our Catholic community and join us in our Catholic education mission for the 23-24 academic year. This statement and its acknowledgement on your At-Will Agreement cover sheet shall confirm that you have accepted the role offered to you beginning and ending per the terms delineated in your At-Will Agreement. The terms, conditions, duties, and responsibilities for your role are all delineated in your At-Will Agreement attached to this letter and the At-Will Agreement cover sheet.

By joining our Catholic educational mission, you are committing to joining us in building up the Kingdom of God here on earth by contributing to the mission of our Catholic schools through partnering with parents in the education and formation of their children. As such, by agreeing to become an employee of a Catholic School in the Archdiocese of Denver, you are acknowledging your understanding that we are a Catholic community composed primarily of adherents to a religious faith. Further, you are acknowledging that the mission of the Catholic school is to bring the young men and women in our care to encounter Jesus Christ and the truths of our Catholic faith through their intellectual, spiritual, moral, and human formation.

Even employees who do not share our religious faith are important members of our community who have voluntarily committed themselves to service within it. Unfortunately, the assumptions of the secular culture from which all members of our community, Catholic and non-Catholic alike, come from, are increasingly at odds with the teachings of our faith. Thus, it is important for all members of our community to be aware of this disconnect and ultimately, be committed to our community's worldview and beliefs.

- ❖ We believe that the sanctity of life from the moment of conception to natural death, and the givenness of our sexuality, in all its aspects as male and female created in God's image and likeness, is the basis for human dignity and identity. It is an essential means by which we come to know God, to understand our identity as his sons and daughters, to understand how we are to love and honor one another, and to understand the vocation for which he has created us. It provides the foundation for the education and formation of the human person.
- ❖ We believe that Catholic teachings on sexual identity, marriage, family, and parenting are inseparable from the way we live and interact. These teachings allow us to fully comprehend how to love God with our whole mind, heart, and soul, and our neighbors as ourselves. We believe that sexual expression contributes to human flourishing in as much as it is integrated with a view toward its natural ends: faithful, covenantal love between a man and a woman, and a self-gift ordered to procreation.
- ❖ We believe that far from being within the domain of mere opinion, a true understanding, expression, and living out of human sexuality is a foundational part of who we are and how we see the world. Given that our faith is lived out and transmitted in all aspects of our lives, it is important that all members of our community, which includes Catholic school employees, share these beliefs especially when their work is in service of those who do not live by and share our beliefs.

In addition, to work in a Catholic school is a fundamentally different endeavor than working for a secular school institution. Catholic schools exist to be sanctuaries of education partnering with families so their children can come to encounter Jesus Christ, be transformed by a relationship with him, grow in wisdom and virtue, and discover their call for their lives as young men and women created in God's image and likeness. This understanding of our mission is vital if we are to truly live up to our missionary charge in a time where moral relativism has consumed our society and culture, and where to proclaim the truth is erroneously considered oppressive and bigoted. Knowing the truth leads to true human freedom and human flourishing because it leads to Jesus Christ, he who rescues us and gives us the fullness of abundant life.

Thus, this mission requires attention not merely to academic outcomes, but it requires that all students be given a formation rooted in our understanding of the dignity and vocation of the human person as male and female created for heaven. Therefore, in our community:

- ❖ All aspects of the Catholic school program must be ordered to the highest aims of education: the cultivation of wisdom and virtue, and the formation of the supernatural man and woman who thinks, judges, and acts according to right reason illuminated by the fullness of the teachings and example of Jesus Christ and his Church (*Divini Illius Magistri*, #98).
- ❖ Catholic School employees must take to heart the school's mission to guide and form young men and women in the fullness of truth as revealed by Jesus Christ and taught by the Church, not personal or worldly political preferences, ideologies, or agendas.
- ❖ Catholic School employees must be men and women who are "outstanding in correct doctrine and integrity of life,"¹ and who desire to grow in their love for Jesus Christ and his Church, joyfully giving witness to the truth of the Gospel.
- ❖ Non-Catholic employees must understand the moral and ethical standards are for all employees and must respect our Catholic worldview, giving a joyful model of good character and maturity, and carrying out their duties in support of the school's Catholic mission. They "have the obligation to recognize and respect the Catholic character of the school from the moment of their employment."²
- ❖ Catholic schools must be fully pro-life institutions, not merely recognizing the sanctity of human life from conception to natural death, but unabashedly defending it and forming students in the knowledge of the truth of the sanctity of life that they might be freed from the culture of death that pervades our world today.
- ❖ Catholic schools must provide and protect:
 - A joyful respect and proclamation of the good of the Christian family as a domestic Church in which children can first encounter their identity as beloved children of the Father.
 - A curriculum that encourages children to talk to their parents and siblings about what they are learning and understanding, that is, an education that seeks to strengthen the relationships in the family.
 - An understanding of History as the drama of our salvation by Jesus Christ from sin and death.
 - Instruction in math and science that allows students to come to know the logic and order of the genius behind creation.
 - Literature that forms a sacramental imagination and moral imagination in young men and women through grappling with the big questions of life in pursuit of what is true, good, and virtuous.
 - Physical formation that trains students to be a gift of self to others.
 - An immersion in art and music that seeks to form students in recognizing and loving beauty.
 - Formation of the mind and heart which allows students to submit their identity, feelings, and desires to the Lordship of Jesus Christ.
 - An environment that holds respect for the dignity of the human person, ensuring that all interactions by all members of the community towards each other and towards others outside of the school are grounded in the proper Christian charity and respect.
 - An environment that addresses issues of race, gender, poverty, and inequality in a manner that is consistent with Church teaching and avoids the influence of secular, critical philosophies and theories that contradict Church teaching.

Therefore, at a minimum, all employees of the Catholic Schools in the Archdiocese of Denver and of Archdiocesan ecclesiastical entities must have a positive and supportive attitude toward the Catholic Church, her teachings, her work, and the mission of the Catholic school. They must refrain from public promotion or approval of any conduct or lifestyle that would discredit, disgrace, or bring scandal to the Parish, the School, and the Church in the Archdiocese of Denver, or be considered in contradiction with Catholic doctrine or morals.

To work for the Church in our Catholic Schools is truly more than a professional calling. It is a ministry in service of our mission so that in Jesus Christ all might be rescued and have abundant life for the glory of the Father. Your particular work as a minister of this mission, observing those things noted in this statement, will be critical to our school's success. As St. Paul VI said, "Modern man listens more willingly to witnesses than to teachers, and if he does listen to teachers, it is because they are witnesses." (*Evangelii Nuntiandi*, #41).

We look forward to joining you on mission this academic year.

¹Dicastery for Catholic Education. *Instruction on the Identity of the Catholic School for a Culture of Dialogue*. January 25, 2022. #47

² Ibid



Catholic School Community Beliefs and Commitments: Catholic School Parents and Guardians

By enrolling your child in our school, you are joining our Catholic educational mission in our school and acknowledge that we are a Catholic community composed primarily of adherents to a religious faith. Further, you are acknowledging that the mission of the Catholic school is to bring your child to encounter Jesus Christ and the truths of our Catholic faith through their intellectual, spiritual, moral, and human formation.

The mission of a Catholic school is a fundamentally different endeavor than enrolling your children in a secular school institution. Catholic schools exist to be sanctuaries of education which serve your family, in order that our school might help you as you bring your children into an encounter with Jesus Christ. We desire to serve you as parents and support your desire for your children to be transformed by a relationship with Jesus Christ, grow in wisdom and virtue, and discover their call for their lives as young men and women created in God's image and likeness. This understanding of our mission is vital if we are to properly serve your family for the sake of your child's education and formation. Our schools do not function in our mission to help bring children to Jesus Christ if not for bringing them to Jesus Christ through your family.

We believe with the Church that you are the primary educators of your children, and the family is the first school of the faith. Your children have been given to you by God the creator. The mission of your family is to proclaim the Good News of the Gospel to your children. Part of this mission is to form a home in which your children can encounter Christ so that your children can grow in wisdom and virtue through everything they encounter in their homes with you. The mission of your family is also to joyfully proclaim the Good News to the world through your words and witness. The school is considered an extension of the home. The best way for families to support our mission in the school is to live a happy, holy family life that shows children the riches of relationship, the Church's culture, and models of relationship with Jesus Christ himself. Even families who do not share our religious faith are important members of our community and are called to lives of virtue and truth.

Unfortunately, the assumptions of the secular culture from which all members of our community, Catholic and non-Catholic alike, come from are increasingly at odds with the teachings of our faith. Thus, it is important for all members of our community to be aware of this disconnect and ultimately, understand and accept our community's worldview and convictions.

- ❖ For our community, the sanctity of life from the moment of conception to natural death, and the givenness of our sexuality, in all its aspects as male and female created in God's image and likeness, is the basis for human dignity and identity. It is an essential means by which we come to know God, to understand our identity as his sons and daughters, to understand how we are to love and honor one another, and to understand the vocation for which he has created us. It provides the foundation for the education and formation of the human person.
- ❖ Catholic teachings on sexual identity, marriage, family, and parenting are inseparable from the way we live and interact. These teachings allow us to fully comprehend how to love God with our whole mind, heart, and soul, and our neighbors as ourselves. We believe that sexual expression contributes to human flourishing in as much as it is integrated with a view toward its natural ends: faithful, covenantal love between a man and a woman, and a self-gift ordered to procreation. "Willed by God in the very act of creation, marriage and the family are interiorly ordained to fulfillment in Christ and have need of His graces in order to be healed from the wounds of sin and restored to their 'beginning,' that is, to full understanding and the full realization of God's plan." (*Familiaris Consortio*, 1981).
- ❖ As a community we believe that, far from being within the domain of mere opinion, a true understanding, expression, and living out of human sexuality is a foundational part of who we are and how we see the world. Given that our faith is lived out and transmitted in all aspects of our lives, it is important that all members of our community, respect these beliefs.

Our mission requires attention not merely to academic outcomes, but it requires that all students be given an education and formation rooted in our understanding of the dignity and vocation of the human person as male and female created for heaven. Therefore, in our community you can be assured that:

- ❖ All aspects of our Catholic school program will be ordered to the highest aims of education: the cultivation of wisdom and virtue, and the formation of the supernatural man and woman who thinks, judges, and acts according to right reason illuminated by the fullness of the teachings and example of Jesus Christ and his Church (*Divini Illius Magistri*, #98).
- ❖ Our Catholic School faculty and staff take to heart the school's mission to partner with and support you to guide and form your children in the fullness of truth as revealed by Jesus Christ and taught by the Church, not personal or worldly political preferences, ideologies, or agendas.
- ❖ Our Catholic School faculty and staff will be men and women who are outstanding in correct doctrine and integrity of life and who desire to grow in their love for Jesus Christ and his Church, joyfully giving witness to the truth of the Gospel.
- ❖ Our Catholic schools will be fully pro-life institutions, not merely recognizing the sanctity of human life from conception to natural death, but unabashedly defending it and forming students in the knowledge of the truth of the sanctity of life that they might be freed from the culture of death that pervades our world today.
- ❖ Our Catholic School will provide and protect:
 - A joyful respect and proclamation of the good of the Christian family as a domestic Church in which children can first encounter their identity as beloved children of God, the Father.
 - A curriculum that encourages children to talk to their parents and siblings about what they are learning and understanding and an education that seeks to strengthen the relationships in your family through the joyful shared pursuit of truth, beauty, and goodness.
 - An understanding of History as the drama of our salvation by Jesus Christ from sin and death, in the study of human lives.
 - Instruction in math and science that allows students to come to know the logic and order of the genius behind creation.
 - Literature that forms a sacramental imagination and moral imagination in young men and women through grappling with the big questions of life in pursuit of what is true, good, and virtuous.
 - Physical formation that trains students to be a gift of self to others.
 - An immersion in art and music that seeks to form your children in recognizing and loving beauty.
 - Formation of the mind and heart which allows students to submit their identity, feelings, and desires to the Lordship of Jesus Christ.
 - An environment that holds respect for the dignity of the human person, ensuring that all interactions by all members of the community towards each other and towards others outside of the school are grounded in the proper Christian charity and respect.
 - An environment that addresses issues of race, gender, poverty, and inequality in a manner that is consistent with Church teaching and avoids the influence of secular, critical philosophies and theories that contradict Church teaching.

For our school to properly support you as the primary educators of your children and partner with you in the formation and education of your children, all Catholic school families must understand and display a positive and supportive attitude toward the Catholic Church, her teachings, her work, and the mission of the Catholic school. As the Church notes, "Everyone has the obligation to recognize, respect, and bear witness to the Catholic identity of the school," (*The Identity of the Catholic School for a Culture of Dialogue*, 2022). While this does not mean members of our community are expected to be perfect and sinless, for the good of our community, families must refrain from public promotion or approval of any conduct or lifestyle that would discredit, disgrace, or bring scandal to the School, and the Church in the Archdiocese of Denver, or be considered a counter-witness to Catholic doctrine or morals.

Lastly, it is necessary for parents to cooperate closely with the leadership, faculty, and staff. By enrolling your child in our school, you are committing to maintaining a relationship rooted in the trust and confidence that our school and its personnel are operating for the good of your family and your child's learning and formation. Our school and personnel at some point may need to bring attention to academic, behavioral, or social concerns with your child. It is in these moments where there may be conflicts or disagreements that arise between the school and the family. In these moments, you can expect our school to engage with you to address complex issues with great respect and love for you and your child. In turn, families are asked to engage with trust that the school is seeking the best for its mission and your child and thus, expected to cooperate fully and respectfully with our school and its personnel to bring about the best resolution and outcome.

Thank you for partnering with us to support you in the mission of educating and forming your children. It is an honor to serve your family.



Mission and Charter of Catholic Schools in the Archdiocese of Denver

Why do our Catholic Schools exist? To be sanctuaries of education so that in Jesus Christ all might be rescued.

Catholic Schools in the Archdiocese of Denver exist to be "sanctuaries of education" supporting parents and empowering families to lead their children to encounter and be rescued by Jesus Christ and have abundant life, here on earth and in heaven, for the glory of the Father.

What do our Catholic Schools do? We provide a Catholic liberal education in partnership with families.

In partnership with families, Catholic schools in the Archdiocese of Denver provide an integral Catholic liberal education via a spiritual, intellectual, and human formation that forms all students as disciples of Jesus Christ, who know and love God, and are free to live out the mission and vocation for which they were created.

How will our Catholic Schools succeed?

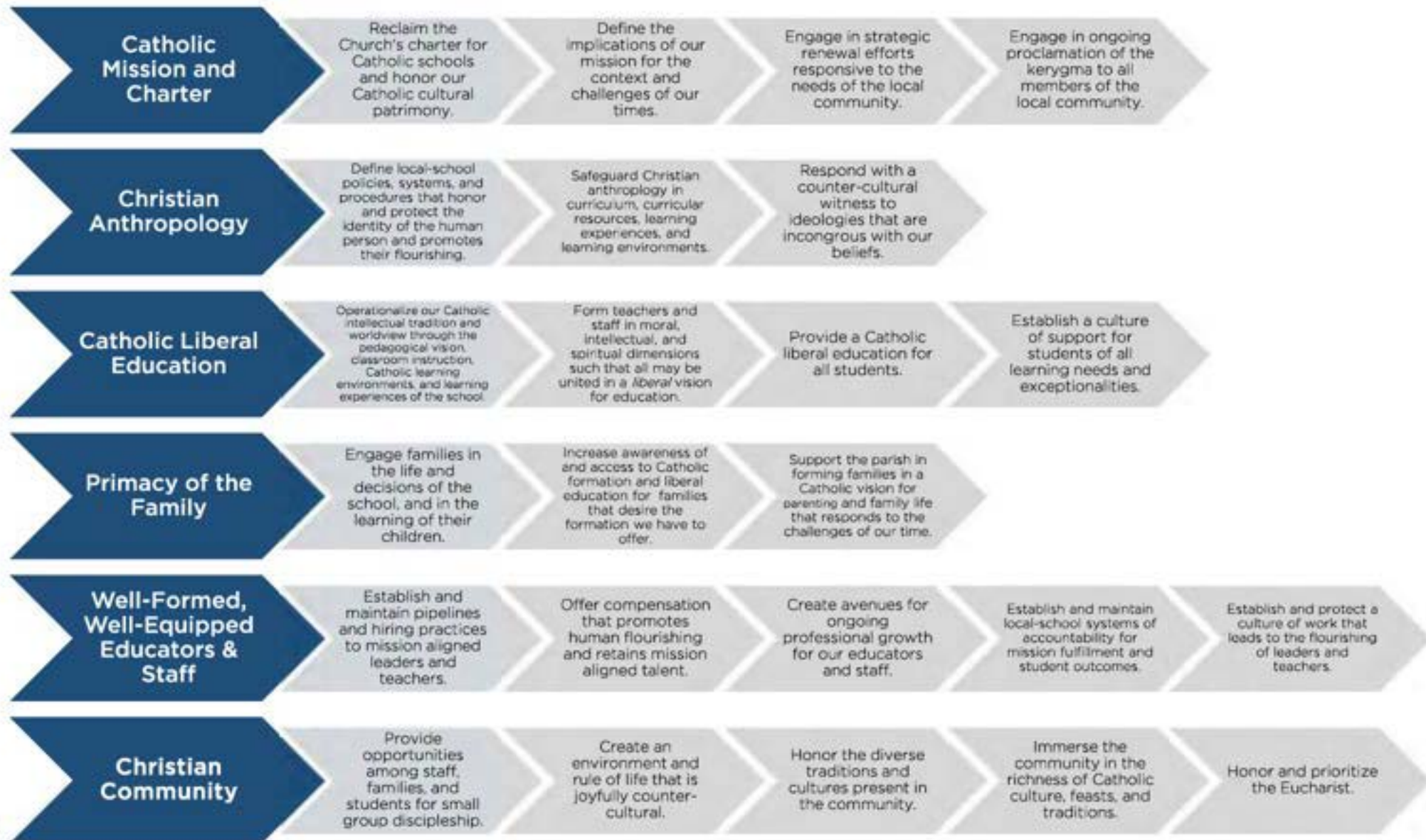
- **Proclamation:** We actively proclaim the kerygma and promote our Catholic beliefs, tradition, history, and worldview.
- **Timeless Liberal Education:** We employ timeless curricula, pedagogy, and human formation that inspire wonder and awe, and lead students to encounter and behold Jesus Christ, the *logos*.
- **Christian Anthropology:** We revere the nature and dignity of the human person as male and female, body-soul unities created for heaven in God's image and likeness.
- **Communion:** We maintain communion with our Archbishop and unity with the strategic direction discerned by him with his mission leadership team.
- **Primacy of First Educators:** We protect the primacy of parents as the first educators and the family as the first school of the child, actively pursuing harmony between the Church, school, and home.
- **Spiritual Fatherhood:** We elevate the role of the priest as spiritual father and honor his teaching authority in our schools.
- **Dedicated Leaders & Educators:** We hire, equip, and retain dedicated men and women as leaders and educators who are disciples of Jesus, who give a joyful counter-cultural witness, and who have a relentless commitment to our mission.
- **Christian Community:** We form Christian communities rooted in charity whose joyful daily common life and personal practices give life to a sacramental and counter-cultural vision of the world and inspire its members to abide in relationship with God, the Church, and each other.

Value proposition: To prepare students for what they must be and do on earth to attain the sublime end for which they were created.

In the Catholic schools in the Archdiocese of Denver, students receive a holistic and integrated education that forms them to be disciples of Jesus, who are capable of thinking and exploring life's greatest questions and challenges through the light of faith, truth, and sound-reason. Because our highest aim is to form our students to be wise and virtuous men and women with a unique vocation given by God, inevitably, our students will be exceptionally prepared to succeed in their academic and professional futures, and able to contribute to the good of society as well-formed men and women.



Critical Components of Our Educational 'Rescue Mission'



EXHIBIT

4

Exhibit IV
to the
Archdiocese of Denver Pastoral Handbook



CODE OF CONDUCT

Revised effective July 1, 2023
ver. 1.6

Archdiocese of Denver**Summary of Past Sexual Misconduct Policies / Codes of Conduct****1991 Archdiocese of Denver Sexual Misconduct Policy**

Comment: see also March 20, 2002 *Denver Catholic Register* Archbishop's Column, p.2

2002 Archdiocese of Denver Sexual Misconduct Policy**2003 Archdiocese of Denver Code of Conduct**

Comment: policy name changed to "Code of Conduct" with expansion of concepts

2011 Archdiocese of Denver Code of Conduct

Comment: revised Nov 2, 2010; eff. January 7, 2011

2015 ver 1.1 Archdiocese of Denver Code of Conduct

Comments: (i) after considerable revisions to the 2011 document, the 2015 document was reissued and numbered "ver 1.1"; (ii) due to the extent of the revisions, re-execution of the document by Church Workers was mandatory; (iii) this version was translated into Spanish

2017 ver 1.1 Archdiocese of Denver Code of Conduct

Comments: (i) maintained numbered ver 1.1 to minimize confusion due to the fact that the only edit was the addition of a newly erected Ecclesiastical Organization (*Frassati Catholic Academy* – visible when the AoD Pastoral Handbook was reposted online effective July 1, 2018; (ii) translated into Spanish

2018 ver 1.2 Archdiocese of Denver Code of Conduct

Comments: (i) renumbered ver 1.2 due to the addition of two new Ecclesiastical Organizations entities (*Annunciation Heights* and *Seeds of Hope of Northern Colorado, Inc.*), and due to the correction of minor typographical errors throughout; (ii) because edits were comparatively minor, this ver 1.2 was NOT reissued for re-execution by all Church Workers; (iii) translated into Spanish

2020 ver 1.3 Archdiocese of Denver Code of Conduct

Comments: (i) renumbered ver 1.3 due to: (a) the addition of new sections addressing Church finances, Disqualifying Offenses, and the Archdiocese's Sex Offender Policy; (b) edits in the sections addressing investigations and the newly named "Review Board" (formerly the "Conduct Response Team"); (c) the addition of the section on the Catholic Bishop Abuse Reporting Service; and (d) changes in select personnel titles and general clean-up edits; (ii) translated into Spanish

2021 ver 1.4 Archdiocese of Denver Code of Conduct

Comments: (i) renumbered ver 1.4 due to: (a) language changes for greater clarity that came out of the review process for the supplemental report on clergy sexual abuse of minors in November 2020;

2022 ver 1.5 Archdiocese of Denver Code of Conduct

Comments: (i) renumbered ver 1.5 due to: (a) In the case of a disqualifying offense, an appeal process was added; (b) Language specific to Risk Management was updated to reflect the Curia structure; (c) The Social Media policy was revised.

2023 ver 1.6 Archdiocese of Denver Code of Conduct

Comments: (i) renumbered ver 1.6 due to: (a) Disqualifying offenses C. 1. "individual" has been changed to "church worker;" "at-risk adult" has been added to areas where only minors were mentioned. (ii) the term "credible" has been changed to "plausible," per the direction of the Review Board.

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NOTE

APPENDIX E to this CODE OF CONDUCT is an *ACKNOWLEDGMENT OF RECEIPT & AGREEMENT*

All Church Workers are to acknowledge in writing that they have received and reviewed this Code of Conduct.

By executing the *Acknowledgment of Receipt & Agreement*, Church Workers are confirming that they understand and agree to act in conformity with the contents of this Code of Conduct.

After receiving and thoroughly reviewing this document, Church Workers are to promptly return their signed *Acknowledgment of Receipt & Agreement* form to their supervisor.

INTRODUCTION

*This is how all will know
that you are my disciples,
if you have love for one another
John 13:35*

Our behavior toward one another is at the essence of discipleship. It is in this light that this Code of Conduct (hereinafter referred to as either the “Code” or the “Code of Conduct”) is presented to the Faithful of the Archdiocese of Denver. The intent is to reinforce our Lord’s commandment to love one another through certain practical principles and guidelines.

As members of the Church founded by Christ¹, those who minister must always seek to uphold Christian values and conduct.² As good citizens and responsible members of society, we must endeavor to act properly at all times, obey all laws which seek the common good and employ morally licit means to attain the common good. As followers of Jesus, we are all called to live the Gospel and its mandates.³

This Code of Conduct does not presume to provide the answers to all ethical questions facing us; rather, it establishes a set of general principles, ethical standards and mandatory protocols for life and ministry that we must abide by, and thereby helps to delineate boundaries by which ethical questions can be evaluated. It is also intended that this Code will stimulate discussion within the Church community in order to broaden consensus on standards of practice and to further refine them. As well, it requires accountability from Church Workers who fail to abide by its terms.

Responsibility for adherence to this Code rests with each of us. If there is a failure to adhere to its contents, appropriate remedial action will be taken, including, but not limited to, termination.

Our public and private conduct has the potential to inspire and motivate people, as well as the potential to scandalize and tear down their faith. We must be aware of the responsibilities that accompany our work. God’s goodness and grace supports us in our work and ministries.

¹ Codex Iuris Canonici [1983] (“CIC”), cc. 208; 209.

² CIC, c. 210.

³ CIC, cc. 223; 227.

ENTITIES AND INDIVIDUALS SUBJECT TO THIS CODE OF CONDUCT

This **CODE OF CONDUCT** applies to all **Church Workers** (defined below) of the following entities:

- the **Archdiocese of Denver**, that public juridic person⁴ established by the Holy See, and a Colorado corporation sole;
- the **Catholic Parishes** and their **missions** located within the territory of the Archdiocese of Denver, which are public juridic persons⁵ erected by the Archdiocese, and some of which have been incorporated as Colorado corporations sole (note: parish schools are not separate entities but are ministries of their respective parish); and
- the following related **"Ecclesiastical Organizations"**:

<ul style="list-style-type: none"> ○ Annunciation Heights ○ The Archdiocese of Denver Management Corporation ○ Archdiocese of Denver Mortuary at Mount Olivet, Inc. ○ Bishop Machebeuf High School ○ Blessed Miguel Pro Catholic Academy ○ Camp St. Malo Religious Retreat & Conference Center, Inc. ○ Catholic Charities of the Archdiocese of Denver ○ Family of Nazareth 	<ul style="list-style-type: none"> ○ Frassati Catholic Academy ○ Holy Family High School ○ The Mount Olivet Cemetery Association ○ Redemptoris Mater House of Formation ○ Saint John Vianney Theological Seminary ○ Seeds of Hope of Northern Colorado, Inc. ○ St. Simeon Cemetery Association
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NOTE

The above three categories of entities (the Archdiocese, the Catholic Parishes and their missions, and the Ecclesiastical Organizations) are referred to collectively in this Code of Conduct as the **"Archdiocesan Ecclesiastical Organizations"**.

"Church Workers" are defined as consisting of the following individuals:

- all secular priests, religious priests, deacons, deacons in formation, retired priests and retired deacons who are performing ministry within the territory of the Archdiocese of Denver who have been granted faculties by the Archbishop;
- all Archdiocese of Denver seminarians;
- all paid employees of the Archdiocesan Ecclesiastical Organizations;
- all volunteers of the Archdiocesan Ecclesiastical Organizations whose duties include contact with Minors (note: for Archdiocese of Denver Catholic Schools, the Office of Catholic Schools may determine when a volunteer's duties include contact with Minors);⁶
- all consecrated lay individuals performing ministry within the Archdiocese with the permission of the Archbishop;
- all others who have read and have agreed to be bound by this Code.

⁴ OC, cc. 113; 116.

⁵ OC, c. 515.

⁶ The words "Child(ren)" and "Minors" have the same meaning. Please see the definition of "Child(ren)" and "Minors" in Part II: Section II of this Code.

PART I**STANDARDS OF MINISTERIAL BEHAVIOR AND BOUNDARIES**

Relationships among people are the foundation of Christian ministry and are central to Church life. Defining what constitutes a safe relationship is not meant to undermine the strength and importance of personal interaction or the ministerial role. Rather it is designed to assist all who fulfill the many roles that make up the living Church to demonstrate their love for people (children and adults alike) sincerely, prudently, and by means that result in healthy relationships.

The following delineates the required conduct of every individual who falls within the definition of "Church Worker" (see the previous page for the definition of "Church Worker"). All Church Workers are to carefully consider each General Principle and each Ethical Standard listed below before agreeing to adhere to this Code and continuing in service to the Archdiocesan Ecclesiastical Organizations.

- I. **GENERAL PRINCIPLES.** Five key principles form the basis of this Code. Specifically, Church Workers are to embrace the principles of Ecclesial Commitment, Integrity, Respect for Others, Personal Well-Being and Professional Competence.
 - A. **Ecclesial Commitment.** Church Workers shall embrace the teachings of Jesus and work to promote the Gospel.⁷ Church Workers shall exhibit a deep commitment to the Church, and conduct themselves in a manner that is consistent with the Church's discipline and teachings.⁸ Loyalty to the traditions of the past, attentiveness to the realities of the present, and readiness/preparedness for challenges of the future should be evident. Church Workers are responsible for providing for and nurturing the life of their respective parish community, especially its sacramental life. Church Workers shall evidence a commitment to their community at large and a special care and concern for the needs of society's poor and oppressed. Church Workers shall address community social concerns by active reflection on Catholic teachings, and shall share the spirit of ecumenism in their interactions with other community religious groups.⁹
 - B. **Integrity.** The Catholic Church sets high moral standards for its Church Workers, who each have a responsibility to lead by example. Church Workers are expected to be persons of integrity who conduct themselves in an honest and open manner, free from deception or corruption. Church Workers shall handle the responsibilities of their office in a conscientious fashion. Church Workers shall witness in all relationships the chastity appropriate to their state of life, whether celibate, married, or single.
 - C. **Respect for Others.** Church Workers shall respect the rights, dignity and worth of every human being. Church Workers shall respect each person as a creation of God without regard to his/her economic status or degree of participation in parish life. Church Workers shall refrain from physically, spiritually, sexually, emotionally intimidating and/or otherwise abusing persons of any age in any manner. Church Workers shall strive to be aware of cultural differences and appreciate the opportunities that ethnic diversity brings. Church Workers shall be aware that issues of age, gender, race, religion, physical, mental and developmental disabilities, and language influence how the message of the Gospel is received and interpreted.

⁷ OC, c. 217.

⁸ OC, c. 225 § 2.

⁹ OC, c. 227; c. 229 § 1.

- D. **Personal Well-being.** Church Workers have a duty to be attuned to their own physical, mental, and emotional health. They should be aware of warning signs in their behavior and moods that can indicate conditions that may be detrimental to their health or impair their ability to fulfill their responsibilities. Inappropriate use of alcohol or misuse of prescription drugs or other intoxicants are examples. Church Workers shall immediately seek help when they identify warning signs in their professional or personal lives. Church Workers shall be supportive of one another in terms of both affirmation and holding one another accountable.
1. **Spiritual Well-being.** Church Workers have a duty to stay attuned to their own spiritual health. They shall maintain and nurture an ongoing prayer life. If appropriate, regular meetings with a spiritual director are encouraged, as are retreats and days of reflection.
 2. **Intellectual Well-being.**¹⁰ Church Workers have a responsibility to attend to their ongoing intellectual development. To the extent possible, they shall participate annually in seminars and workshops in areas that are relevant to their current ministry. Church Workers shall stay informed of current issues through reading of both religious and secular sources. Archdiocesan instruments and procedures should be used where these exist. Church Workers shall make use of the time and funding provided for ongoing formation.
 3. **Pastoral Well-being.** Church Workers are responsible for providing for and nurturing the life of the Church community. They shall know and respect the people whom they serve. As appropriate to their ministry, they shall celebrate the sacraments with decorum and fidelity to the official rites of the Catholic Church.
 4. **Clergy Well-being.** Priests and deacons are encouraged to use charitable fraternal correction to help fellow priests and deacons overcome personal problems hindering their ministry.
- E. **Professional Competence.** Church Workers shall maintain high levels of professional competence in their particular ministry. Training, education, and experience all contribute to professional competence and credibility within their areas of expertise. Church Workers shall not attempt to provide services in those areas in which they lack competence, as competence also means recognizing one's limitations.

II. ETHICAL STANDARDS IN PROFESSIONAL RELATIONSHIPS AND IN JOB DUTIES.

- A. **Church Administration.** Church Workers shall exercise just treatment of others in the day-to-day administrative operations of their ministries.
1. Church Workers shall seek to relate to all people with respect and reverence. Meetings are to be conducted with patience and courtesy toward the views of others, in an environment where it is safe for others to offer constructive criticism.
 2. Church Workers shall seek to support others, encouraging each person in living the life to which God calls him or her.
 3. Church Workers shall exercise responsible stewardship of all Church resources, in accordance with Church law, inclusive of the particular law of the Archdiocese of Denver to the extent applicable (see, e.g., the Archdiocese of Denver Pastoral Handbook).
 4. Church Workers shall ensure that systems are in place to protect both the Church and individuals from financial mismanagement. Financial operations are to be conducted according to Archdiocese of Denver policies to the extent applicable (see, e.g., the Archdiocese of Denver Pastoral Handbook).

¹⁰ CIC, 229 § 1.

5. Administrative decisions made by Church Workers shall not only meet civil and canon law obligations, but shall also reflect Catholic teachings to the extent applicable.
6. Church Workers whose duties include working with Church finances, on any level, shall at all times adhere to the following conduct:
 - (a) To the extent possible, provide those to whom Church Workers report, or must be responsive to, with information that is accurate, complete, objective, fair, relevant, timely and reasonably understandable, whether submissions of financial data are to local or diocesan finance committees, or governments or other public bodies.
 - (b) Comply with all applicable federal, state, and local rules and regulations, and other relevant private bodies and public regulatory agencies.
 - (c) Act in good faith, responsibly, with due care, competence and diligence, and without intentionally misrepresenting facts or allowing the Church Worker's independent judgment to be subordinated if the Church Worker reasonably concludes that a difference of opinion creates a significant threat to the Church Worker's integrity and objectivity.
 - (d) Maintain the confidentiality of information acquired in the course of a Church Worker's work except when disclosure is properly authorized or otherwise represents a legal obligation.
 - (e) Not use confidential information acquired in the course of the Church Worker's work for personal advantage.
 - (f) Not coerce, manipulate, mislead or unduly influence any audit/ investigation or interfere with any auditor/ investigator engaged in the performance of an internal or independent audit/ investigation of Church systems, whether they be of internal controls, financial statements or accounting books and records.
 - (g) Achieve responsible use, control, and stewardship over all Church assets and resources that are employed or entrusted to the Church Worker.

B. Conduct with Minors/Children.¹¹

1. Church Workers working with Minors shall use appropriate judgment to ensure trusting relationships marked by personal and professional integrity, and interaction is age appropriate.
 - (a) Church Workers shall be aware of their own vulnerability and that of any individual Minor with whom they may be working. In every instance possible, a team approach to youth ministry activities shall be considered. Church Workers shall avoid establishing an exclusive relationship with a Minor and exercise due caution when they become aware of a Minor desiring a relationship. Both the participants and members of the Church community can misunderstand such relationships.
 - (b) Physical contact with Minors can be misconstrued by both Minors and other adults, and should occur only under appropriate public circumstances. Touching must be age-appropriate and based on the need of the young person, not the need of the adult. Hugging can be an expression of love and respect; however, hugging should always be done in the presence of others and never while alone in a room behind closed doors. Physical contact shall at all times be public, appropriate and non-sexual.
 - (c) Clerics¹² bound to celibacy¹³ are prohibited from adopting Children, from serving as foster parents, from hosting foreign exchange students and, generally, from providing overnight

¹¹ The words "Child(ren)" and "Minors" have the same meaning. Please see the definition of "Children" and "Minors" in Part II: Section II.

¹² On the canonical juridical status of clerics and special obligations and rights, CIC, cc. 273-289.

¹³ CIC, c. 277.

accommodations for Minors in rectories or other personal residences. The only exception to providing overnight accommodations to a Minor is when the Minor is a family member (nephew, cousin, etc.) accompanied by a parent or guardian. Further, a Minor who is not a family member of the priest resident is not permitted as a guest in a parish rectory unless a parent or guardian is present (see Pastoral Handbook, Ch. 2.2.8).

- (d) Church Workers shall not supply alcohol, illegal drugs or other intoxicants to Minors.
- (e) Church Workers shall not provide any sexually explicit, inappropriate, or offensive material to Minors. Topics, vocabulary, recordings, films, games, computer software, or any other forms of personal interaction or entertainment that could not be used comfortably in the presence of parents must not be used with Minors.
- (f) Church Workers shall know and understand Archdiocese of Denver policies and procedures concerning allegations of Sexual Misconduct involving Minors (see Part II of this Code entitled "Policy Regarding Sexual Misconduct and Child Abuse").
- (g) Church Workers will be held to a policy of zero tolerance in regard to substantiated sexual abuse of Minors (see Part II of this Code entitled "Policy Regarding Sexual Misconduct and Child Abuse").
- (h) Engaging in physical discipline of a Minor is unacceptable. Discipline situations are to be handled according to the applicable policies of the Archdiocesan Ecclesiastical Organization (see, e.g., Office of Catholic Schools Administrator Manual).
- (i) Church Workers shall not be alone with Minors in areas inappropriate to a ministry relationship.
- (j) Church Workers are prohibited from taking overnight trips alone with a Minor who is not a member of their immediate family.
- (k) Church Workers shall never share beds with anyone except their spouse or their own Children. If attending a Church event that requires a stay in a hotel, the adult shall never sleep in a room alone with a single Child unless that Child is their own. If it is determined that adult supervision is needed for a number of Minors staying overnight in a room, Church Workers shall do their best to notify parents/guardians of this need prior to the event, and where possible, more than one adult is to stay in the room with the Minors (see also the Office of Catholic Schools Administrator Manual for more explicit requirements on this topic with regard to Catholic school related events; also see the chaperoning requirements, below, in section II.B.2.).
- (l) Before a Church Worker administers medication to a Minor, a signed authorization must be obtained from the parent or guardian (proper certification required as well, consistent with state law and associated regulation). If administration is occurring in a Catholic school, administration of medication must be done consistent with the provisions of the Office of Catholic Schools Administrator Manual.
- (m) If inappropriate personal or physical attraction develops between a Church Worker and a Minor, the adult is responsible for maintaining clear professional boundaries.
- (n) If one-on-one pastoral care of a Minor should be necessary, Church Workers shall avoid meeting in isolated environments. Meetings should be scheduled at times and locations that provide for clear accountability. Limit both the length and number of sessions, and make appropriate referrals. Notify parent(s)/guardian(s) of the meetings.

- (o) Adults shall never observe a Minor's intimate parts where there is an expectation of privacy on the part of the Minor. Taking photos of Minors while they are unclothed or in the process of dressing is strictly prohibited (see Part II of this Code of Conduct entitled "Policy Regarding Sexual Misconduct and Child Abuse/Neglect").
 - (p) Unless it is either (i) part of approved school curriculum, or (ii) a minor portion of a lengthy presentation/discussion on all manner of topics (the presenter is to use reasoned discretion in assessing what constitutes "minor portion"), Church Workers are to send a communication to parents/guardians prior to any scheduled session addressing human sexuality. Parents/guardians shall then have the option to withdraw their Child from the scheduled activity. This requirement does not apply to school curriculum in Catholic schools that has been mandated by the Archbishop of Denver or is otherwise required by the Office of Catholic Schools (e.g., Theology of the Body).
 - (q) In the event that unscheduled or otherwise impromptu discussions occur with Minors that address human sexuality, or that address any other controversial issue, Church Workers shall use reasoned discretion with regard to the extent to which such discussion should continue. To the extent they are relevant, Church Workers have the obligation of teaching and advocating Church doctrine, which is contained in the *Catechism of the Catholic Church* or in other authentic teaching documents of the Catholic Church.
 - (r) Dress shall always be in keeping with modesty and Christian values.
2. Church Workers serving as chaperones and supervisors of Minors at Church group activities (trips/events, etc.) shall act to promote a safe environment for themselves and for Minors.
- (a) During all activities, the number of chaperones shall be sufficient for the type of activity that is taking place (please refer to the Risk Management and Insurance Manual and/or Office of Catholic Schools Administrator Manual (as applicable) for the appropriate adult to Minor ratio and related guidance; note: ratios are to be determined by gender in the event of overnight activities).
 - (b) Facilities shall be monitored during all organization activities.
 - (c) Children may be released only to a parent, guardian, or other person who has been authorized to take custody of them. A chaperone/supervisor must remain on-site to ensure that all Children have appropriate transportation.
 - (d) Parental/guardian approval shall be obtained, including a signed authorization form, before permitting Children to participate in trips, athletic events or any other activity that involves potential risk.
 - (e) Dress shall always be in keeping with modesty and Christian values.
 - (f) An accountability system, similar to a "buddy system," shall be used whenever Minors go on trips away from the original location of the activity. However, chaperone/supervisors shall also be sensitive to boundaries involved with personal sharing times and privacy needs.
 - (g) Only qualified adult drivers may transport Minors. Appropriate permission shall be received, and all applicable insurance forms and motor vehicle record checks shall be

completed and approved pursuant to the Archdiocese of Denver's protocols and procedures found in Risk Management and Insurance Manual.

- (h) Consumption of alcohol during Church group activities where Minors are present is not encouraged, and in certain instances may be prohibited (please review the Office of Catholic Schools Administrators Manual). If Church Workers determine alcohol may be served during Church group activities where Minors are present, Church Workers shall strictly adhere to the policies and protocols of the Archdiocese of Denver's Risk Management and Insurance Manual regarding Liquor Liability Rules and Regulations. Church Workers are expected to act responsibly and well within the limits of the law with regard to alcohol consumption during Church sponsored/related events.
- (i) The possession or use of illegal drugs is strictly prohibited, as is the misuse of intoxicants.
- (j) If anyone is uncomfortable with the actions or the intentions of another during a Church trip/event, it should be reported to the chaperone/supervisor immediately.
- (k) While on trips, groups of Minors will be assigned a specific chaperone who will be responsible for supervising their behavior throughout the event.
- (l) Chaperones/supervisors shall make arrangements each day to check in with those entrusted to their care.
- (m) On any trip, information will be distributed to chaperones/supervisors for review with all participants to help familiarize them with the program schedule and layout of the facilities where event activities will take place. This is also a good time to be sure that Minors understand important safety information.
- (n) A specific location must be designated where Minors will be able to locate their chaperone/supervisor or where the group will meet at an agreed upon time.
- (o) During overnight activities, chaperones/supervisors shall establish and enforce an appropriate curfew.
- (p) Chaperones/supervisors shall check rooms after curfew to ensure Minors are in their rooms and remain there.
- (q) Depending on the size of the space, sleeping arrangements should generally never include members of the opposite sex being in the same room, unless they are immediate family members, or unless the space being utilized is of such a size that segregated quarters are unreasonable/unnecessary (e.g., multiple cots set up in a school gymnasium or similar facility; chaperones/supervisors must be present in the space at all times if group sleeping arrangements are organized).
- (r) Adults shall not go anywhere during the event where youth may not accompany them (e.g. cocktail lounges, bars, etc.)

C. Sexual Conduct. Church Workers shall not exploit the trust of others for sexual gain or intimacy.

1. Church Workers shall never exploit a person for sexual purposes.
2. It is the personal and professional obligation of Church Workers to be knowledgeable about what constitutes sexual exploitation of another and to be familiar with the laws of the State of Colorado and its sexual assault laws and the contents of this Code of Conduct and its Part II entitled "Policy

Regarding Sexual Misconduct and Child Abuse/Neglect" addressing sexual exploitation, sexual abuse, and sexual assault.

3. Church Workers should be knowledgeable of the State of Colorado Child Abuse/Neglect laws (see Appendix B to this Code) and know the proper reporting requirements. Church Workers shall comply with all internal and external reporting requirements of Sexual Misconduct and Child Abuse/Neglect (see this Code, Part II: Policy Regarding Sexual Misconduct and Child Abuse/Neglect).
4. Church Workers who have made a commitment to celibacy are called to witness this in all relationships. Likewise, those who have made a marital commitment are called to witness this fidelity in all their relationships.
5. Any allegations of Sexual Misconduct or Child Abuse/Neglect will be taken seriously and shall be reported according to this Code of Conduct and its Part II entitled "Policy Regarding Sexual Misconduct and Child Abuse/Neglect."

D. Abuse and Exploitation of Minors and At-Risk Adults.

1. Reporting of Sexual Misconduct and Child Abuse/Neglect. In the State of Colorado, certain categories of people are required, as a matter of state law, to report **Sexual Misconduct** and **Child Abuse/Neglect** to civil law authorities (including "Clergy Members" unless a Priest has information secured through the Sacrament of Confession).

Regardless of whether a Church Worker is a mandatory reporter of Sexual Misconduct and Child Abuse/Neglect under Colorado law, all Church Workers shall report incidents or suspected incidents of Sexual Misconduct and Child Abuse/Neglect as set forth herein. Please carefully review Part II and Appendix B of this Code for a thorough review of Sexual Misconduct and Child Abuse/Neglect reporting requirements.

2. Reporting of Abuse and Exploitation of At-Risk Adults.

- (a) In the State of Colorado, certain categories of people are required, as a matter of state law, to report actual abuse or suspected abuse of "**at-risk elders**" to civil law authorities (including "Clergy Members", unless a Priest has information secured through the Sacrament of Confession). Currently, "at-risk elders" are a subset of "at-risk adults", and specifically defined as adults that "are 70 years of age or older".

Regardless of whether a Church Worker is a mandatory reporter under Colorado law of abuse of "at-risk elders", please note that all Church Workers are expected to report actual incidents or suspected incidents of abuse of "at-risk elders" to civil law authorities pursuant to this Code of Conduct. For guidance regarding mandatory civil law reporting requirements, please review Appendix C of this Code entitled "Colorado Elder Abuse and At-Risk Adult Abuse Reporting Requirements".

- (b) In the State of Colorado, certain categories of people are required, as a matter of state law, to report actual abuse or suspected abuse of "**at-risk adults with an intellectual and developmental disability**" to civil law authorities (including "Clergy Members", unless a Priest has information secured through the Sacrament of Confession). "At-risk adults with an intellectual and developmental disability" are specifically defined as "adults that are 18 years of age or older".

Regardless of whether a Church Worker is a mandatory reporter under Colorado law of abuse of "at-risk adults with an intellectual and developmental disability", please note that all Church Workers are expected to report actual incidents or suspected incidents of abuse

of "at-risk adults with an intellectual and developmental disability" to civil law authorities pursuant to this Code of Conduct. For guidance regarding mandatory civil law reporting requirements, please review Appendix C of this Code entitled "Colorado Elder Abuse and At-Risk Adult Abuse Reporting Requirements".

- E. Professional Behavior.** Church Workers shall act professionally at all times, Church Workers shall not engage in physical, psychological or verbal harassment of others, and Church Workers shall not tolerate such behavior by other Church Workers (see Appendix A of this Code for "Harassment Reporting Procedures").
1. Church Workers shall ensure/provide a professional work environment free from harassment.
 2. Harassment encompasses a broad range of physical or verbal behavior, which can include, but is not limited to, the following: physical or mental abuse; racial insults; derogatory ethnic slurs; unwelcome sexual advances or touching; sexual comments or sexual jokes; requests for sexual favors used as a condition of employment such as hiring, promotion, or compensation; display of sexually offensive material, and observing another person's intimate parts when that person has a reasonable expectation of privacy.
 3. Harassment can occur as a result of a single severe incident or a pattern of conduct, which results in the creation of a hostile, offensive or intimidating work environment.
 4. Church Workers are to follow the established procedures for reporting of harassment and are to ensure that no retaliation for bringing forward a claim of harassment will be tolerated. Those procedures are set forth in Appendix A of this Code, entitled "Harassment Reporting Procedures".
- F. Conflicts of Interest.** Church Workers shall avoid putting themselves in a position that might present a conflict of interest, as the existence, or even the appearance, of a conflict of interest can call into question one's integrity and professional conduct.
1. The potential for a conflict of interest exists in many circumstances. Examples of such behavior by a Church Worker include: conducting private business or other dealings with the Church or any of its members; accepting substantial (non-token) gifts for services or favors; employing or engaging in transactions with friends or relatives; acting with partiality toward other Church Workers; or violating a confidence of another for personal gain.
 2. Disclosure of all relevant factors can in some circumstances lessen the potential for a conflict of interest (please see the Archdiocese of Denver Pastoral Handbook – Conflict of Interest Policy and Gift Acceptance Policy).

PART II**POLICY REGARDING SEXUAL MISCONDUCT AND CHILD ABUSE/NEGLECT****I. STATEMENT OF POLICY. Sexual Misconduct and Child Abuse/Neglect by Church Workers is prohibited.**

Note: For purposes of this Code of Conduct, the terms Sexual Misconduct and Child Abuse/Neglect include the concepts of Sexual Harassment, Child Sexual Assault, Child Pornography (all as defined below and further discussed in Appendix B, hereto).

Sexual Misconduct and Child Abuse/Neglect violate Christian principles and run contrary to the duties and responsibilities of all who are in service to the Church. The gravity of such behavior is compounded when it occurs while performing the work of the Church. All Church Workers shall comply with this "Policy Regarding Sexual Misconduct and Child Abuse/Neglect" and shall comply with all applicable federal and state laws pertaining to actual or suspected Sexual Misconduct or Child Abuse/Neglect. The Archdiocese is committed to preventing Sexual Misconduct and Child Abuse/Neglect and to responding with justice and compassion should misconduct occur.

What follows are descriptions of programs and procedures designed to (1) prevent Sexual Misconduct and Child Abuse/Neglect by Church Workers and the resulting harm to others, and (2) protocols that Church Workers must follow in responding to and reporting allegations of Sexual Misconduct or Child Abuse/Neglect perpetrated or suspected to be perpetrated by anyone, including priests or bishops.

II. DEFINITIONS.

- A. **Child(ren)** or a **Minor** is generally understood under civil law to be a person under 18 years of age.¹⁴ The terms "Child(ren)" and "Minor" are used interchangeably in this Code of Conduct.
- B. **Child Abuse/Neglect** is any conduct that causes or attempts to cause an injury to a child's life or health; permits a child to be unreasonably placed in a situation that poses a threat of injury to the child's life or health; or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment, or an accumulation of injuries to the child. **Child Abuse/Neglect includes neglect and emotional abuse.** Please see below for a thorough review of mandatory reporting of Child Abuse/Neglect to both the Archdiocese and to civil law authorities.
- C. **Child Pornography** is a form of Child sexual exploitation and is defined under federal law as any visual depiction of sexually explicit conduct involving a Minor (Colorado law defines it as any photograph, motion picture, video, recording or broadcast of moving visual images, print, negative, slide, or other mechanically, electronically, chemically, or digitally reproduced visual material that depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct). Images of Child Pornography are also referred to as Child sexual abuse images. Federal and State law prohibits the production, distribution, importation, reception, or possess of any image of Child Pornography. A violation of Child pornography laws is a serious crime and convicted offenders face severe statutory penalties.
- D. **Child Sexual Assault** includes sexual molestation, sexual exploitation, or any other behavior, including the use of the internet or phone, by which an adult uses a Child as an object of sexual gratification; and the commission of a sexual offense against a Child as defined by civil or criminal law. Please see below for a thorough review of mandatory reporting of Child Sexual Assault to both the Archdiocese and to civil law authorities.

¹⁴ For purposes of canon law, the 2018 USCCB Charter for the Protection of Children and Young People ("Charter") and accompanying 2006 USCCB Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons ("Essential Norms") include in the definition of "minor" . . . "a person who habitually lacks the use of reason", regardless of age. Please take note that for purposes of this Code of Conduct, Church Workers are to report to the authorities actual or suspected incidents of abuse of "at-risk adults" (which would reasonably include "a person who habitually lacks the use of reason"). For further discussion and explanation of reporting requirements, review Part I: Section D of this Code, and review Appendices B and C of this Code.

- E. **Sexual Harassment** is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature; rather, it refers to behavior that, to a reasonable person, is unwelcome, that is personally offensive, lowers morale, and consequently interferes with work effectiveness. Sexual harassment can be verbal, non-verbal, or physical.
- F. **Sexual Misconduct** is any sexual conduct involving a Church Worker and another individual of any age that is unlawful or contrary to the moral teachings of the Catholic Church. This includes Sexual Harassment of any individual, as well as sexual conduct directed at a Minor by a Church Worker. Please see below for a thorough review of mandatory reporting of Sexual Misconduct to both the Archdiocese and to civil law authorities.

III. **PREVENTING SEXUAL MISCONDUCT.** The steps that the Archdiocese is taking to prevent Sexual Misconduct by Church Workers include the following:

- A. **Education.** The Archdiocese has established its *Safe Environment Program* through its Office of Minor and At-Risk Adult Protection. The Office of Minor and At-Risk Adult Protection organizes education and training for all Church Workers, as well as education and training for all other individuals such as Minors, their parents and any other interested individuals/entities. Education and training focus on such subjects as the dynamics of Sexual Misconduct, and the impact of such misconduct on its victims. The purposes of the Safe Environment Program are to identify areas of concern, to otherwise maintain awareness regarding the safety of Children, and to provide training dedicated to the prevention of harm to Children.

With regard to Safe Environment Program Training for Church Workers:

1. Church Workers who are volunteers whose duties include contact with Minors **shall complete** Safe Environment Training **prior** to such contact. All other Church Workers shall attend Safe Environment Training within 90 days of the start date of their position with the Church.
2. Church Workers shall complete the Safe Environment Training Refresher Course every five (5) years.

Education alone cannot shape mature attitudes, nor will it necessarily change inappropriate sexual behavior, but education can nonetheless make a positive difference.

- B. **Criminal Background Investigations.** As of September 27, 2002 (the first iteration of this Code of Conduct), all Church Workers were subjected to a criminal background check. Church Workers continue to be subject to comprehensive national criminal background checks at the time of their applying to serve the Church.
1. All applicants will be required to produce their date of birth and address for the purpose of conducting this criminal background check (this information will not be used in the interview/selection process and will be maintained in confidence and protected in full compliance with state and federal law). A copy of the completed application for employment or volunteer form shall be retained in the employee's personnel file or employer's volunteer file. The results of the criminal background check, along with all application forms, shall be kept in a separate file at the employee's or volunteer's principal place of employment or volunteerism. To the extent permitted by law, such files are confidential.
 2. All other individuals that fall within the definition of "Church Workers" shall also be subject to a criminal background check.
 3. Criminal background checks shall be re-run every five (5) years on every Church Worker.

C. Disqualifying Offenses

1. No Church Worker may serve with Minors or At-Risk Adults in the Archdiocese if he or she has ever been convicted of any Disqualifying Offense, been on probation for or received deferred judgement and sentence or deferred prosecution for any Disqualifying Offense, or has presently pending any criminal charges for any Disqualifying Offense until a determination of guilt or innocence is made, including any person who is presently on deferred judgement and sentence or deferred prosecution.
2. The following are always Disqualifying Offenses and will always constitute grounds for denial, suspension, revocation, or annulment of an opportunity to work/volunteer with Minors or At-Risk Adults in the Archdiocese:
 - (a) felony child or at-risk adult abuse
 - (b) a crime of violence, as defined in Colo. Rev. Stat. §18-1.3-406
 - (c) a felony offense involving unlawful sexual behavior
 - (d) indecent exposure, as described in section Colo. Rev. Stat. §18-7-302
 - (e) felony domestic violence
 - (f) a felony drug offense
3. The above list is not comprehensive; other offenses may be deemed Disqualifying Offenses per the applicable facts and circumstances, as determined within the discretion of the Archdiocese exercised in the interest of protecting the health and safety of Minors and At-Risk Adults.
4. In situations involving Disqualifying Offenses that are non-sexual in nature and do not involve a Minor victim, and that may reasonably be considered to have (an) extenuating circumstance(s), the Parish or Ecclesiastical Organization (not the job or volunteer applicant) may seek to appeal what would otherwise be considered an applicant's ineligibility for service under this Section C.
 - (a) To ensure consistency with both Church teachings and adherence to USCCB policy, the appeal procedure is to be overseen by the Office of the Vicar General.
 - (b) Permission to file an appeal must be sought by submitting a "Request to Appeal" to the Vicar General. Only a Parish or Ecclesiastical Organization may submit a "Request to Appeal", not the job or volunteer applicant. A "Request to Appeal" should include only the position sought, the offense in question, and a short statement as to why the Parish or Ecclesiastical Organization feels an appeal is appropriate. The Office of the Vicar General will exercise its discretion to then either grant or deny permission to file an appeal. At this stage, the Vicar General may consult, but is not required to consult, with the Office of Human Resources, the Office of Minor and At-Risk Adult Protection, and the Superintendent of Catholic Schools.
 - (c) If permission to file an appeal is granted (and assuming the applicant still seeks to serve the Church after learning the offense in question requires an appeal and further inquiry), the Parish's or Ecclesiastical Organization's appeal content must be submitted to the Vicar General. Appeal content will be reviewed by the Offices of the Vicar General, Human Resources, and Minor and At-Risk Adult Protection. The appeal is to include all relevant details regarding the position sought, the offense in question, and verifiable and comprehensive facts that clearly state and support what the Parish or Ecclesiastical Organization considers to be extenuating circumstance(s). Additional information may be requested at any time by the Offices of the Vicar General, Human Resources, and/or Minor and At-Risk Adult Protection. Consultation with the Review Board may occur as part of the appeal process but is not required.

- (d) Any successful appeal will reflect only the outcome relevant to the facts and circumstances specific to that appeal and will not in any way establish a precedent. Appeal documentation, including the outcome, must be maintained on file with the appealing entity and with the Office of Minor and At-Risk Adult Protection. Any and all appeal-related costs are the responsibility of the appealing entity.
- (e) The Offices of the Vicar General, Human Resources, Minor and At-Risk Adult Protection, the Superintendent of Catholic Schools, may modify, or develop additional, appeal procedures and related forms at any time.

- D. **Sex Offender Policy for Parish Interaction.** Contact the Archdiocese's Office of Minor and At-Risk Adult Protection for the Archdiocese's policy on this topic.

IV. PORNOGRAPHY.

- A. **Generally.** In relation to their work for the Church, Church Workers are prohibited from: possessing pornography; searching through employer owned technology for pornography; searching through employer owned technology for any topic related to sexually explicit material that is unrelated to any ministry project addressing the prevention/treatment of addictions; and, producing, distributing, collecting or viewing sexually explicit content on employer owned technology, or allowing anyone else to do so.
- B. **Reporting of Child Pornography.** If a Church Worker encounters Child Pornography, they must report it to law enforcement; see the external and internal reporting procedures outlined below.

V. PROCEDURES FOR REPORTING SEXUAL MISCONDUCT AND CHILD ABUSE/NEGLECT. Church Workers shall comply with civil law with regard to reporting allegations of Sexual Misconduct or Child Abuse/Neglect and will cooperate with any investigation.

- A. **General Reporting Requirements.** Under this Code of Conduct, there are two distinct types of reporting for suspected or known instances of Sexual Misconduct or Child Abuse/Neglect:

External reporting – external reporting involves notifying local law enforcement or the local department of social services of suspected instances of **Child Abuse/Neglect**.

Internal reporting – internal reporting provides notice to Archdiocesan officials of known or suspected instances of any **Sexual Misconduct** (no age limit) or **Child Abuse/Neglect** and allows the Archdiocese to investigate and, as appropriate, apply corrective measures.

NOTE: All Church Workers are mandatory reporters of Child Abuse/Neglect pursuant to this Code. Church Workers must immediately report any suspected instances of Child Abuse/Neglect to two different groups: first, report externally to the appropriate local civil authority; second, report internally to the appropriate office within the Archdiocese of Denver (see below for listing of such offices).

- B. **Requirements of the Colorado Child Abuse/Neglect Reporting Law.** In accordance with this Code, ALL Church Workers **MUST** report allegations of Child Abuse/Neglect in strict compliance with the Colorado Child Abuse/Neglect reporting laws (please see Appendix B to this Code).

All Church Workers must remember:

1. **Child Abuse/Neglect Reports Must Be Made Promptly.** Suspected or known instances of Child Abuse/Neglect should be promptly reported to local law enforcement authorities or to the local department of social services in the county in which the Child resides. Further, each oral report must

be followed immediately by a written report to the local law enforcement authority or the county department of social services.

2. *All Church Workers Have a Duty to Report Child Abuse/Neglect.* It is the policy of the Archdiocese of Denver that no Church Worker is exempt from the reporting requirements of the Colorado Child Abuse/Neglect reporting law, except for information received by a Priest secured through the Sacrament of Confession.
3. *Responsibility to Ensure Compliance with Reporting Child Abuse/Neglect.* Every supervisor shares the responsibility to ensure compliance with external and internal reporting requirements. Every supervisor to whom a report is made must confirm that the local department of social services or the local law enforcement agency and the Archdiocesan officials designated to receive these reports have been notified.
4. *Policies and Procedures for Student Reporting Child Abuse/Neglect.* In the case of Minors who are students at archdiocesan schools or at parish schools, the Superintendent of Catholic Schools is authorized to promulgate and disseminate procedures for students and parents/legal guardians who believe they have been subjected to Child Abuse/Neglect by any Church Worker for the reporting of such misconduct. Once such a report is received, the reporting and investigation procedures set forth below apply.

- C. **External Reporting Pursuant to Colorado Child Abuse/Neglect Reporting Laws.** All Church Workers must report allegations of Child Abuse/Neglect in accordance with the Colorado Child Abuse/Neglect reporting laws (see Appendix B) immediately. A report to the Vicar for Clergy, to the Superintendent of Catholic Schools, to the Director of Human Resources, and/or to the Office of Minor and At-Risk Adult Protection, does not relieve any individual from the duty to report Child Abuse/Neglect to the civil law authorities.

Reporting can be made to the following state-wide phone number:
1-844-CO-4-KIDS (1-844-264-5437)

Per the State of Colorado, this number is designed to provide one, easy-to-remember phone number for individuals to use state-wide to report suspected Child Abuse/Neglect. The hotline serves as a direct, immediate and efficient route to Colorado's 64 counties and two tribal nations, which are responsible for accepting and responding to Child Abuse/Neglect inquiries and reports. All callers will be able to speak with a call-taker 24 hours a day, 365 days a year. See also the website of the Archdiocese of Denver's Office of Minor and At-Risk Adult Protection: <http://archden.org/child-protection>

All Church Workers must remember the following:

1. *No Liability Arises from Reporting.* No one who reports a known or suspected incident of Child Abuse/Neglect shall be civilly or criminally liable for any report required by law, unless it can be proven that a false report was made and that the person knew that the report was false, or it was made with reckless disregard for the truth. No one should therefore fear for his/her own liability in making a report in good faith, even if the report turns out to be without substance. On the other hand, anyone who is required to report and who does not do so, faces possible civil and criminal liability. Therefore, if in doubt, make the report.
2. *A Report is Required Whenever there is Reason to Believe the Allegation.* Even if there is no evidence legally admissible in court, you must make a report if there is reason to believe that abuse has occurred/is occurring. "Reason to believe" includes any evidence that, if presented to a reasonable and prudent person, would cause that person to believe that a Child has been/is being abused/neglected.

3. *No One Is Bound to Report Unreliable Rumors of Alleged Abuse with "No Reason to Believe."* In case of doubt about a situation, however, you should discuss it with the local county department of social services or the local law enforcement authority using a hypothetical situation. If you are advised to report, you must do so immediately.

D. Internal Reporting – All Instances and Suspected Instances of Sexual Misconduct (all ages, and inclusive of Sexual Harassment) and Child Abuse/Neglect. All internal reporting must be done immediately.

1. *Minors.* The Office of Minor and At-Risk Adult Protection oversees the internal reporting process with regard to instances and suspected instances of Child Abuse/Neglect.

One critical role of the Office of Minor and At-Risk Adult Protection is: (i) to ensure that each allegation is handled in accordance with the policies of the Archdiocese and with the requirements of the Colorado Child Abuse/Neglect reporting laws; (ii) to assist the reported victim and/or their family in obtaining, if appropriate, pastoral assistance, including, but not limited to spiritual guidance and professional counseling; and (iii) ensuring that the reported victim and/or their family knows of their right to make a report to civil law authorities, and supporting him/her/them in the decision to do so.

Any internal report involving Child Abuse/Neglect should be made directly to the Office of Minor and At-Risk Adult Protection:

Archdiocese of Denver Confidential Abuse Reporting Line	720-239-2832
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See also the website of the Archdiocese of Denver's Office of Minor and At-Risk Adult Protection:
<http://archden.org/child-protection>

A copy of any written reports involving Child Abuse/Neglect filed with local departments of social services or with local law enforcement authorities should be forwarded to the Office of Minor and At-Risk Adult Protection. These written reports should be sent in a sealed envelope, addressed to the "Office of Minor and At-Risk Adult Protection" and marked "Confidential".

2. *Adults.* All reports of instances or suspected instances of Sexual Misconduct involving only adults should be made to one's **immediate supervisor** or to one of the **following administrative offices within the Archdiocese of Denver**, as appropriate:

Vicar for Clergy	303-715-3197
Superintendent of Catholic Schools	303-715-3132
Executive Director of Human Resources	303-715-3193

- E. **Catholic Bishop Abuse Reporting Service.** In 2019, a reporting resource was created to gather and relay reports of sexual misconduct involving bishops of the United States, and reports of their intentional interference in a sexual abuse investigation:

<http://www.reportbishopabuse.org>

or

1-800-276-1562

VI. INVESTIGATION PROCEDURES.¹⁵

- A. **Commencement of Investigation.** Once an incident of alleged Sexual Misconduct/Child Abuse/Neglect is received, and external and internal reporting has occurred, an investigation shall immediately commence. Every investigation will be guided by Christian care for the reported victim, his/her family, the person reporting the incident, and the accused, all in keeping with the provisions of c. 220 of the Code of Canon Law.

The investigation procedures, persons, offices, and archdiocesan bodies involved are as follows:

1. **Allegations Against Church Workers Who Are Other Than Clergy, Seminarians, and Members of Religious Communities.** The **Office of Minor and At-Risk Adult Protection** will ordinarily serve as the primary investigative coordinator to aid a person alleging Child Abuse/Neglect by any Church Worker other than Clergy, Seminarians, and members of religious communities. Depending on the nature of the complaint and the age of the alleged victim, the Office of Minor and At-Risk Adult Protection may be assisted by, or cede oversight of the investigation to, the **Archdiocese of Denver's Superintendent of Catholic Schools** (who will ordinarily serve as the primary coordinator of investigations involving Sexual Misconduct or Child Abuse/Neglect within a parish school or archdiocesan school), and/or to the **Archdiocese of Denver's Executive Director of Human Resources** (who will ordinarily serve as the primary coordinator of the investigation into Sexual Misconduct involving all other Church Workers).
2. **Allegations Against Clergy and Seminarians.** Aided by the **Office of Minor and At-Risk Adult Protection**, the **Vicar for Clergy** will ordinarily serve as the primary coordinator of the investigation for a person alleging Sexual Misconduct or Child Abuse/Neglect (regardless of the age of the alleged victim at the time of the alleged occurrence) by any member of the Clergy or a Seminarian.¹⁶
3. **Allegation Against a Member of a Religious Community Serving in the Territory of the Archdiocese.** See Section C, below, and see Appendix D for procedures involving an accusation of Sexual Misconduct or Child Abuse/Neglect against a member of a religious community serving in the Archdiocese.

¹⁵ These procedures reflect the general procedures for investigating penal crimes according to the norms of canon law, especially canons 1717-1719 of the 1983 Code of Canon Law, *Sacramentorum Sanctitatis Tutela*, issued *motu proprio* by Pope St. John Paul II in 2001, *Normae de gravioribus delictis*, issued by Pope Benedict XVI in 2010, and the *Essential Norms for Diocesan/Eparchial Policies Dealing with Allegations of Sexual Abuse of Minors by Priests or Deacons* (hereafter, "*Essential Norms*"), issued by the United States Conference of Catholic Bishops (USCCB) in 2006.

¹⁶ "Clergy" or a "Clergy member" are those who have been ordained (c. 266); a "seminarian" is defined as any person studying for the Priesthood or Diaconate (whether permanent or transitional) and enrolled at a (major) seminary located in the territory of the Archdiocese of Denver, or any person sponsored by the Archdiocese of Denver to study for the Priesthood or Diaconate (whether permanent or transitional) and enrolled at another seminary. Note: see Part II: Section VI. E. regarding the procedure to be followed in the event of allegations against extern clergy serving in the territory of the Archdiocese of Denver.

4. *The Archdiocese of Denver Review Board ("Review Board")*. The Review Board functions "as a confidential consultative body to the Bishop in discharging his responsibilities" pertaining to allegations of Sexual Misconduct involving a Minor.¹⁷ Confidentiality shall be maintained by the Review Board to the extent permitted by law. The Review Board and its activity are governed by its Canonical Statutes (see Exhibit XVI of the Archdiocese of Denver Pastoral Handbook).
 5. *Legal counsel*. Legal counsel advising the Archdiocese of Denver in these matters will be notified of every investigation, will be kept informed throughout the process, and is authorized to attend all Review Board meetings.
 6. *Independent Investigator*. The Archdiocese will contract with a private investigator (or private investigation firm) that is competent and qualified to conduct investigations into such matters. It will not be required that this individual be a Catholic. This person will not be employed by the Archdiocese in any other capacity.
 7. *Victim Assistance Coordinator*. A mental healthcare professional hired as an independent contractor by the Archdiocese who serves as the primary liaison with victims, advocating and caring for their needs, communicating information about the process, arranging ongoing support, etc.
- B. **Internal Investigation Procedures Concerning Allegations of Sexual Misconduct/Child Abuse by a Church Worker other than Clergy, Seminarians and Members of Religious Communities.** If the reported incident involves alleged Sexual Misconduct/Child Abuse/Neglect by any Church Worker other than Clergy, Seminarians or Members of Religious Communities, and depending on the age of the alleged victim and the nature of the complaint, then the Executive Director of Human Resources and/or the Superintendent of Catholic Schools, as appropriate, and after consulting with the Office of Minor and At-Risk Adult Protection, will coordinate an investigation.
- C. **Internal Investigation Procedures Concerning Allegations of Sexual Misconduct/Child Abuse/Neglect by Clergy or Seminarians.**
1. *The Opening of the Preliminary Investigation*. If the reported incident involves alleged conduct by a member of the Clergy or by a Seminarian, then the Vicar for Clergy, after consulting with the Office of Minor and At-Risk Adult Protection, will coordinate an investigation. If the allegation is plausible, meaning the date(s) and location of the reported Child Abuse/Neglect coincide with the assignment of the accused and the victim was also present at the location during the date(s), and the report is firsthand¹⁸, meaning that the victim is the one denouncing the accused, then the Vicar for Clergy will report the allegation to the Archbishop, who shall then open a Preliminary Investigation by decree according to cc. 1717-1719 .
 - (a) *Pastoral Response to the Reported Victim*. When any claim is made with reasonable grounds to believe that it is truthful, the Victims Assistance Coordinator will promptly offer to meet with the reported victim to offer pastoral encouragement and open communication with the Archdiocese.
 - (b) *Notification*. The accused will be informed of the specific allegations that have been made against him and will have the opportunity to ask clarifying questions before responding to the allegation. If reasonable grounds exist to believe the accusation, the accused will be

¹⁷ *Essential Norms*, art. 4.¹⁸ If the report is secondhand, at least one other point of supporting information will be needed in order to open a preliminary investigation.

informed that any statements or admissions by the accused can possibly be used against him in any subsequent civil law and/or canonical proceeding.

- (c) Legal/Canonical Counsel. The accused will also be advised to consider retaining his own civil law and/or canonical counsel, as appropriate.¹⁹
 - (d) Precautionary measures pursuant to c. 1722 (Administrative Leave for Clergy). If deemed to be in the best interest of the alleged victim, the accused or the Archdiocese, then in the sole judgment of the Archbishop or his designee, the accused shall be relieved of his responsibilities and be placed on administrative leave pending the outcome of any investigation. The Archbishop may also limit or revoke ministerial faculties, withdraw the accused from the exercise of sacred ministry or any ecclesiastical office or function, impose or prohibit residence in a given place or territory, and prohibit public participation in the Most Holy Eucharist pending the outcome of the process.²⁰
 - (e) Presumption of innocence.²¹ Any of the actions taken above shall not be interpreted to imply guilt on the part of the accused.
2. Every Plausible Reported Incident Will Be Pursued Promptly. When an allegation of Sexual Misconduct or Child Abuse/Neglect is made, the Vicar for Clergy will confer with the Office of Minor and At-Risk Adult Protection. If the allegation is determined to be plausible, the Review Board will be notified of the pending matter. Once law enforcement has concluded its process (if any process is initiated), an Independent Investigator will be charged with finding evidence to substantiate or dismiss the case. Once this investigation is concluded, the Review Board will convene to receive the report from the investigator, hearing from the accused, and deliberate. It may be the case that such definitive evidence substantiating the accusation exists, the Archbishop can act without convening the Review Board.
 3. Clergy not Incardinated in the Archdiocese Subject to Investigation and Removal. For clergy who are incardinated in other dioceses or are members of religious orders, the above steps will be taken by the archdiocese with the cooperation of the accused cleric's bishop or religious superior if the incident occurred at a parish or in relation to service at that parish or any other archdiocesan entity. This includes, as set out above, imposing precautionary measures pursuant to c. 1722 and revoking or limiting of ministerial faculties. If the incident occurred at an entity independent from the archdiocese (e.g., an entity owned and operated by the religious order), the order's investigation process will be followed. Adherence to archdiocesan policy, especially in the removal of a cleric from ministry when accused of sexual abuse of a minor, will be closely monitored by the Vicar for Clergy and the Office of Minor and At-Risk Adult Protection.
 4. Findings of the Review Board. The Review Board will be asked to give a report to the Archbishop including their judgment on the veracity of the claim and recommendations for next steps. Once the Archbishop has made a determination in the matter, both the alleged victim and the accused will be promptly advised.

¹⁹ *Essential Norms*, art. 6.

²⁰ CIC, c. 1722 and *Essential Norms*, art. 6.

²¹ *Essential Norms*, art. 6.

Depending on the conclusion, the Archbishop will, at his discretion, do one of the following:

- (a) Substantiated Claims Against Clergy Regarding Reserved Delicts.²² If the Vicar for Clergy and the Review Board find the accusation to be substantiated regarding a reserved delict (which includes Sexual Misconduct against a Minor, cf. c. 1395 §2) and the Archbishop deems that the claim has the *semblance of truth*, regardless of any pending civil investigation (which will continue its course), he is to close the preliminary investigation according to c. 1718 and send the file to the Congregation of the Doctrine of Faith.²³ The Archbishop is required to await further instruction from the Congregation before proceeding further. Pursuant to Article 8 of the *Essential Norms*, when a single, confirmed act of Sexual Misconduct against a Minor “is admitted or is established after an appropriate process in accord with canon law” – including an incident from the past – the offending Cleric will be removed permanently from ministry.
- (b) Substantiated Claims Against Clergy Regarding Other Forms of Misconduct including Acts of Sexual Misconduct with an Adult. If the investigation leads to a substantiated claim regarding other acts of Misconduct (that is, those not reserved to the Holy See, and thus, not involving Minors), the Archbishop may choose to consult the Clergy Misconduct Advisory Committee (CMAC) before closing the preliminary investigation according to c. 1718 and will then decide how best to proceed, according to canon law, possibly through an administrative penal process or a judicial penal process (cf. cc. 1720-1721).
- (c) Further Action Involving Allegations Against Clergy.
 - (1) Damage. In the event that it is determined that any Archdiocesan Clergy has indeed caused damage to any person, the Review Board or Clergy Misconduct Advisory Committee shall make a written report with recommendations concerning fitness for ministry.
 - (2) Psychological Evaluation. Regardless of whether the Cleric admits or denies that Sexual Misconduct with a minor has occurred, and if the allegations are determined sufficiently serious and the evidence so warrants, the Cleric will be asked to participate voluntarily in a professional, independent psychological evaluation at a time and place determined by the Archbishop or his designee.²⁴ Informed decisions concerning further active ministry can be made only after receiving the results of this evaluation and pending further investigation of any allegations. The resulting professional evaluation will not be considered therapy, but rather a professional psychological assessment of fitness to remain in ministry. The Archbishop, upon receipt of the report, will evaluate it personally with the Clergy member in an effort to arrive at a mutual agreement on a response and, if applicable, subsequent treatment. If there is no mutual agreement between the Archbishop and the Clergy member, the Archbishop may act as he deems appropriate to protect those in the community who might be at risk and to promote the common good of the Church, which is the salvation of souls.²⁵

²² Delicts can be described as crimes acknowledged in canon law, that is, external violations of canon law that may be subject to a penalty (c. 1321, c. 1399). Reserved delicts are those which are subject exclusively to the authority of the Holy See in regard to judgment of the delict and the imposition/declaration of a penalty. In regard to Sexual Misconduct, the reserved delicts are specified in *Normae de gravioribus delictis*, articles 4 §1 1° and 4° and article 6 §1.

²³ *Normae de gravioribus delictis*, art. 16.

²⁴ *Essential Norms*, art. 7.

²⁵ CIC, cc. 223 §2; 381 §1; 383 §1.

- (d) Substantiated Claim Against Seminarians. While not members of the Clergy until ordination, seminarians have the goal of ordination and therefore come under the jurisdiction of the Vicar for Clergy. If the investigation leads to a substantiated claim of Sexual Misconduct with a Minor, the Archbishop will close the preliminary investigation according to c. 1718 and immediately dismiss the seminarian from formation.
- (e) Unsubstantiated Claim. If the investigation (including any investigation conducted by civil law authorities) leads to the conclusion that the allegations are unsubstantiated, the case will be closed according to c. 1718. A record of the complaint, and the Clergy member's or Seminarian's response (as applicable), as well as the conclusions of the investigation, will be maintained pursuant to canons 1719 and 489 §2. A summary of the complaint and the results of the investigation will be made a permanent portion of the accused's personnel file. If necessary, every step possible will be made to restore the good name of the Clergy member or the Seminarian, as applicable. In all circumstances, the Archdiocese will seek to treat all parties with pastoral sensitivity and with due regard to the privacy rights of all concerned.
- (f) Other General Principles to be Followed.
- (1) In every confirmed case of Sexual Misconduct, especially those involving Minors, the Archbishop or his designee, if requested, will meet personally with the victim and his/her family.
 - (2) There shall be a pastoral response to any accused Clergy member. In keeping with canon law, the Vicar for Clergy will offer an accused Clergy member professional assistance for his own healing and well-being.²⁶
 - (3) If disciplinary action is indicated against a Clergy member, the proper canonical processes shall be observed and the provisions of canon law will be followed. These provisions may include a request by a Clergy member for dispensation from the clerical state, or a request by the Archbishop for his dismissal from the clerical state even without the Clergy member's consent. For the sake of due process, the accused will be encouraged again to retain civil law and canonical counsel.²⁷ The cost of legal assistance shall be borne by the Clergy member.
 - (4) As appropriate to the circumstances, there shall be a pastoral response to the wider Church and community. The Archbishop or his designee, as necessary, will ensure effective communication and pastoral response to the people of the parish or community where the accused Clergy member is or has been assigned, or where the reported misconduct occurred. Note that any media contact or inquiries regarding such matters should be addressed only by the Office of Marketing and Communications. Please see Section VII, below, for further details regarding the role of the Archdiocese of Denver's Office of Marketing and Communications.
- (g) Assignment, Transfer, and Residence of Clergy. No Clergy member who has committed an act of Sexual Misconduct with a Minor may be transferred for ministerial assignment to another diocese/eparchy or religious province. Before a Clergy member can be transferred for residence to another diocese/eparchy, his religious ordinary shall forward in a confidential manner to the local bishop/eparch and religious ordinary (if applicable) of the

²⁶ CIC, c. 384.²⁷ Essential Norms, art. 8a.

proposed place of residence any and all information concerning any act of Sexual Misconduct against a Minor and any other information indicating that he has been, or may be, a danger to Minors. This shall apply even if the Clergy member will reside in the local community of an institute of consecrated life or society of apostolic life (or, in the Eastern Churches, as a monk or other religious, in a society of common life according to the manner of religious, in a secular institute, or in another form of consecrated life or society of apostolic life). Every bishop/eparch or religious ordinary who receives a member of the Clergy from outside his jurisdiction shall obtain the necessary information regarding any past act of Sexual Misconduct against a Minor by the Clergy member in question.²⁸ Any member of the clergy found to have a substantiated instance of the sexual abuse of a minor will be permanently removed from ministry and, if warranted, dismissed from the clerical state. See Charter, art. 5, and Essential Norms, no. 5.

- D. **Allegations Against Members of Religious Communities Serving in the Territory of the Archdiocese.** Under canon law, members of religious communities serving in the territory of the Archdiocese belong to communities separate from the Archdiocese and are responsible to their own religious superiors. Special procedures necessarily govern the response to allegations against members of religious communities residing or ministering within the territory of the Archdiocese (see Appendix D).
- E. **Allegations Against Extern Clergy Serving in the Territory of the Archdiocese.** All pertinent information concerning allegations against Clergy not incardinated in the Archdiocese of Denver will be forwarded as soon as possible to the bishop of the diocese in which that Cleric is incardinated.²⁹ Although the preliminary investigation will be conducted by the competent authority in that diocese, the Vicar for Clergy is responsible for coordinating the transfer of all pertinent information. In addition, the Vicar for Clergy will act as liaison with the other diocese and will assist that diocese as requested and insofar as assistance is deemed possible and appropriate.
- F. **Investigations Into Alleged Sexual Misconduct That Constitute Sexual Harassment.** If the allegations of Sexual Misconduct constitute Sexual Harassment directed at a Church Worker and the Review Board concludes that the matter is not a proper subject for consideration by them, the procedures for investigation set forth in Appendix A entitled "Harassment Reporting Procedures" shall apply.
- G. **Action Upon Completion of Investigation.**
 - 1. **Outcomes.** Should the investigation reveal that Sexual Misconduct has occurred, corrective action shall be taken. Corrective action against Clergy members will be taken as set forth above. For all others who have been found to have engaged in Sexual Misconduct, disciplinary action, up to and including termination of employment, will take place. Any church worker who has been found to have a substantiated instance of sexual abuse of a minor will be permanently removed from work/ministry.
 - 2. **Record Keeping.** Records of allegations of sexual abuse of a minor, including document investigations and outcomes, will be kept in both the Office of Minor and At-Risk Adult Protection electronic database and in the church worker's corresponding personnel file.

²⁸ Ibid., art. 12.

²⁹ According to canons 265 and 266, through ordination to the diaconate, a man becomes a member of the clergy and, at the same time, is *incardinated* in the diocese, particular church, personal prelature, institute of consecrated life, or society of apostolic life, for whose service he has been advanced.

VII. COMMUNICATIONS.

Regular, accurate and responsible communications are critical in our efforts to protect Minors in our care and to respect the rights of the accused. The Archdiocese of Denver's Office of Marketing and Communications will assist the Archbishop, or his designee, in providing detailed information on safe environment programs, related policies and procedures, the Code of Conduct, and reporting requirements of Church Workers.

The Office of Marketing and Communications and the Office of Minor and At-Risk Adult Protection will publicize Colorado abuse reporting requirements and relevant telephone numbers to assist those individuals seeking to make a report. These communications will be accomplished through available archdiocesan media, including a website focusing on Child and Youth Protection. The site is available on the Archdiocese of Denver's website (www.archden.org), providing 24-hour access to information related to the protection of Children. The Archdiocese's periodicals, the *Denver Catholic* and *El Pueblo Católico*, will publish periodic notices reminding readers where to locate Archdiocesan policies on abuse and how to file reports.

In the event of a report of Sexual Misconduct/Child Abuse/Neglect the Archdiocese commits itself to communicating openly and fully with any affected parish or community, consistent with respect for the privacy of the individuals involved and any ongoing legal processes.

The Office of Marketing and Communications will utilize the *Denver Catholic*, *El Pueblo Católico*, the Archdiocese of Denver website, press releases and other available Archdiocesan and non-Archdiocesan media to assist in providing clear communications as appropriate. If possible, the accused will be notified in advance of the nature of any such public disclosure and will be invited to add remarks.

To encourage responsible and accurate coverage in the media, the Office of Marketing and Communications will serve as the primary spokesperson regarding allegations of misconduct.

PART III

SOCIAL MEDIA POLICY

This policy establishes minimum procedures for the use of social media and the means of social communication in the course of conducting the Church's ministry and related objectives by Church Workers. According to the law of the Church, the phrase "means of social communication" encompasses any and all forms of communication including print or electronic, analog or digital, or communication using any other technological means.

With human interaction increasingly taking place in the digital sphere through various means of social communication, much of the Church's ministry and work is being conducted online. To that end, Church Workers shall never forget the public and far-reaching nature of the Internet. As opposed to print publications that have a more limited circulation, anything published on the Internet can be disseminated around the globe in a matter of seconds, and it cannot be withdrawn.

All Archdiocesan departmental, parish and educational institution social media content shall adhere to applicable laws, regulations and policies including information technology, public relations, and records management policies.

Church Workers shall ensure that anything they post online, whether it is in a personal or professional capacity, reflects the values of the Catholic Church and the dignity of the human person.

Parish Pastors and ministry heads are to monitor their parish/ministry websites, social media sites, and blogs to ensure they are being used to conduct ministry consistent with the values and teachings of the Catholic Church.

Church Workers and students involved with Catholic schools should review and understand the policies of their school with regard to internet use.

Church Workers with personal websites and personal blogs shall not engage in activity that contradicts the values and teachings of the Catholic Church.

Church Workers shall act in accord with this Code of Conduct when they publish anything online or when they interact with others using social networks or new media technologies.

A Church Worker who sends, intentionally receives, or solicits sexually explicit, illegal, or other sordid material from another party, whether words, images, or products, by any means of social communication, whether in analog or digital format or in print media is subject to discipline up to and including termination of employment.

Please refer to Part I: Section II ("Ethical Standards in Professional Relationships and in Job Duties") for guidance regarding behavior, including the use of social media, that violates standards of safe environment for minors, elders, and at-risk adults, other immoral or unethical conduct, actions, or lifestyles that has an adverse impact on the Church, the Archdiocese, or the employee's job, or that becomes publicly scandalous as determined by the Archbishop or his designee.

APPENDIX A

HARASSMENT REPORTING PROCEDURES

The Archbishop holds every person associated with the Archdiocese in an official capacity accountable for maintaining the integrity of all ministerial and professional relationships. Any time that a Church Worker, while exercising his/her duties, engages in the harassment of another, he/she involves himself/herself in unethical and potentially unlawful acts. The Archdiocesan Ecclesiastical Organizations will not tolerate any form of sexual, racial, ethnic, national origin or youth peer sexual harassment, nor tolerate any retaliation against any employee, volunteer, or student for refusing unwelcome harassing overtures, for reporting instances of harassment, or for providing statements or evidence related to alleged harassment.

“Sexual harassment” is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of unreasonably interfering with a person’s work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment does not refer to behavior or compliments of a socially acceptable nature; it refers to behavior that, to a reasonable person, is unwelcome, that is personally offensive, lowers morale, and consequently interferes with work effectiveness. It can be verbal, non-verbal, or physical.

“Youth peer sexual harassment” is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature by or between Minors involved in any Church activity which has the purpose or effect of intimidating, embarrassing, or humiliating the other person.

If a Church Worker believes that he/she has been harassed, he/she should immediately notify their immediate supervisor. If the immediate supervisor is the source of the alleged harassment, or if the Church Worker is uncomfortable for any reason going to his/her immediate supervisor, then the Church Worker should report the problem to the supervisor’s supervisor, to the Archdiocese of Denver’s Vicar for Clergy or to the Archdiocese of Denver’s Director of Human Resources. Church Workers in the schools may also report allegations of harassment to the school principal, pastor of the parish school (as applicable), or to the Archdiocese of Denver’s Superintendent of Catholic Schools.

A Church Worker who brings a complaint in good faith will be listened to attentively and treated with respect. Upon receipt of such a report, a representative of the Archdiocese will carefully investigate the matter, and question all who may have knowledge of either the incident in question or similar problems. To the extent permitted by law, the investigator(s) shall take reasonable steps to preserve the confidentiality of the circumstances and any findings. During the investigation, the applicable Archdiocesan Ecclesiastical Organization may, at its sole discretion, take interim actions such as separating employees and suspending the accused, with or without pay. A copy of the investigation will be forwarded upon completion and as soon as possible to the Archdiocese of Denver’s Executive Director of Human Resources and, in the event of a school employee, to the Archdiocese of Denver’s Superintendent of Catholic Schools.

At the completion of an investigation, necessary and appropriate remedial action shall be taken. This shall include communication with the individual(s) that brought the accusation and with the accused. Any employee who has been found, after investigation, to have engaged in behavior that the Archdiocese deems inappropriate or a violation of this Code will be subject to discipline, which may include immediate termination.

APPENDIX B**COLORADO CHILD ABUSE/NEGLECT AND CHILD SEXUAL ASSAULT REPORTING ACT REQUIREMENTS**

In Colorado, as in other states, Child Abuse/Neglect and Child Sexual Assault are crimes. Colorado also has a specific statute, which requires that Child Abuse/Neglect and Child Sexual Assault be reported to the county department of social services or to the local law enforcement agency. Reporting is critical. Not only is it required by law, but it is often the first step in our criminal justice system that enables law enforcement to stop the abuse and prosecute those responsible. The Colorado reporting statute requires that any person who has reasonable cause to know or suspect that a Child has been subjected to abuse or neglect or sexual assault or who has observed a Child being subjected to circumstances or conditions which would reasonably result in abuse or neglect or sexual assault shall report the matter immediately to:

- (1) a local law enforcement agency; or
- (2) the county department of social services.

A "Child" is defined as any person under the age of 18.

Included, but not limited to, the persons who are required to immediately report any known or suspected Child Abuse/Neglect or Sexual Assault to the county or district department of social services or local law enforcement agency are the following professionals:

- (1) a member of the Clergy (unless a Priest has information secured through the Sacrament of Confession);
- (2) a registered nurse or licensed practical nurse;
- (3) a public and private school official or employee;
- (4) a social worker or worker in a family care home or day care center;
- (5) a mental health professional;
- (6) a psychologist;
- (7) a coach, assistant coach, etc.

Any other person may report known or suspected Child Abuse/Neglect or Sexual Assault to the local law enforcement agency or to the county or district department of social services. Any person who willfully violates the mandatory reporting provision of this statute commits a Class 3 misdemeanor. A separate Colorado statute provides that a person reporting an incident of alleged Child Abuse/Neglect or Sexual Assault "acting in good faith in making the report shall be immune from liability, civil or criminal, or termination of employment that otherwise might result by reason of such reporting." Colo. Rev. Stat. §19-3-309, and Colo. Rev. Stat. §18-6-401(4).

Colorado law changes from time to time by enactment of new legislation or by amendments to existing statutes and through judicial interpretations. Accordingly, it is beyond the scope of this Code to provide a current and comprehensive list of all the laws that bear upon Sexual Misconduct and Child Abuse/Neglect. However, assistance will be given to all Church Workers having any questions or seeking knowledge concerning any of the laws governing these areas.

Be aware that the following statutes may have been amended by the time you have read this section.

The primary areas of concern are:

- (1) **Sexual Assault. Colo. Rev. Stat. §18-3-402.** Any individual who knowingly inflicts sexual penetration or sexual intrusion upon a victim without the victim's consent; or when the victim is incapable of appraising the nature of his/her own conduct or who is physically helpless or drugged commits a sexual assault. Sexual assault is a Class 4 Felony. If the victim is over 15 years of age, but less than 18 years of age and the individual is more than 10 years older than the victim, and the victim consented to the sexual contact, it is a Misdemeanor.
- (2) **Unlawful Sexual Contact. Colo. Rev. Stat. §18-3-404.** Any individual who knowingly subjects a victim to any sexual contact commits unlawful sexual contact when the victim does not consent; or the victim is incapable of appraising the nature of his/her own conduct; or who is physically helpless and the individual knows the victim is physically helpless; or the individual has drugged the victim without the victim's consent and the victim's power to appraise or control the victim's conduct is impaired by such drugs or alcohol (a misdemeanor unless the individual uses force, intimidation or threat against the victim, in which case it is a felony).
- (3) **Unlawful Sexual Contact. Colo. Rev. Stat. §18-3-404.** Any individual who knowingly, with or without sexual contact induces or coerces a child under 18 to expose intimate parts or to engage in any sexual contact, intrusion, or penetration with any person for the purpose of the individual's sexual gratification, commits unlawful sexual contact (a felony).
- (4) **Sexual Assault on a Child. Colo. Rev. Stat. §18-3-405.** Any individual who knowingly subjects another to any sexual contact commits sexual assault on a Child if the victim is less than 15 years of age and the individual is at least 4 years older than the victim (a felony; under certain circumstances, a person can be sentenced to a potential life sentence in prison).
- (5) **Sexual Assault on a Child By One in a Position of Trust. Colo. Rev. Stat. §18-3-405.3.** Any individual who knowingly subjects another to any sexual contact commits "sexual assault on a Child by one in a position of trust" if the victim is less than 18 years of age and the individual committing the offense is one in a position of trust with respect to the victim. "Position of Trust" is defined under Colorado law as: a parent of one acting in place of a parent charged with a parent's rights, duties, or responsibilities concerning a child, including a guardian or someone otherwise responsible for the general supervision of a child's welfare, or a person charged with any duty or responsibility for the health, education, welfare or supervision of a child, including foster care, child care, family care, or institutional care, either independently or through another, no matter how brief at the time of the unlawful contact. Colo. Rev. Stat. §18-3-401 (3.5). A conviction under this statute may subject an individual to a potential life sentence.
- (6) **Sexual Assault on a Client by a Psychotherapist. Colo. Rev. Stat. §18-3-405.5.** A psychotherapist (which is defined under this statute as any person who performs or purports to perform psychotherapy, when such person is licensed by the state), commits aggravated sexual assault if he/she knowingly inflicts sexual penetration or sexual intrusion on a victim or if the sexual penetration or intrusion occurred by means of therapeutic deception. Depending on the circumstances, sexual assault by a psychotherapist can be a felony or a misdemeanor.
- (7) **Sexual Exploitation of Children. Colo. Rev. Stat. §18-6-403.** Sexual exploitation of any Child under 18 constitutes a wrongful invasion of the Child's privacy and results in injury to the Child; any Child below the age of 18 is incapable of granting informed consent to the use of his or her body for a sexual purpose. To protect Children from sexual exploitation, it is necessary to prohibit the production of material which is derived from sexual exploitation and to exclude all such materials from commerce. Further, the mere possession of any sexually exploitative material results in continuing victimization of Children by the fact that such material is a permanent record of an act or acts of sexual abuse of a Child. Each time such material is shown or viewed, the Child is harmed. To stop the sexual exploitation and abuse of Children, the state has banned the possession of any sexually exploitative materials. Sexually exploitative material is defined as any photograph, motion picture, video, video tape, print, negative, slide, or other mechanically, electronically, chemically, or digitally reproduced visual material that depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct. Sexual Exploitation of a child includes causing or permitting a child to engage in sexually explicit conduct for the production of sexually explicit materials; possessing such sexually explicit materials and/or sharing such materials with any person.
- (8) **Enticement of a Child. Colo. Rev. Stat. §18-3-305.** A person commits the crime of enticement of a child if he/she invites or persuades, or attempts to invite or persuade a child under 15 to enter any vehicle, building, room or secluded place with the intent to commit sexual assault or unlawful sexual contact upon the necessary. Enticement of a Child is a felony.
- (9) **Internet Luring of a Child. Colo. Rev. Stat. §18-3-306.** Internet luring of a child occurs when a person communicates over a computer network, by telephone or text or instant message with a person who the person believes to be under 15, and the communication

describes explicit sexual conduct, and the person attempts to persuade the child to meet the individual for any purpose, and the person is more than 4 years older than the perceived child. Internet luring of a child is a felony.

- (10) **Internet Sexual Exploitation of a Child**, Colo. Rev. Stat. §18-3-405.4. Internet Sexual Exploitation of a Child occurs when an individual invites or entices a child the person believes is under 15 through communication through a computer network, telephone, data network, text message or instant message to expose or touch the child's own or another person's intimate parts or to observe the individual's intimate parts while communicating with the person through the computer network, telephone, data network, text message or instant message. This applies to individuals who are more than 4 years older than the child. This crime is a felony.
- (11) **Indecent Exposure**, Colo. Rev. Stat. §18-7-302. A person commits indecent exposure by knowingly exposing his/her genitals to the view of any person. The seriousness of the offense depends upon whether the age of the victim is 15 years or older.
- (12) **Criminal Invasion of Privacy**, Colo. Rev. Stat. §18-7-801. Criminal Invasion of Privacy occurs when a person observes or takes a photograph of another person's intimate parts without the person's consent in a situation where the person has a reasonable expectation of privacy. Criminal Invasion of Privacy is a misdemeanor.
- (13) **Invasion of Privacy for Sexual Gratification**, Colo. Rev. Stat. §18-3-405.6. Invasion of Privacy for Sexual Gratification occurs when a person observes or takes a photograph for the purpose of sexual gratification of another person's intimate parts without that person's consent in a situation where there was a reasonable expectation of privacy. This crime is a misdemeanor. It is a felony if the person who was observed or photographed was less than 15 and the actor was more than 4 years older than the victim.
- (14) **Child Abuse**, Colo. Rev. Stat. §18-6-401. A person commits child abuse if such person causes an injury to a child's life or health, or permits a child to be unreasonably placed in a situation that poses a threat of injury to a child's life or health, or engages in a continued pattern of conduct that results in malnourishment, lack of proper medical care, cruel punishment, mistreatment or an accumulation of injuries that ultimately results in the death of a child or serious bodily injury to a child. **Child abuse includes neglect and emotional abuse.** Child abuse also occurs when a child is allowed to observe, live in or be cared for in a residence, or allowed to ride in a vehicle that contains methamphetamine or items used in the production of methamphetamine, or where methamphetamine is manufactured. Child abuse can be a misdemeanor or a felony.

APPENDIX C**COLORADO ELDER ABUSE AND AT-RISK ADULT ABUSE REPORTING REQUIREMENTS****At-Risk Elder**

As of July 1, 2014, Clergy Members are mandatory reporters³⁰ of elder abuse. **Mandatory reporters who witness or become aware that an "At-Risk Elder" has been or is at imminent risk of mistreatment (which means abuse, caretaker neglect or exploitation) shall report the situation to law enforcement within 24 hours (UNLESS a Priest has this information secured through the Sacrament of Confession).** There are criminal consequences for a mandatory reporter failing to report elder abuse, such as a Class 3 Misdemeanor. However, a person who files a report in good faith is immune from civil or criminal prosecution.

At-Risk Adult with an Intellectual and Developmental Disability

As of July 1, 2015, Clergy Members are mandatory reporters³¹ of the abuse or exploitation of an "At-Risk Adult with an Intellectual and Developmental Disability" (**Mandatory reporters who witness or become aware that such a person has been abused or exploited or is at imminent risk of mistreatment (which means abuse, caretaker neglect or exploitation) shall report the situation to law enforcement within 24 hours (UNLESS a Priest has this information secured through the Sacrament of Confession).** There are criminal consequences for a mandatory reporter failing to report such abuse, such as a Class 3 Misdemeanor. However, a person who files a report in good faith is immune from civil or criminal prosecution.

Please note the following definitions that are currently part of Colorado law on this topic:

"Clergy Member" means a priest; a rabbi; duly ordained, commissioned, or licensed minister of a church; member of a religious order, or a recognized leader of any religious body. "Clergy Members" therefore not only include pastors, parochial vicars, religious, etc., but also include deacons, including transitional deacons.

An **"At-Risk Adult with an Intellectual and Developmental Disability"** means a person who is 18 years of age or older and is a person with an "intellectual and developmental disability" (see the definition of such disability, below).

An **"At-Risk Elder"** is a person 70 years of age or older (regardless of whether the person suffers from a disability/impairment of any sort).

"Abuse" means any of the following acts or omissions committed against an at-risk adult with an intellectual or developmental disability, or against an at-risk elder: (a) the non-accidental infliction of bodily injury, serious bodily injury, or death; (b) confinement or restraint that is unreasonable under generally accepted caretaking standards; (c) subjection to sexual conduct or contact otherwise classified as a crime; and (d) caretaker neglect.

³⁰ Mandatory reporters include physical therapists; emergency medical service providers; chiropractors; physicians; surgeons; physicians' assistants; osteopaths; physicians in training; podiatrists; occupational and physical therapists; medical examiners; coroners; registered nurses; licensed practical nurses; nurse practitioners; hospital and long-term care facility personnel engaged in the admission, care or treatment of patients; psychologists and other mental health professionals; social work practitioners; dentists; law enforcement officials and personnel; court-appointed guardians and conservators; fire protection personnel; pharmacists; community-centered board staff; personnel of banks, savings and loan associations, credit unions, another lending or financial institutions; caretaker, staff member, employee or consultant for a licensed or certified care facility, agency, home or governing board, including but not limited to home health providers; caretaker, staff member, employee of, or a consultant for, a home care placement agency, as defined in Colo. Rev. Stat. §25-27.5-102(5) and clergy (as defined in the children's code, Colo. Rev. Stat. §19-3-304(2)(AA) and Colo. Rev. Stat. §13-90-107(1)(C)).

³¹ See footnote 34.

"Caretaker neglect" means neglect that occurs when adequate food, clothing, shelter, psychological care, physical care, medical care, or supervision is not secured for an at-risk adult with an intellectual or developmental disability, or secured for an at-risk elder, or is not provided by a caretaker in a timely manner and with the degree of care that a reasonable person in the same situation would exercise; except that the withholding, withdrawing, or refusing of any medication, any medical procedure or device, or any treatment, including but not limited to resuscitation, cardiac pacing, mechanical ventilation, dialysis, and artificial nutrition and hydration, in accordance with any valid medical directive or order or as described in a palliative plan of care shall not be deemed caretaker neglect. As used in this subsection, "medical directive or order" includes but is not limited to a medical durable power of attorney, a declaration as to medical treatment executed pursuant to section 15-18-104, Colo. Rev. Stat., a medical order for scope of treatment form executed pursuant to article 18.7 of title 15, Colo. Rev. Stat., and a CPR directive executed pursuant to article 18.6 of title 15, Colo. Rev. Stat.

"Intellectual and developmental disability" means a disability that manifests before a person reaches 22 years of age, that constitutes a substantial disability to the affected person, and that is attributable to mental retardation or related conditions, which include cerebral palsy, epilepsy, autism, or other neurological conditions when those conditions result in impairment of general intellectual functioning or adaptive behavior similar to that of a person with mental retardation.

"Exploitation" means an act or omission committed by a person who:

- A. Uses deception, harassment, intimidation, or undue influence to permanently or temporarily deprive an at-risk adult with an intellectual or developmental disability, or deprive an at-risk elder, of the use, benefit, or possession of his or her money, assets, or property;
- B. In the absence of legal authority:
 - 1. Employs the services of a third party for the profit or advantage of the person or another person to the detriment of the at-risk adult with an intellectual or developmental disability, or to the detriment of the at-risk elder; or
 - 2. Forces, compels, coerces, or entices an at-risk adult with an intellectual or developmental disability, or an at-risk elder, to perform services for the profit or advantage of the person or another person against the will of the at-risk individual; or
 - 3. Misuses the property of an at-risk adult with an intellectual or developmental disability, or an at-risk elder, in a manner that adversely affects the at-risk person's ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

APPENDIX D**PROCEDURES FOR RESPONDING TO ALLEGATIONS MADE AGAINST
MEMBERS OF RELIGIOUS COMMUNITIES SERVING IN THE TERRITORY OF THE ARCHDIOCESE OF DENVER³²**

Notification of the Religious Community. Allegations of Sexual Misconduct presented to the Archdiocese that involve a priest, brother, monk, sister, nun or other member of a religious community serving in an assignment from that community will be referred to the appropriate superior for investigation and appropriate action.

Investigation. When an incident is reported, the Archdiocese shall expect the accused's religious community to initiate an investigation immediately. The investigation will be done with the highest level of Christian care, concern and confidentiality (to the extent permitted by law) for the reported victim, his or her family, the person reporting the incident and the accused. A copy of the report resulting from the investigation shall be forwarded to the Archbishop as soon as it is completed in order to assist him in determining the appropriateness of future ministry or the granting of faculties. Any recommendation concerning further ministry or service in the Archdiocese will be considered by the Archbishop in consultation with the major superior or otherwise competent authority according to canon law.

Status of the Member of the Religious Community. As circumstances warrant, the Archbishop may immediately withdraw an accused's faculties in the Archdiocese and/or exercise of the external apostolate (c. 678), thereby making the individual ineligible for active ministry in the Archdiocese, pending the outcome of the accused's religious community's internal investigation and any outside investigation. Such action does not imply guilt on the part of the accused religious.

Pastoral Response to the Reported Victim. The Archbishop expects the religious community to provide a prompt and appropriate pastoral response to the reported victim.

Pastoral Response to the Accused. The religious community will attend to the spiritual, emotional and physical well-being of the accused.

Pastoral Response to the Church and Community. Depending upon the circumstances, the Archbishop, or his designee, will ensure appropriate communication and pastoral response to the people of the parish or community where the religious is assigned and/or where the reported misconduct occurred. It is Archdiocesan policy to deal as openly as possible with the parish or community, consistent with respect for the privacy of the individuals involved and any ongoing legal processes.

³² The Catholic Church recognizes several distinct forms of consecrated life. For the purposes of this Code, any member of a religious institute (c. 607), secular institute (c. 710), or society of apostolic life (c. 731) not incardinated in the Archdiocese is considered a member of a religious community.

APPENDIX E**ACKNOWLEDGMENT OF RECEIPT & AGREEMENT**

I, the undersigned, hereby acknowledge that on the following date, _____, I received a copy of the Archdiocese of Denver's Code of Conduct.

I have since read its contents and understand its meaning and agree to conduct myself in conformity with its terms.³³

I understand that this *Acknowledgment of Receipt & Agreement* will be maintained in my personnel file.

Signature of Church Worker: _____

Printed Name of Church Worker: _____

Archdiocesan Ecclesiastical Organization: _____

Signature Date: _____

³³ As Catholic employers, we welcome and are grateful to Church Workers of all faiths who fill those positions that do not require they be filled by a fully initiated Catholic in the communion of the Catholic Church and intentionally living out the five precepts of the Church (*Catechism of the Catholic Church* §§2041-2043). If you fill such a position, and you are not a fully initiated Catholic in the communion of the Catholic Church and intentionally living out the five precepts of the Church, it is understood that certain provisions of the Code may not apply to you, such provisions consisting principally of those terms regarding involvement in parish life and the practicing of the sacraments (as referenced in Part I, Sections I.A. and I.D.3. of the Code). All other provisions of the Code apply to all Church Workers.

EXHIBIT
5

Guidance for Issues Concerning the Human Person and Sexual Identity

This document incorporates, with permission, specific language or substantial portions of "Catholic Schools and Gender Ideology: General Principles and Recommendations," a document co-authored by Theresa Farnan, PhD, Susan Selner-Wright, PhD, and Mary Rice Hasson, JD.

Terminology

Gender ideology redefines the human person. It is incompatible with Christian anthropology and can lead to profound confusion. In this section, we explain the intended meaning and use of key terms, *as employed by proponents of gender ideology*. Because these terms often contain built-in assumptions incompatible with Christian anthropology, these terms should not be used uncritically in our schools.

- **Gender** "refers to the attitudes, feelings, and behaviors that a given culture associates with a person's biological sex. Behavior that is compatible with cultural expectations is referred to as gender-normative; behaviors that are viewed as incompatible with these expectations constitute gender non-conformity" (Guidelines, in *Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students*, American Psychological Association [APA], 2015).
- **Gender identity**: "A person's deeply-felt, inherent sense of being a boy, a man, or male; a girl, a woman, or female; or an alternative gender (e.g., genderqueer, gender non-conforming, boygirl, ladyboy) which may or may not correspond to a person's sex assigned at birth or to a person's primary or secondary sex characteristics. Since gender identity is internal, a person's gender identity is not necessarily visible to others. 'Affirmed gender identity' refers to a person's gender identity after coming out as transgender or gender non-conforming or undergoing a social and/or medical transition process" (Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students, APA, 2015).
- **Sex** "refers to a person's biological status and is typically categorized as male, female, or intersex (i.e., atypical combinations of features that usually distinguish male from female). There are a number of indicators of biological sex, including sex chromosomes, gonads, internal reproductive organs, and external genitalia" (Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students, APA, 2015).
- **Gender Dysphoria** "refers to discomfort or distress that is associated with a discrepancy between a person's gender identity and that person's sex assigned at birth (and the associated gender role and/or primary and secondary sex characteristics) ...Only some gender-nonconforming people experience gender dysphoria at some point in their lives" (Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students, APA, 2015, internal citations omitted).

- **Transgender** "is an umbrella term that incorporates differences in gender identity wherein one's assigned biological sex doesn't match their [sic] felt identity. This umbrella term includes persons who do not feel they fit into a dichotomous sex structure through which they are identified as male or female. Individuals in this category may feel as if they are in the wrong gender, but this perception may not correlate with a desire for surgical or hormonal reassignment" (*Key Terms and Concepts in Understanding Gender Diversity and Sexual Orientation Among Students*, APA, 2015, internal citations omitted).

By contrast, the following terminology should be used by school leaders and faculty in our Catholic Schools:

- **Sexual identity:** Respect for the dignity of the person means recognizing each person as a child of God, called by God and formed in his image and likeness, and respecting persons in their integrity as embodied male or female from the moment of conception. For this reason, Catholic schools cannot recognize or facilitate a "gender transition," or grant any accommodation that recognizes or suggests a change in sexual identity. Schools may make some accommodations for children who need additional privacy, as long as these accommodations do not involve recognizing or endorsing a change in sexual identity. For example, a child may be granted access to the nurse's bathroom for various reasons but should never be granted access to the restroom or changing facilities of the opposite sex. Other accommodations, such as wearing the uniform designated for the opposite sex or the use of preferred pronouns are impermissible, as they convey falsely to that child and his or her peers that there has been or could be a change in sexual identity.
- **Sexual difference:** Catholic schools must affirm the importance of sexual difference as the basis of marriage, and as essential to understanding sexual identity and the truth and meaning of human sexuality. For this reason, Catholic schools cannot facilitate or allow alliances or advocacy that rejects the truth that sexual difference is intrinsic to human sexuality and is the foundation of marriage and family.
- **Marriage:** Catholic schools at all times must uphold the nature and meaning of marriage as a covenantal relationship between one man and one woman that is marked by exclusivity, permanence, fidelity and openness to life. Catholic schools should take care not to convey any equivalence between same sex or transgender legal unions or relationships and marriage. Same sex or transgender romantic partners and children of these unions should always be treated with dignity and kindness. Catholic schools cannot recognize cohabitation as equivalent to marriage. However, children born to cohabiting couples must always be treated with compassion and respect. The truth about marriage is accessible to everyone because it is grounded in the nature of the human person. Promoting and protecting marriage witnesses to the dignity of every person and serves the common good.

1. What is the goal of our Catholic Schools' policies?

The goal of policies established in a Catholic school should be to create and foster an environment in which children can grow in virtue and be formed according to the teachings of Christ, in accord with the school's Catholic mission. Therefore, school policies should reinforce Christian anthropology, including the reality of sexual difference and its relevance in certain spheres. Christian anthropology is unalterably opposed to many aspects of the gender ideology currently affecting the culture nationally and internationally. School (and diocesan) policies should explicitly state that they are written to conform to the teachings of the Catholic Church in all respects. Policies that are unequivocally rooted in Catholic teaching provide the best foundation for religious freedom claims or defenses against lawsuits or demands by parents, employees, activists, or government entities that seek to compel actions or responses incompatible with the teachings of the Catholic Church and the Catholic mission of the institutions. All staff (particularly new hires from public schools or secular schools of education) should understand that the policies of a Catholic school *necessarily* differ, in substantial ways, from the policies of public or private secular schools.

What general principles might be helpful to Catholic schools as they address concerns related to gender ideology?

Integrate concrete circumstances with the moral law. Questions regarding gender ideology and Catholic schools may involve concrete situations related to a particular person or family, as well as conceptual and pastoral questions that apply to the school community as a whole. Situations involving individuals should be addressed with pastoral care that is rooted in love and concern for the person; pastoral care recognizes God's call to every baptized person to share in his eternal life and to follow the moral law as the way to happiness. "A person's discomfort with his or her sex, or the desire to be identified as the other sex, is a complicated reality that needs to be addressed with sensitivity and truth. Each person deserves to be heard and treated with respect; it is our responsibility to respond to their concerns with compassion, mercy and honesty" (USCCB, 2017).

Pastoral care, then, works towards the integration of one's concrete circumstances with objective truth. "Acting is morally good when the choices of freedom are *in conformity with man's true good* and thus express the voluntary ordering of the person towards his ultimate end: God himself, the supreme good in whom man finds his full and perfect happiness" (*Veritatis Splendor*, no. 72). "Conscience thus formulates *moral obligation* in the light of the natural law: it is the obligation to do what the individual, through the workings of his conscience, *knows* to be a good he is called to do *here and now*" (*Veritatis Splendor*, no. 59). Care for an individual also must take into account the potential impact on others, particularly the impact on conscience formation, fidelity to Catholic teachings, institutional identity and mission, the potential for scandal, and legal and other practical considerations.

Distinguish Christian anthropology from gender ideology; Christian anthropology and gender ideology are incompatible. Christian anthropology refers to the understanding of the

person that is grounded in the Creation accounts in Genesis and supported by reason, and that has been developed in the writings of St. Augustine and St. Thomas Aquinas, among others. See *Catechesis and Gender Ideology* for a description of what gender ideology asserts and how it differs from Christian anthropology. (In this document we describe specific assertions of gender ideology as they bear on concrete questions faced by schools.) As gender ideology gains traction culturally, it is ever more important to understand how gender ideology differs from Christian anthropology, and how schools can help Catholics withstand the cultural current that threatens to unmoor us from our foundations.

While the spread of gender ideology presents a danger to the faith of Christians, it offers an even greater opportunity for the Church to present anew the Church's vision of the human person and the Gospel message.

We must:

- Begin by setting out a clear vision of the person, rooted in Christian anthropology.
- Be confident in the truth: Christian anthropology offers a vision of the person that not only is illuminated by faith but also resonates with experience and is rooted in science. It lays a foundation for human flourishing.
- Be prepared to explain clearly to parents (and older students) what gender ideology is, how it differs from Christian anthropology, and why the Church regards gender ideology as harmful not only to the individual but also to the culture at large.

Catholic schools in particular need to implement policies that are consonant with Christian anthropology's view of the person. Schools should avoid validating or affirming the premises of gender ideology, even indirectly, by silence or inaction.

In age-appropriate ways and in partnership with parents, schools should proactively counter gender ideology through periodic lessons, presentations, etc., as well as through unscripted conversations and teachable moments.

When should gender ideology be addressed in Catholic schools and religious education programs?

Catholic schools and religious education programs should present basic Christian anthropology to all children, in age-appropriate ways throughout the course of a child's education, in the context of teaching about the Catholic faith. Questions specifically related to gender ideology (gender identity, transgender-identified persons, topics related to gender nonconformity) should be handled in various age-appropriate ways at appropriate stages of a child's education, always recognizing that parents are the primary educators of their children, with attendant rights and responsibilities.

All teachers should be trained and prepared, from a Catholic perspective, to field questions or comments about the concept of gender identity, peers who have "transitioned" or "come out" on social media, transgender-identified public figures, TV/Netflix shows (e.g., Caitlin Jenner, Jazz Jennings, *Transparent*, *Orange is the New Black*, *Roseanne*, etc.), and gender-

related public policy issues (e.g. bathroom bills) that may arise in the context of other classroom discussions. Teachers should be equipped to take advantage of those “teachable moments” to affirm the reality of sexual difference, present Church teaching on the human person, and point out ways to show compassion and respect for the dignity of every person without approving of harmful personal decisions or public policies. In all situations, schools must be prudent in addressing these issues, taking care to address these issues in an age-appropriate way.

Practically speaking...Catholic schools and religious education programs [should] offer educational presentations on gender ideology for parents—and that schools strongly urge (or even require) all parents to attend. Presentations to parents should occur on a recurrent basis or be available by video link to ensure new parents can access this information. In grades K-6, parents should be informed about the pervasiveness of gender ideology in media and advertising directed toward children, including, for example, shows produced by Netflix (featuring cartoons such as *Super Drags* and *Drag-tots*) and Disney (which features “out” characters, same sex couples, and same sex kisses in children’s programming ranging from *Doc McStuffins*, *Star vs. the Forces of Evil*, to *Andi Mack*) and in YouTube videos. Parents should be equipped to handle questions regarding gender ideology in an age-appropriate way.

In addition, schools and religious education should address the topic with students directly, at appropriate ages, with notice to or permission from parents. In middle school (7th and 8th grades), gender ideology topics could be addressed proactively in the classroom, in the context of the religion and science curricula, or discussions of current events. If the curriculum provides for specialized classes in chastity or theology of the body for teens, gender ideology also can be addressed in those contexts. In high school (9th -12th grades), teachers should address specific gender ideology topics within planned lessons on Christian anthropology (identifying the conflicts between gender ideology and Christian anthropology), in the context of biology and related sciences, in classes related to chastity, theology or the body, sexuality or marriage, and in discussions of current events.

May a Catholic school enroll a student who identifies as transgender?

To answer this question, it is important to understand more precisely the student’s actual situation. We draw the following distinctions, based on likely situations school officials might encounter:

- a) ***The student who rejects his or her sexual identity and asserts a gender identity at odds with his or her biological sex.*** This student *identifies* as transgender, queer, nonbinary, gender-fluid, genderqueer, gender nonconforming, or some other identity different from the student’s given sexual identity as male or female. A student who rejects his or her given sexual identity might insist that he or she “is” a person of the opposite sex, or that he or she identifies as something other than male or female. Typically, a student who rejects his or her *given* sexual identity (male or female) will seek to have others affirm the student’s *desired* identity (transgender, non-binary, queer, etc.). Affirmation might include calling the student by a new name or referring to the student by new pronouns, such as those associated with the opposite sex, invented pronouns such as “ze, zir,” or the use of plural pronouns (“they, “them”). This student also might seek to adopt clothing,

mannerisms, and interests that are perceived as “gender-neutral” or are stereotypically associated with the opposite sex. For example, a male student who identifies as transgender, might claim in all sincerity that he “is” a girl and demand that others *affirm* that he *is* female, perhaps by referring to him using female pronouns or a new feminine name, granting him access to female bathrooms or locker rooms, or allowing him to wear the girls’ school uniform or play on a girls’ sports’ team. Schools should be aware of the possibility that such a student or his or her parents might produce a letter requesting an accommodation plan, pursuant to Section 504 of the Rehabilitation Act, that stipulates gender affirmation (e.g. desired names or pronouns, access to sex-segregated facilities, etc.) as necessary for the student’s success in school. Questions regarding IEP (disability) or 504 plans are treated in a separate question below.

Recommendation:

A Catholic school cannot affirm a student’s identity as transgender, gender nonconforming, non-binary, gender-fluid, gender-queer, or any other term that *rejects the reality of the student’s given male or female sexual identity*; any asserted identity that rejects the reality of biological sex is incompatible with Christian anthropology. Practically speaking, when parents are relying on secular medical or psychological advice that stresses *parental affirmation* of the child’s desired identity as the only way to support the child, then the situation will prove unworkable. Even if the parents and child express willingness to comply with relevant school rules in the short term, the situation is not workable because the family and the school are working from irreconcilable premises and moving towards incompatible goals. Accordingly, enrollment or re-enrollment of such a student at a Catholic school would not be appropriate. School administrators should communicate this decision to the student and his or her parents in the context of concern for the student’s well-being; school officials might invite further discussions and express willingness to provide additional guidance and support, short of enrollment. (When *both* the parents and the student are working towards integration of the student’s identity and biological reality, and are willing to have the student comply with all relevant rules, the situation would be covered under paragraph “b” below).

- Situations where the parents are divorced or divided over the question of whether or not to “affirm” the child’s chosen gender identity are particularly problematic, and increasingly common. These situations require additional information, including questions about the influence of the “affirming” parent, the involvement of social services, medical or psychological professionals, possible custody arrangements or disputes, relevant court orders or legal agreements. It also requires sensitivity to the personal dynamics involved, especially the child’s vulnerability in the face of parental discord over the child’s identity.
- By enrolling a student who openly rejects his or her given sexual identity and seeks to be affirmed in his or her desired identity by peers and the school community, the school compromises its mission and identity in multiple ways: the school’s decision is likely to be construed as endorsing the view that a person can be “born in the wrong body” or can “change gender” or sex—a view that

contradicts Catholic teaching and is simply not true; by validating the student's erroneous belief about him or herself, the school effectively lies to the student and hinders the student's search for the truth; by accepting the student's presentation of him or herself as "transgender" or any other identity at odds with the student's biological sex, the school is likely to confuse other students, staff, and families about the truth of the human person and the dangers of gender ideology, and to give scandal to the community at large. In actual practice, schools that accept a transitioned student or allow a student to transition typically end up downplaying or muting the relevant presentations of Catholic anthropology, theology, and moral teachings for the entire school, thus compromising the school's mission and hindering the education of other students as well.

- b) The student who is struggling to accept his or her sexual identity:* The struggling student is one who expresses confusion over identity, struggles to understand and accept his or her sexual identity (male or female), or has a diagnosis of gender dysphoria, **but nevertheless** *does not reject his or her sexual identity as male or female, does not assert an identity (transgender, non-binary, queer, etc.) at odds with his or her biological sex, and has not transitioned in any way.* (See the meaning of "transition" above.) In some but not all cases, the student who is struggling to accept his or her sexual identity also might show a preference for the stereotypical clothing, mannerisms, and interests of the opposite sex.

Recommendation:

In general, a student who is confused about or struggling with his or her sexual identity or has a diagnosis of gender dysphoria, **but** who has **not** taken steps to transition, nor overtly rejected his or her given sexual identity or asserted an alternative "identity," does not present a situation incompatible with Christian anthropology. As such, enrollment or re-enrollment at a Catholic school may be appropriate for this student at the school's discretion, considering the fit between the school's mission and expectations and the family's situation. (A poor fit is likely to create turmoil and confusion for the child, and would not be to the child's benefit.) Discussions between school administrators and the parents should occur prior to enrollment or re-enrollment, with mutual commitments to transparency. The school should be explicit about the school's mission; the Church's teachings on the person and concerns about gender ideology; relevant school policies (dress codes, facility use, etc.); the expectation that the parents and child will work towards an integrated sexual identity (aligned with bodily reality); the expectation that the parents and the child will commit to abide by school policies (including social media use*) for the duration of the student's enrollment; and the specific support or accommodations the school might be able to provide for the child. Parents should be transparent about their understanding of and openness to the Church's teachings on the person and the Church's concerns about gender ideology; the goals and methods of relevant individual or family therapy; the nature of any medical guidance they have received and their intentions regarding future medical treatment; the relationship between the parents and child; the duration and seriousness of the child's struggle with sexual identity; the parents' commitment to support the child's growth towards an integrated

sexual identity; the child's level of understanding and willingness to work towards an integrated sexual identity; the child's overall degree of cooperation and compliance with relevant parental decisions and expected compliance with relevant school policies. The situation will likely require ongoing guidance and re-evaluation. (*The school should make clear that in addition to complying with the school's on-campus rules, the child also should not "come out" on social media, e.g., express a social media *identity* at odds with biological sex.)

- c) ***The student with atypical expressions of masculinity or femininity:*** The student who is atypical in expressions of masculinity or femininity (e.g., the "tomboy") but *does not* express confusion about being male or female or assert an *identity* at odds with his or her biological sex (e.g. transgender, gender non-conforming, non-binary, etc.) does not present issues related to Christian anthropology or gender ideology and thus presents no obstacles to enrollment. Gender ideology has spurred an unhealthy focus on stereotypes, promoting the false idea that atypical interests, behaviors, and dress automatically should be interpreted as signs that a person's "authentic" identity might differ from his or her biological sex. A growing number of adolescents seem to be questioning their identities simply because their preferences differ from those stereotypically associated with same-sex peers (e.g., a boy who thinks he is a girl trapped in a boy's body because he likes pink and dislikes sports).

Recommendation:

Educators should be familiar with variances in child development, the uneven arrival and progression of pubertal development, and the broad range of personal interests, styles, and preferences among both boys and girls. Schools should allow for individual differences, within the limits of the school's chosen dress code or other relevant policies, while upholding standards that recognize sexual difference. Schools should *not* communicate acceptance of explicit "gender non-conforming" or "gender-bending" behaviors that *aim to communicate an identity message*. For example, a boy who wears feminizing makeup to class or wears a dress on a non-uniform day is perceived to be making an identity statement. A girl who plays kickball with the boys on the playground or prefers jeans and t-shirts to dresses is not.

Students naturally exhibit a wide range of developmental and personal growth, which may be reflected in the student's choice of attire, interests, and activities. These situations present no obstacle for enrollment and should be distinguished from other situations that might suggest a student is struggling with sexual identity or has adopted an identity at odds with his or her biological sex. For example, an adolescent girl who displays a behavioral shift towards shape-concealing clothing or "gender-neutral" styles and haircuts, shows signs of depression or social withdrawal, chooses peers who identify as transgender, gender nonconforming, etc., or who spends significant time online may be at risk for developing "rapid onset gender dysphoria" or asserting an identity at odds with her biological sex. (Teen girls are particularly vulnerable to the phenomena of rapid onset gender dysphoria. See Resources for more information.) School staff should be aware that a student who adopts an atypical appearance at school because of an escalating

internal struggle with sexual identity might “come out” as transgender, nonbinary, etc., to peers on social media before he or she begins to assert such an identity at school. Educators who become concerned about whether a child is struggling with identity issues should discreetly communicate those concerns to school administrators, who should coordinate discreet and sensitive communication with the child’s parents.

How should a Catholic school respond if an enrolled student asserts an identity at odds with the student’s biological sex, e.g. identifies as transgender, gender nonconforming, or non-binary, etc.?

School personnel should be aware that a student may begin to assert an identity at odds with their biological sex on social media even before doing so openly at school. The school’s response should consider factors such as how consistently and openly the student is asserting the new identity, whether the student’s asserted identity is common knowledge among the student’s peers or others in the school community, the degree to which the parents are aware of the situation, whether the parents endorse the student’s asserted identity, and whether the parents and student are willing to continue to comply with the school’s relevant policies (e.g., uniform or dress code guidelines, as well as behavioral expectations according to his or her biological sex). The school should contact the parents as soon as the school learns of the situation--to ensure that the parents are aware of the situation, and to arrange a meeting. When the student’s asserted identity is *not* public knowledge--for example, if the student or parents approach the school administration privately about the student’s situation--and the student’s parents do *not* endorse the student’s asserted identity and *are* willing to abide by the school’s sex-differentiated policies (e.g., uniforms, etc.), then the school should try to assist the family while allowing the child to remain an enrolled student.

These situations warrant careful consideration of the circumstances surrounding the child’s exploration of this new identity. Research suggests that in some children underlying or unresolved issues may contribute to identity issues. Factors to consider include whether the child has experienced trauma or sexual abuse or is under psychological stress, struggles with poor peer relationships, has a history or symptoms of other body issues (such as anorexia nervosa), has previously been diagnosed with autism spectrum disorder (persons with autism experience sexual identity issues at higher rates than average), spends extensive time on social media, or has friends who are also struggling with identity issues.

The school should ensure that both parents and student are aware of the kinds of situations in which the student’s continued enrollment would become untenable. For example: if the student or parents do not comply with the school’s relevant policies (e.g. the student refuses to abide by the dress code or the parents insist that the student be allowed to use opposite sex bathrooms or be addressed by pronouns that match the new identity but are at odds with the student’s biological sex); the student “comes out” or otherwise openly asserts a desired identity at odds with his or her biological sex, either on social media or within the school environment; or the parents endorse or publicize the student’s asserted identity, either informally, on social media, or through media channels.

Catholic schools should be aware of a phenomenon referred to as “rapid onset gender

dysphoria," in which students and their friends, who have not expressed a transgender identity previously, declare themselves to be transgender and seek to transition together or sequentially. Adolescent girls are particularly vulnerable to this phenomenon, which seems to be a form of social contagion. Rapid onset gender dysphoria often occurs after a teen becomes immersed in trans-affirming social media (Reddit, Tumbler, and similar platforms) and the online community gradually replaces other friendships and family relationships. Catholic school policies typically set expectations regarding social media postings that may affect the school's reputation or the school community; while Catholic schools cannot be expected to police students' social media (parents bear primary responsibility for this), the schools should be aware that an individual student's assertion of a transgender identity on social media inevitably affects the school community.

When a student experiences distress or conflict over his/her sexual identity or receives a diagnosis of gender dysphoria, but continues to follow the school's policies while remaining within the school's parameters, the situation will require discretion, sensitivity, prudence, and prayer to discern the best response. *In no situation should the school recognize, encourage, endorse, or facilitate a student's "gender transition."* The school has discretion to make accommodations (e.g., providing access to a private bathroom) in order to address concerns about any student's safety or privacy, while taking steps to ensure that those accommodations are not perceived by other students as an endorsement of the student's asserted identity or of gender ideology's core idea -- that a person's "authentic" identity might differ from biological sex (e.g. that a biological boy, for example, could be a girl trapped in a boy's body).

How should a school respond if a student or the student's parents ask members of the school community to address the student using personal pronouns at odds with the student's biological sex?

The school must refuse this request. Personal pronouns refer to the *person* and correspond to the truth about the person's identity as male or female. A student who seeks to be called by personal pronouns that correspond to the opposite sex, or by invented pronouns (such as ze, zir), or plural pronouns (they, them, their) seeks to communicate an identity that rejects the student's biological sex. By asking others to use those pronouns, the student is asking others to affirm something (the asserted identity) that is not true. The school must insist that staff and students comply with the school's policy both officially and informally, for the sake of consistency. (In other words, a teacher must use the student's actual pronouns both inside the classroom and in less formal contexts (e.g., informal conversation or social events).

What if a student asks to be called by a new name or desires to change his or her name in school records?

Catholic schools enroll students under their legal names. It is not uncommon for students to ask to be called, informally, by a nickname, middle name, or family name that differs from the student's legal name. (For example, a student might ask teachers or coaches informally to refer to him or her by a different name in class or on the field.) Informal use of a different name is not a problem in itself but might signal an emerging identity issue.

- In one high school, for example, a girl asked her teachers to begin calling her by a new, androgynous name ("Dale") that had no obvious connection to her real name. In the preceding months, the girl had cut her hair extremely short and had begun wearing androgynous-style clothing at school social events. (She wore the girls' school uniform at school.) Shortly after she began calling herself "Dale," the girl "came out" to friends on social media, but not at school, as lesbian. (Her parents and teachers were unaware.) Several months later, "Dale" came out again on social media, but this time as "trans." Her mother soon discovered "Dale" had been wearing a chest binder for months to flatten her breasts and now wanted male hormones to facilitate her transition. At this juncture, the school administration learned of the issue; by this time, many students already knew of the girl's transition through social media, so the administration needed to address the issue not only with the girl and her family, but with her peers as well. In hindsight, the school realized that the requested name change, in the context of other behavioral changes, had been a red flag signaling deeper issues.

If a student or student's parents ask for a formal name change in the school records, because the student already has changed his or her name legally, then the school must update the records to comply as long as the student remains enrolled. It is important for a school to understand why the student seeks a name change. *If the name change is sought as part of the student's exploration of "gender" or as an assertion of a desired identity at odds with the student's biological sex, then the school needs further discussion with the student and his or her parents to see whether the school is still a good fit (see question 4, above) or whether the school is unable to re-enroll the student.* The school should meet with the student and parents to clarify that the school cannot affirm an identity at odds with the student's biological sex, and will continue to treat the student as male or female, according to biological sex, regardless of the legal name change. In general, where a legal name change has occurred for the purposes of affirming a current student's desired identity (at odds with biological sex), the student's continued enrollment should be reassessed. The situation would seem unlikely to be a good fit, as parents who are willing to support a child's desire to legally change his or her name to facilitate a new identity at odds with his or her biological sex, are unlikely to agree to the parameters recommended in 4(c) above.

In situations where the student is asking to be called by a name that is not an obvious nickname or derivative of his or her legal name, the school always should consult with the parents, who are the primary educators of the child.

If a student asserts an identity at odds with biological sex (e.g., identifies as transgender, gender non-conforming, gender creative, or gender fluid, etc.) and requests to wear the uniform of the opposite sex because it matches his or her new identity, how should the school respond?

Schools should not permit a student to wear the uniform appropriate for the opposite sex. Students' choice of attire communicates something about themselves to others. A female student wearing the male uniform (and vice versa) is intended to convey that the person "is" or identifies with the opposite sex. A student who asserts an identity at odds with his or her biological sex may desire to wear the uniform of the opposite sex as a way to validate the student's feelings or desired identity. If the school consents to a uniform change, the school would be implicitly

affirming the student's erroneous identity, and effectively encouraging the student to continue down a path that is harmful and unhealthy. It also will make it harder for the student to re-integrate his or her sexual identity with biological reality.

May a student use the bathroom or changing facility of the opposite sex, on the basis that it matches his or her desired or asserted identity?

No. Students must use changing or bathroom facilities in accord with their biological sex. Allowing male students to use female changing or bathroom facilities, or vice versa, violates other students' modesty and privacy. Allowing a student who asserts an identity at odds with biological sex to use facilities reserved for the opposite sex may create the impression that the school is validating the student's belief that he or she has fundamentally changed "who" he or she is. In reality, a person's biological sex cannot change.

A note on Title IX (federal legislation, applicable to schools receiving federal funds, prohibiting sex discrimination): The Obama administration reinterpreted Title IX to say that the word "sex" includes "gender identity," even if the person's desired gender identity is the *opposite* of his or her biological sex. Under the Obama-era interpretation, a school engages in prohibited sex discrimination if it refuses to allow a student to use the same facilities used by other students of the same "gender identity." According to this argument, a male student who identifies as a transgender "girl" claims the same gender identity ("girl") as the biological females in the class, and thus has a Title IX right to use the same facilities the girls use, based on their shared gender identity. Although the Trump administration rescinded the Obama administration's Guidance Letter that instructed schools to re-interpret "sex" to include "gender identity," Title IX's protections are being litigated; several district courts have sided with the interpretation advanced under the Obama administration. Further complicating the situation, some states and municipalities have added "gender identity" protections to their anti-discrimination laws and regulations, and some state courts have interpreted state law or local human rights ordinances to prohibit discrimination on the basis of "gender identity." These gender identity protections typically permit access to opposite-sex restrooms and changing facilities in schools. In late 2018, the *New York Times* published a leaked memo from the U.S. Department of Health and Human Services showing the Trump Administration's plan to make the definition of "sex" uniform across federal agencies: "sex" would be defined not as "gender identity" but as either male or female, biologically determined and unalterable.

Even where Title IX has been interpreted to protect gender identity, religious liberty laws and court rulings protect Catholic schools that are subject to Title IX from being forced to comply with gender identity regulations. However, Catholic schools should be aware that other private schools generally are following the practices of the public schools and complying with "gender identity" protections that grant transgender-identified students access to opposite-sex facilities and, often, opposite sex-athletic teams.

We would be remiss if we did not note that the religious liberty claim is strongest when the Catholic school ensures that all of its policies and practices are consistent with the teachings of the Catholic Church and openly conveys its intention to remain faithful to the teachings of the Magisterium.

What about clubs for LGBTQ-identified students or “gay-straight alliances”? May Catholic schools recognize these clubs? Is there a Catholic alternative?

Not all groups or clubs that claim to support students who identify as lesbian, gay, bi-sexual, transgender, or queer (“LGBTQ”) are faithful to the moral teachings of the Catholic Church. Catholic schools should not fund, support, permit, or grant official recognition to groups that emphasize or encourage students to embrace an LGBTQ *identity* (rather than embracing their primary identity as a child of God); promote or support an unchaste lifestyle; view same-sex sexual relationships as analogous to or a form of marriage; encourage LGBTQ activism in opposition to the teachings of the Church on marriage, human sexuality, and gender identity; affirm transgender, gender nonconforming, gender creative, or non-binary identities (or any other “identities” that reject an alignment with biological sex); or encourage students to “come out” as LGBTQ. Ministry to students who experience same-sex attraction or gender confusion or are diagnosed with gender dysphoria, or to their families, should be carried out with charity and prudence, affirm God’s unconditional love for the person, be faithful to Church teachings, show compassion, and help students integrate their self-understanding with the truth.

Almost all public high schools, many public middle schools, and many private schools sponsor “gay-straight alliances.” These student-led, school-sponsored clubs meet on a regular basis to explore the challenges experienced by LGBTQ-identified students, to promote school-wide acceptance of LGBTQ identities, to provide a “safe space” in which LGBTQ-identified students can discuss concerns related to their sexuality or gender identity, and to build friendships and “ally” relationships between LGBTQ-identified students and “straight” students. *Gay-straight alliances should not be permitted in Catholic schools because they erroneously promote students’ acceptance and approval of LGBTQ identities and behaviors as healthy and moral.*

Catholic school administrators who are approached by students requesting to establish a “gay-straight alliance” or similar club for LGBTQ-identified individuals should recognize the opportunity to support and educate these students about the person, human sexuality, and faith. The appropriate response might be to designate a chaplain or well-formed faculty member to meet with interested students on an individual or possibly a group basis, with an aim to foster the students’ self-understanding, integrate the virtue of chastity, and help them embrace their primary identities as sons or daughters of God. A high school student group specifically for LGBTQ-identified students, even one that openly accepts Catholic teaching on sexual identity and chastity, may do more harm than good. Student and staff who are poorly catechized may perceive the group at the Catholic school as no different from the gay-straight alliances at public schools, which conveys the erroneous idea that these students should define themselves primarily by their sexual desires.

Courage is an apostolate intended to help Catholics who experience same-sex attraction find support and live a life of chastity in conformity with the teachings of the Catholic Church. A *Courage* chapter on a college campus can be a vital source of support for students who identify as LGBT. *Courage* chapters, however, do not allow minors to attend and do not establish high school chapters. The school can list the local Encourage chapter (a *Courage*-affiliated outreach that provides support for families of individuals with same-sex attraction or identity issues)

among its resources for families.

May a Catholic school allow a same-sex couple to attend school dances as a couple?

No. *A Catholic school cannot validate a same-sex student "couple" without undermining its mission and identity.* Catholic schools limit school dance attendance in many ways, for many reasons. Prohibiting students from attending as a same-sex couple is not "unjust discrimination" or exclusion but a commonsense rule that supports the school's mission and identity. Allowing same-sex couples to attend school dances as romantic partners sends the erroneous message that same-sex romantic relationships are "the same as" opposite-sex romantic relationships—it also normalizes those relationships, conveys approval or affirmation of those relationships, and undermines the school's ability to help students understand complementarity, which is at the foundation of marriage. School personnel should be aware of the "Love is Love" media campaigns and popular memes that saturate youth-oriented media, effectively teaching them that same-sex relationships are no different from male-female relationships. Some critics of Catholic school policies against same-sex couples argue that because chastity is expected of *every* student, it makes no sense to exclude same-sex couples, or to unfairly single them out as if they were presumed to be engaging in a sexual relationship. It is true that chastity is expected of every student, and that opposite-sex couples attending school dances might engage in immoral sexual activity. The issue with same-sex couples, however, cannot be reduced to a question of whether or not the pair agrees to be chaste. The *romantic relationship itself* is not *ordered* towards authentic sexuality, which is designed to be male-female in the context of marriage, and can never fulfill the God's design for romantic and sexual relationships. If students of the same sex who are "just friends" ask to attend the dance as a non-romantic couple (e.g. to take advantage of discounted ticket prices for couples), they should be instructed to purchase individual tickets. The school should be consistent in limiting "couples only" activities to opposite-sex couples.

A related question that may arise is whether chaperones should allow persons of the same-sex to dance together at a dance. The answer depends on the context and intent. Women have danced with women, and men with men, throughout history in a variety of cultural contexts and traditions that are not morally problematic; these situations are not expressions of romantic or sexual interest or flirtations or a sign of same-sex coupling. Chaperones should be prepared to intervene in dance situations that involve persons of the same-sex behaving in flirtatious, romantic, or sexualized ways towards each other, just as they should be prepared to intervene if an opposite-sex couple engages in sexually provocative or intimate actions while dancing.

May a Catholic school enroll a child whose parent(s) or legal guardian(s) identify as gay or lesbian or who present themselves as part of a same-sex couple?

At times, a same-sex couple will approach a Catholic school seeking to enroll a child. In evaluating this request, the school must remain true to its mission of forming and educating all of its students in light of the teaching of the Catholic faith. In the wake of the Supreme Court decisions on marriage, same-sex couples approaching the school seeking to enroll a child may expect the Catholic school, like the general culture, to affirm their relationship (especially if they had a civil 'marriage' ceremony). The child or children in their household likely see the same-

sex couple as a family like any other and two mommies or two daddies as a normal parental relationship. Enrolling a child under these circumstances is likely to lead to intractable conflicts. *A Catholic school cannot treat a same-sex couple as a family equivalent to the natural family without compromising its mission and Catholic identity and causing confusion about the nature of marriage for all students enrolled.* If teachers and administrators were to treat a same-sex couple as if their relationship—and the situation of two mommies or two daddies—were no different from the mom and dad couples of other families, then it would not be surprising for other students to assume that same-sex couples are “just the same” as other couples and having two mommies or two daddies is *no* different from having a mother and a father.

Accordingly, the school should be attentive to situations that might cause confusion about the nature of marriage. In these situations, the school should seek guidance from the diocese, which can assist them in assessing the possibility of enrollment. For example, enrollment may be possible in a situation where one of the child’s biological parents is living in a same-sex relationship, while the other biological parent is not and seeks a Catholic education for the child; enrollment also may be possible in the case of a single parent who has identified as lesbian or gay and seeks a Catholic education for his or her child. Under these circumstances, it is important for the school to have open and forthright conversations with the parent/guardian or couple to discern if enrollment is possible. The school needs to communicate clearly what the Church teaches about marriage and same-sex relationships, emphasize that the child would be receiving formation in light of those teachings, discuss expectations for the parent/guardian/couple, and outline what accommodations the school may or may not be able to make.

If a child being raised by a same-sex couple is enrolled, the school must make every effort to ensure that the child is not bullied or teased because of his or her family situation. The Catholic school has an important opportunity to convey the truth about human dignity and God’s love by ensuring an atmosphere of respect and charity.

If a child of a same-sex couple is enrolled, the school should make clear that it can recognize a couple that is a mother and a father for the child, but cannot recognize “two mothers” or “two fathers” as a family structure. For purposes of registration, school directories, or other forms, a same-sex couple should be instructed to list one mother (or one father). The other adult may be noted elsewhere as an additional emergency contact, but not listed as another parent. The school should seek a commitment from the couple that they will respect the identity and mission of school by avoiding public displays of affection at school functions and exercising discretion about their living situation. The school also should be clear that parents whose objective living situation contradicts the teachings of the faith might face some limitations on their involvement in the school.

The enrollment of a child being raised by a same-sex couple creates additional difficult issues. For example, schools are bound by federal privacy laws not to release a student’s private information, such as family structure, to other families without permission. Situations such as a birthday party for the child of a same-sex couple or a class project on families may cause confusion for children who learn their classmate has two “moms” or two “dads,” and it may cause friction with other parents. Especially when their children are in younger grades, parents are likely to expect that other Catholic school parents share their moral views on marriage, or

that they will be able to shield their children from certain situations. Parents may become upset with the school for not giving them prior notice of another student's living situation (thus preventing parents from addressing the situation ahead of time with their own child). Schools need to respond to all parents' concerns with understanding and without judgment.

What if a teacher or staff member at a Catholic school decides to transition?

As a condition of employment, schools should require teachers to sign statements agreeing that they will uphold Catholic moral teachings in word and deed. Schools must set expectations as well about social media, as postings that contradict Catholic teachings have the potential to undermine the school's mission and the employee's witness. An adult who decides to transition is acting contrary to the truth of Christian anthropology and thus is not suited to teach in a Catholic school or to carry out the school's mission in any capacity. His or her continued employment would cause significant confusion and give grave scandal to the school's students, and the rest of the Catholic community. Even so, the pastor, chaplain, or another member of the pastoral team should reach out to the person with kindness and compassion, while speaking the truth in love. If the person is willing, the pastoral team should strive to open a dialogue in hopes of assisting the person towards greater personal integration.

What if a teacher or staff member decides to go through a same-sex 'marriage' ceremony, or is openly living in a same-sex relationship?

In this situation, the teacher or staff member is openly engaging in behavior opposed to the teachings of the Catholic Church on marriage and human sexuality, and thus is unsuited for teaching or serving in the Catholic school. This situation should be covered by pre-employment agreements. Employees should be required to sign those agreements annually, thus acknowledging the expectation that they will uphold Catholic moral teachings in word and deed.

What if a teacher or staff member decides to become an LGBTQ ally or advocate?

The language of "ally" or "advocate" in this context has been co-opted to mean affirmation of an *identity* that is "LGBTQ," as well as support for gender ideology and the culture surrounding the LGBTQ movement. As a result, those terms should not be used in a Catholic school. If a staff member expresses a desire to become an ally or advocate, this presents an opportunity for a careful conversation about what those terms mean and the staff member's motivation. If the motivation is a desire to serve and emotionally support students who may be same-sex attracted or have gender dysphoria by helping them understand their feelings and experiences *in light of Catholic teaching*, then the school may be able to support this effort, depending on its proposed form. The ministry of Courage/Encourage is aligned with Church teaching and staff may be encouraged to draw on those resources as they discern a prudential outreach. Staff should be aware that secular LGBTQ organizations and even some ostensibly Catholic organizations (such as Dignity, New Ways Ministry, and Equally Blessed) actively oppose Church teaching regarding sexuality and marriage; secular or faith-based LGBTQ organizations that encourage people to be an "LGBTQ ally or advocate" actively encourage young people to embrace an identity based on sexual orientation or gender identity. Catholic school staff who intend to be allies or advocates along those lines are not aligned with the school's mission and identity, and a

poor fit for teaching or serving in a Catholic school. The Catholic approach, in contrast, embraces one's identity as a son or daughter of God, with a given biological sex and sexual desires ordered to conjugal love. An authentic ally or advocate supports the Catholic approach.

Why does the Church still require its Catholic school employees to sign morality clauses, which govern aspects of an employee's private life?

Almost all employers ask their employees to abide by conditions of employment. The Catholic Church and Catholic schools often ask employees to sign pre-employment statements (or contracts that integrate these clauses) in which they acknowledge and agree to the Catholic institution's expectations that they will uphold Catholic moral teachings in word and deed. These are commonly known as "morality clauses." The Church and school are places of mission; employees' words and deeds that contradict or oppose Catholic teaching have the potential to undermine this mission. Pre-employment agreements are helpful in setting clear expectations, but they also provide an opportunity for evangelization. Agreements should include all situations that can be reasonably anticipated where Catholic school employees' words or deeds have the potential to undermine the school's mission or objectively and gravely contradict the teachings of the Church. This includes social media postings, personal living situations, and the potential for serious private failings to become public.

Should schools be concerned about gender ideology making its way into textbooks or curriculum materials?

Yes. For example, Illinois, California and New Jersey state standards mandate that public schools teach LGBTQ history. The Illinois law, passed in 2019, requires schools to incorporate "the role and contributions of lesbian, gay, bisexual, and transgender people in the history of this country and this State" into textbooks and curriculum. Textbook companies have already begun incorporating this information into textbooks in order to be able to sell those texts in these large state markets. While state laws cannot require Catholic schools to teach LGBTQ history, textbooks provided by the state or sold independently to Catholic schools will include this content. In addition, the LGBTQ advocacy group GLSEN promotes "LGBTQ-inclusive" curricula (online, video, and other platforms) to schools in every state, with resources, books, and lesson plans for children as young as kindergarten. Teachers need to be cautioned against indiscriminate use of materials from secular educational websites, as these materials may undermine Christian anthropology and Catholic teachings. For example, materials from the Human Rights Campaign "Welcoming Schools" program, or materials from Southern Poverty Law Center's "Teaching Tolerance" website are not suitable for use in a Catholic school. In addition, recently published young readers' biographies of famous people may include additional materials about the person's sexual orientation or gender identity. The LGBTQ community represents a number of historical figures as LGBTQ heroes, even though during the person's life little or nothing was public about the person's sexual orientation or identity. Catholic schools that use secular books, lesson plans, or supplementary materials should carefully screen those materials for content that promotes gender ideology—at every grade level, in every subject.

PARISH SCHOOL
FULL-TIME TEACHER AND FORMATOR
CONTRACT TERMS AND CONDITIONS
(Scheduled to report 37.5 or more hours/week)

EXHIBIT**6**

Parish, a Colorado corporation sole and a juridic person under the canon law of the Catholic Church, was formed to be an integral part of the Church's mission in northern Colorado. Located within the territory of the Archdiocese of Denver ("Archdiocese") and functioning within the policies of the Archdiocese's Office of Catholic Schools ("OCS"), the Parish, through its Parish School, not only offers high quality academic instruction, but, more importantly, it is an effective vehicle for total Christian formation. The Parish School therefore plays an integral role in the ministry and mission of the Church.

Predicated on the above, the Parish agrees to employ the individual identified on the Contract Coversheet in the position of Teacher and Formator pursuant to the following:

1. **Contract.** These Terms and Conditions, together with the Contract Coversheet and the addendum referenced below in Paragraph 5, attached hereto, the terms of which are incorporated herein by this reference, constitute the Contract between the parties.
2. **Employment Term.** The Employment Term, or Term, is as stated on the Contract Coversheet.
3. **Academic Year.** The Parish School's Academic Year is as stated on the Contract Coversheet.
4. **Co-Curricular Programming.** The Co-Curricular Programming (the activities, programs and learning experiences apart from the traditional academic programming) that Teacher and Formator may agree to be involved in administering are as stated on the Contract Coversheet.
5. **Duties.** Among all the members of the Parish School community, the Parish School Teacher and Formator stands out as having a special responsibility for education. Through their teaching-pedagogical skills, as well as by bearing witness through their lives, they allow the Catholic Parish School to realize its formative project. The Teacher and Formator shall have those duties, responsibilities, obligations, and expectations proper to the ecclesiastical office they assume as a minister of the Catholic Church, and as assigned by the Parish School Principal and/or their designee (e.g., Assistant Principal) and/or which are set forth in Archdiocese of Denver policy and on any job description attached as an addendum to this Contract.

Such duties, responsibilities, obligations, and expectations shall include, without limitation:

- a. observing the rules and regulations of Parish School pertaining to teaching faculty. In addition to teaching duties, Teacher and Formator may be assigned other duties including playground, lunchroom, hall monitoring, and study hall or library supervision duties;
- b. attending Parish and Parish School events when required;
- c. ministering to all students in their Catholic formation by infusing the cultural, academic, and liturgical life of School with Catholic values, tradition, and belief; grounding Parish School and teaching in principles consistent with Catholic doctrine and practice; be

outstanding in correct doctrine, personally exemplifying the characteristics of Catholic living (cf. can 803§ 2 CIC); and refraining from taking any public position or conducting himself or herself in a manner that is contrary to the teachings of the Catholic Church (see also *Statement of Catholic Community Beliefs and Commitments*);

- d. maintaining an academic schedule consistent with the common schedule as determined by the OCS and as directed by the Parish School leadership;
 - e. maintaining daily work hours at the Parish School for a minimum of two (2) days before the opening of the Academic Year to prepare the Parish School for opening;
 - f. during the Academic Year, maintaining daily work hours at the Parish School for a minimum number of hours at the direction of the Parish School Principal and/or their designee (e.g., Assistant Principal) each week per the Parish School's Faculty Weekly Schedule (which shall be prepared and posted by the Parish School at the beginning of the Academic Year) and shall work such additional hours as necessary to adequately complete and deliver on all expectations as outlined by the Parish School Principal and/or their designee applicable to his or her Duties, whether performed at the Parish School or elsewhere;
 - g. complying with any distance learning mandates, guidelines, instructions (e.g., for web resource utilization and confidentiality protocols), and expectations as set by the OCS and the local school authority whether during catastrophic events or otherwise;
 - h. complying with all policies, procedures, and guidelines that are published in the *Archdiocese of Denver Catholic Schools Administrator's Manual*, *Archdiocese of Denver Risk Management and Insurance Manual (RMIM)*, *Archdiocese of Denver Pastoral Handbook*, *Archdiocese of Denver Code of Conduct*, and in the School handbook and/or policy manual, as each may be amended from time to time.
6. **Standards and Performance Competencies.** In performing Teacher and Formator's duties, Teacher and Formator shall comply with the *Professional Teacher and Formator Standards and Performance Competencies* established by the OCS and distributed to and adopted by Parish School for issuance to Teacher and Formator, and which are incorporated herein by this reference (see Contract Coversheet).
7. **Compensation and Benefits.**
- a. Compensation. Parish will pay Teacher and Formator an annual salary for the Academic Year based upon the Archdiocesan/OCS Salary Scale Lane and Step listed on the Contract Coversheet. The salary will be paid over a twelve-month period (26 bi-weekly pay periods). The pay for teaching any part of the Academic Year shall be 1/185th of the annual salary of Teacher and Formator multiplied by the number of days actually worked. If applicable, the Parish shall pay Teacher and Formator such additional amount as stated on the Contract Coversheet (Co-Curricular Programming and Remediation Days).
 - b. Health, Life, and Disability Coverage. Teacher and Formator may enroll in the health benefits coverage available through the Parish by timely completing plan enrollment

forms. Teacher and Formator shall automatically be enrolled in group life and disability coverage. Benefits end June 30 unless the parties enter into a new Contract or the Contract is terminated before Teacher and Formator's End Date.

- c. Pension. Parish will provide Teacher and Formator with a pension benefit per the Parish's pension plan terms unless Teacher and Formator is a member of a religious order. If Teacher and Formator is a member of a religious order, a pension benefit will be negotiated between Teacher and Formator's religious order and the Parish.
 - d. Sick Leave. Parish will provide Teacher and Formator with Sick Leave at the rate of one (1) day (8 hours) per month, August through May, for a total of ten (10) days (80 hours) per Academic Year. Sick Leave may accumulate from Academic Year to Academic Year in the event the Teacher and Formator is employed by the Parish in the Parish School over continuous Terms, but Teacher and Formator may not accumulate more than sixty (60) days (480 hours) of Sick Leave. Unused Sick Leave will not be converted into compensation. If Teacher and Formator is absent from work without available Sick Leave eligibility, Parish may, in its sole discretion, reduce Teacher and Formator's compensation at a per diem rate of 1/185 times Teacher and Formator's annual salary, except as may otherwise be required by law.
 - i. during the Academic Year, the Teacher and Formator can elect to use up to two (2) Sick Leave days as Personal Leave days. If the two (2) Sick Leave days are used as Personal Leave days, they are deducted from accumulated Sick Leave. If the two (2) Sick Leave days are not used as Personal Leave days, they remain as Sick Leave days.
 - e. Personal Leave. Parish will provide Teacher and Formator with two (2) Personal Leave days (16 hours) per Academic Year to conduct personal business. These days must be approved by the Parish School Principal or their designee in advance. Neither the day before nor after a Parish School approved holiday, nor the first day or last day of the Academic Year may be used for Personal Leave. Personal Leave is not to be deducted from Sick Leave. Personal Leave does not accumulate from Term to Term in the event Teacher and Formator is employed in the Parish School over a number of Terms.
 - i. during the Academic Year, the Teacher and Formator can elect to use up to two (2) Sick Leave days as Personal Leave days. If the two (2) Sick Leave days are used as Personal Leave days, they are deducted from accumulated Sick Leave. If the two (2) Sick Leave days are not used as Personal Leave days, they remain as Sick Leave days.
 - f. Other Leave. Parish will provide Teacher and Formator such other paid leave as may be required by law or at the discretion of the School Principal, in consultation with the Parish Pastor and the Archdiocese of Denver.
8. **No Tenure.** This Contract is for the Term specified. The fact that the Parish may employ Teacher and Formator to work in its Parish School over a number of Terms does not give rise to tenure nor to any continuing right to employment.

9. **Code of Conduct.** Teacher and Formator agrees to abide by the Code of Conduct (see Contract Coversheet).
10. **Authority.** This Contract is subject to and shall be interpreted consistently with Scriptural principles, Catholic doctrine, the 1983 Code of Canon Law, especially canons 145, 796 through 805 and 827.2 (www.vatican.va/archive/ENG1104/INDEX.HTM); the Dicastery for Catholic Education Instruction: *"The Identity of the Catholic School for a Culture of Dialogue"* (www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_20220125_istruzione-identita-scuola-cattolica_en.html) and are incorporated into this Contract by reference. Accordingly, Teacher and Formator is subject to the general supervision, direction, and authority of the Parish School Principal and/or their designee, the Parish Pastor, and, with regard to matters of religion, morals, and general regulation/organization, subject to the authority of the Parish Pastor or the canonical authority of the Archbishop of Denver or his designee, the Archdiocese's Superintendent of Catholic Schools.
11. **Administrative Leave.** Teacher and Formator may be placed on administrative leave with or without pay at any time by one with authority over the Teacher and Formator.
12. **Termination.** The Parish School Principal or Parish Pastor may, without prior notice, terminate this Contract and Teacher and Formator's employment for Cause at any time. Cause includes, but is not limited to, any instances of:
 - a. Insubordination or failure to follow Parish, and/or Parish School policy, including the Archdiocese of Denver's Code of Conduct;
 - b. Failure to follow the role as outlined in the annual School Year *Catholic School Community Beliefs and Commitments: Catholic School Teacher and Formator* statement;
 - c. Moral turpitude or failure to bear witness to Catholic life;
 - d. Failure to teach and act in accordance with Catholic doctrine and moral teachings;
 - e. Failure to meet canonical standards;
 - f. Professional incompetence or violation of accepted or professional standards of conduct, including failure to comply with the OCS/Parish School *Professional Teacher and Formator Standards and Performance Competencies*;
 - g. Failure or inability to satisfactorily perform duties;
 - h. Failure to follow Archdiocesan or OCS policies;
 - i. Breach of Contract;
 - j. Excessive absences;
 - k. Lack of continuing professional growth;
 - l. Failure to maintain required training, certification, and/or credentialing;
 - m. Failure to actively participate in the Parish School's Catholic educational community;
 - n. Insufficient enrollment.

Upon termination of this Contract for Cause, Teacher and Formator shall be paid through the date of termination, and no further payments will be due under this Contract.

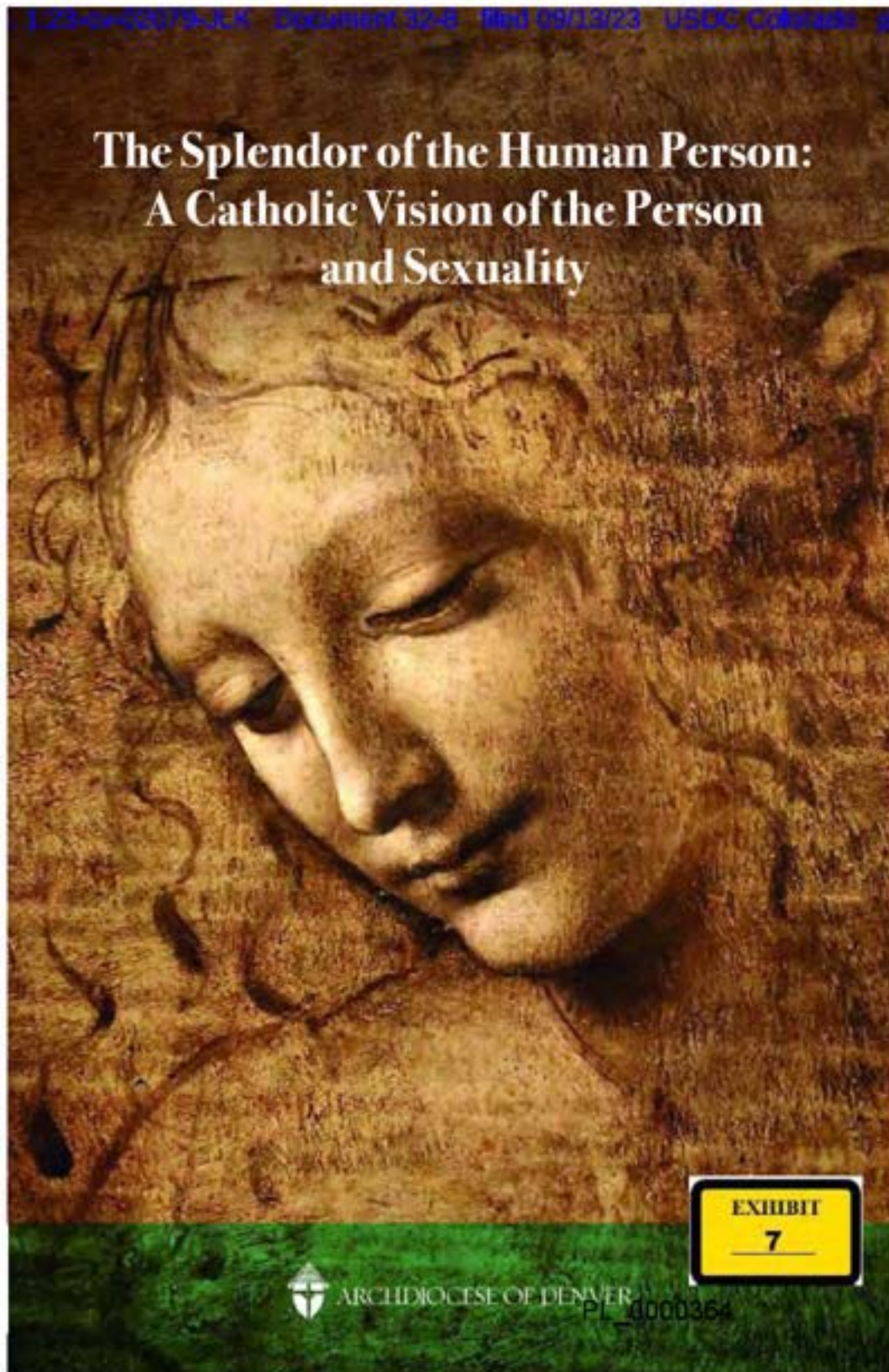
13. **Return of Property.** Teacher and Formator agrees to return all Parish/Parish School property to the Parish/Parish School upon request or at termination. If property is not returned, Teacher and Formator authorizes Parish to deduct the cost of any unreturned property from his or her final paycheck.

14. **Termination Before the End of the Contract Period or Extension of the Academic Term.**

- a. **Termination.** If catastrophic events (e.g., fire, explosion, natural disaster, act of God, act of the public enemy, war, act of terrorism, act of any government agency, "government declared" public health emergency, government-imposed measures responding to the outbreak of infectious disease, quarantine restrictions related to an infectious disease, or any other unforeseeable cause, whether of the kind enumerated above or otherwise, beyond the reasonable control of the Parish/Parish School or Teacher and Formator) result in temporary or permanent closure of the Parish School, the Parish may terminate this Contract. In such cases, and if more than thirty (30) calendar days remain in the Academic Year, the Parish, in its sole discretion, may terminate Teacher and Formator's employment with thirty (30) days' notice or may terminate Teacher and Formator's employment with pay in lieu of notice. If less than thirty (30) calendar days remain in the Academic Year, the Parish will pay this Contract in full.
- b. **Extension.** If, as a result of catastrophic events, the Parish decides to reschedule Parish School activities or services, the Parish may require Teacher and Formator to perform the duties of his or her position at another time (e.g., during the summer months) to complete the Academic Year. In this case, the maximum amount of compensation due Teacher and Formator for the Academic Year would be the amount shown on the Contract Coversheet.

15. **Prompt Action.** Teacher and Formator shall be barred from bringing any claim arising from this Contract, the inducement thereto, or the termination thereof unless Teacher and Formator provides written notice of Teacher and Formator's claim within six (6) months after any claim arises.
16. **Severability.** If any provision of this Contract is declared invalid, its invalidity shall not affect any other provision of this Contract.
17. **Complete Agreement.** This Contract, as defined above, constitutes the entire agreement between the parties with respect to the subject matter hereof, and supersedes all prior written and oral agreements between the parties in respect of that subject matter. No waiver, alteration or modification of any provision will be binding unless in writing and signed by both parties.

[END]





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"Without truth, charity degenerates into sentimentality. Love becomes an empty shell, to be filled in an arbitrary way. In a culture without truth, this is the fatal risk facing love."

Pope Emeritus Benedict XVI, Caritas in Veritate

Jesus Christ has established the Church to communicate his revealed truth and to heal and elevate humanity through his grace. This mission necessarily includes communicating the truth of God's creation, especially the nature of the human person, and helping all people of good will to embrace and live in this truth. God has created the person to share in the splendor of his love, as Archbishop Aquila relates in his pastoral letter, *The Splendor of Love*: "The splendor of God's love shining in our hearts enables us to embrace the truth about sexuality and marriage and leads us to imitate the generous, sacrificial love found at the heart of the Trinity. It gives us the grace to live like Christ, to embrace our sufferings by uniting them to his cross, and to find true happiness in giving ourselves away in love."¹

¹ Archbishop Samuel J. Aquila, *The Splendor of Love* (Feb. 2, 2018), https://archdcn.org/wp-content/uploads/2018/02/splendor-of-love_web.pdf. See also Pope St. Paul VI, *Humanae Vitae* (1968).

² | The Splendor of the Human Person:
A Catholic Vision of the Person and Sexuality

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STATE OF THE ISSUE

The good news of the Gospel communicates true freedom through the love of God, the love that has made us in his image and likeness and which remakes us through adoption as sons and daughters of the Father. Truly, it is only in Jesus Christ that we can understand our true identity and realize it through the grace that comes from his Cross and Resurrection.² Christ reveals the splendor of the human person to us.

Many people today, however, experience confusion related to life's meaning and purpose, especially as related to their own identity. This personal experience relates to a long trajectory of cultural change and secularization of society. Western culture, for instance, has very quickly abandoned traditional understandings of sexuality and has embraced an ideology that presents human sexuality as non-binary (not confined to male and female) and "gender" as fluid. This ideology now permeates our media, entertainment, politics, law, and education, and is being promoted and advocated for in unprecedented manners. Characterized by its proponents as an altruistic movement to be compassionate, loving, and inclusive, the ideology is one that through incomplete and agenda-driven medicine and psychology has disregarded sound medical and psychological protocols which exist to protect people from undue medical and psychological harm.

The Church stands against this new ideology of human sexuality out of its concern for the true good of the human person. The Church's task is to help people to understand their true dignity and, even amid suffering and confusion, to come to accept it with the help of God's grace. The National Catholic Bioethics Center, for instance, explains why the Church must continue to communicate the truth in love:

Human persons act against their own good when they directly intend what is contrary to their own nature, purpose, and identity and thereby impair their flourishing. An act that is incapable of being ordered to the good of the person will not bring about individual flourishing; under no circumstances can it be consonant with the person's genuine fulfillment.³

² See *Gaudium et Spes* (1965), 22, "The truth is that only in the mystery of the incarnate Word does the mystery of man take on light."

³ See National Catholic Bioethics Center, "Brief Statement on Transgenderism" (Feb. 22, 2017), <https://www.ncbcenter.org/resources/news/ncbc-brief-statement-transgenderism/>.

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This new sexual ideology harms people by denying the common sense, scientifically verified understanding of the human person as male and female with unique, yet complementary, sexual characteristics. Instead, it emphasizes unrestrained “freedom” for people to live as they please and not be bound by any limitations. Even if moved by a desire to be loving and compassionate toward those experiencing confusion with their sexual identity, the ideology of the human person that now prevails is ultimately uncharitable because it distorts our relationship with God as Creator (refusing to accept the body as God’s gift), denies the truth about who we are, and destroys the ability to experience the authentic human fulfillment and freedom that comes from embracing, expressing, and loving through our true and natural humanity as male or female.

Today, we see many schools, government officials, medical and psychological practitioners, and parents who have been drawn into a largescale social experiment at the expense of children. We already have evidence of the damaging effects of attempts at “gender transition,” many of which are permanent. These outcomes confirm the truth that God has both revealed and instilled into nature and the human person. The Church has the paramount obligation to communicate the truth in service of others, for, as Pope Benedict XVI said: “Only in truth does charity shine forth, only in truth can charity be authentically lived.”⁴ Although gender ideology presents itself as the compassionate response, it does not truly respect the dignity of the human person as made in the image and likeness of God and leads people to live contrary to their truth of their own being and supernatural calling. Furthermore, this ideology has created a new form of intolerance, trying to silence voices and any opposition in a way that Pope Benedict has described as the “dictatorship of relativism,” and which Pope Francis calls “ideological colonization.”

Many Catholics do not know how to respond to these very recent challenges and may even feel embarrassed or intimidated to communicate truths so out of step with the current cultural climate. Because much of the current climate is inherently atheistic, it poses dangers to our mission of evangelizing for the sake of leading people to embrace God’s gift of eternal life. Under these circum-

⁴ Pope Benedict XVI, *Caritas in Veritate* (2009), §3.



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STATE OF THE ISSUE

stances, the Church is obligated to equip the faithful with an understanding of God's creation of the world, the nature of the human person, the importance of human sexuality, and the grace and virtue needed to be truly alive and happy on our way to eternal life. The truths of our faith give Catholics resources to engage in charitable conversation with others on controversial issues related to sex and gender. In fact, although the Church's view may be unpopular, we have the support of medicine and science.

In response to these recent developments and pressures, inspired by a profound love for the human person, especially for those who are experiencing confusion with their sexual identity, the Catholic Church in Northern Colorado seeks to guide its parishes and schools in responding to these misunderstandings of the human person and sexuality, and mistaken views of sex and "gender." Any adequate response must include God's revelation, but also the findings of medicine and science that reflect the truth inherent in God's creation. Indeed, the harmony between science and the Church's teaching on these matters is an illustration of the Church's conviction that faith and reason cannot contradict each other.

This brief document seeks to provide a basic outline for addressing issues of the human person, sexuality and gender for use within parishes and schools in the Archdiocese of Denver. This is necessary due to the widespread confusion faced by so many Catholics in the face of widespread ideology. The document will articulate the Church's teaching in succinct fashion, examine some key findings from medicine and science, and provide an overview of terminology related to "gender transition." It is meant to serve as a resource to guide thinking and discussions and to serve as a complement to policy guidelines.



It is essential that Catholics, particularly those working for the Church in parishes and schools, as well as the young people to whom the Church ministers in our parishes and schools, receive formation in the Church's teaching on the human person and sexuality. Catholic parishes and schools exist to express the mission of the Church to proclaim the Gospel, the Good News of salvation, and to make disciples. Anyone coming to the Church has the right to receive the truth of God's creation and revelation in its entirety. Christian sexual ethics reflects important truths about the relationship between men and women, the dignity of persons, and the value of love for men and women. As Catholics we are called to live according to God's plan for life and love, including his plan for human sexuality. We are called to prophetic witness, even as our culture increasingly denies the truth and meaning of sexuality and indeed doubts the possibility of moral truth altogether. Living according to this plan and witnessing to the truth and meaning of human sexuality should never be regarded as a burden, but as an inspiring source of grace and hope.

The Church serves the human person by striving to bring God's compassion to each person. God is a loving Father, and his love is shown first in the great gift of creation. He has made human beings as a body-soul unity, with the soul as the life of the body, what truly forms it as uniquely human. Human beings are different from every other creature in the physical world in that we can understand the truth of things and make free choices based upon this understanding.



The Splendor of the Human Person:
A Catholic Vision of the Person and Sexuality

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THE CHURCH'S VISION OF THE PERSON AND SEXUALITY

Our spiritual identity is expressed in the world through the body, enabling us to learn, communicate, and express love. The Church defends the integrity of God's creation, respecting his lordship over creation and the wisdom by which he has endowed all things with the integrity of their own particular nature. The Church holds that faith and reason cannot be in contradiction and that together they manifest the splendor of the human person.

Sacred Scripture provides a rich revelation of the human person as a body-soul unity. The creation account in Genesis reveals that men and women are made in the image and likeness of God: this means that we are free and rational creatures, capable of knowing God and loving him. "The dignity of the human person is rooted in his creation in the image and likeness of God" (*Catechism of the Catholic Church* [CCC] 233, 1700). Sexual identity, embodiment as either a man or a woman is a gift that is given to us from the moment of creation (CCC 383, 2333). Sexual difference is the source of the complementarity that enables complete self-giving in the marital act and makes possible "the generation of new life" (CCC 2333). In fidelity to this revelation, the Catholic Church teaches that through marriage, a man and woman form "an intimate communion of life and love" based on their free mutual consent (CCC 1603, 1660, 1662). Marriage is characterized by permanence, faithfulness and openness to life, and is ordered "to the good of the couple as well as the generation and education of children" (CCC 1660, 1664).



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God has established the human person and the complementarity of man and woman to reflect his own Trinitarian love as a communion of persons. Marriage itself has an objective reality that arises from the physical and spiritual partnership that God intended for husband and wife within the family. In keeping with God's plan for marriage, therefore, every act of sexual intercourse must be open to the creation of new human life, and the generation of children must take place through the marital act. Contraception, sterilization, and in vitro fertilization procedures separate the unitive and procreative meanings of marriage, thus violating the meaning of marriage. In contrast, Natural Family Planning methods respect God's design for marriage and the family if they are guided by the virtues of chastity, justice, and conjugal charity (see CCC 2369, 2370, 2376). The flourishing of marriage and family life depends upon proper respect for the nature of human love and sexuality.

The moral and spiritual strength of families relates directly to the health of society and the Church. In families, children learn to be good citizens as well as good Christians. As the foundation of the family, marriage is not merely a private institution, but is important for the common good. The Church teaches that the family is the "basic cell of society," and, therefore, "the future of humanity passes by way of the family."⁵ It is not unjust or discriminatory to uphold the nature and meaning of marriage as a permanent, faithful and fruitful union of one man and one woman. Moreover, because same-sex relationships, including those in which one partner identifies as transgender, distort the truth and meaning of sexual identity by suggesting that mothers and fathers are interchangeable, it is not unjust to oppose their equation with marriage. In fact, Catholics are called to uphold the truth, not simply as an expression of personal religious belief, but as citizens concerned for the well-being of society.

Accepting God's will for humanity, as expressed in his creation of the body, includes accepting the reality of sex as male and female. God has given us our bodies as a gift, which, despite any challenges, must be accepted and guarded.

5 John Paul II, "Teach Whole Truth about Family," (April 1, 1992), 42; John Paul, *Familiaris Consortio*, 86.



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THE CHURCH'S VISION OF THE PERSON AND SEXUALITY

Pope Francis described this in his encyclical *Laudato Si'*:

The acceptance of our bodies as God's gift is vital for welcoming and accepting the entire world as a gift from the Father and our common home, whereas thinking that we enjoy absolute power over our own bodies turns, often subtly, into thinking that we enjoy absolute power over creation. Learning to accept our body, to care for it and to respect its fullest meaning, is an essential element of any genuine human ecology. Also, valuing one's own body in its femininity or masculinity is necessary if I am going to be able to recognize myself in an encounter with someone who is different. In this way we can joyfully accept the specific gifts of another man or woman, the work of God the Creator, and find mutual enrichment. It is not a healthy attitude which would seek "to cancel out sexual difference because it no longer knows how to confront it" (§ 155).

God has created the body and human sexuality to help humanity reach its true happiness in the gift of self for others. This gift finds expression not only in the complete gift of a man and woman in marriage, but also in the lives of those called to celibacy or to remain single, as they use their bodies to express love through their service to others.



Every state of life calls for chastity, understood as “the successful integration of sexuality within the person and thus the inner unity of man in his bodily and spiritual being” (CCC 2337). By calling all people to this integration, the Church serves the happiness and full flourishing of every human being which can only come to fruition by respecting the language the Creator has impressed within human nature. The virtue of chastity has become increasingly difficult to form and maintain considering many cultural challenges. The Church continues to point all people to chastity’s crucial importance, as it helps us come to appreciate the mystery of our humanity, including our sexuality, and to come to a maturity that, guided by God’s law, will lead to fulfillment and peace.

The Church’s vision enables us to understand the nature of sexual desire and its proper order to communion within family life. Sexual desire is now described as an orientation that has been separated from the integrated vision of the human person rooted in a Christian anthropology that honors the dignity of the body-soul unity and the foundational understanding of the complementary of male and female. Yet it is important to understand how modern culture defines sexual orientation. According to the American Psychological Association, “Sexual orientation is an enduring emotional, romantic, or sexual attraction that one feels toward men, toward women, or toward both. Although sexual orientation ranges along a continuum, it is generally discussed in terms of heterosexual—attraction to the other sex—homosexual—attraction to the same



The Splendor of the Human Person:
A Catholic Vision of the Person and Sexuality

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SEXUAL ATTRACTION

sex—and bisexual—attraction to both sexes.”⁶

Due to the very nature of human sexuality, as ordered toward procreation, the human person, male or female, is properly ordered towards sexual union with the opposite sex. It is why the *Catechism of the Catholic Church*, referring to Scripture and the natural law tradition, refers to “homosexual acts” as “intrinsically disordered” (2357). This does not mean that the *person* is disordered but that the *acts*, which are closed off to authentic conjugal union and the transmission of new life, are *not ordered* towards their proper ends. Under no circumstances can homosexual *acts* be approved or affirmed.

The now predominant popular narrative asserts, contrary to research, that persons who identify as “gay, lesbian, or bi-sexual” in sexual orientation are simply “born that way.” Even if genetic predispositions exist, evidence points to a complex interrelation of social, psychological, and relational factors as well.⁷ Sound research demonstrates that sexual desire or orientation can be fluid and subject to change in certain individuals and at some stages, particularly in adolescence. Women also tend to report higher rates of fluidity in sexual desire. It is preferable for Catholic institutions to reference sexual attraction

6 American Psychological Association, *Just the Facts about Sexual Orientation and Youth: A Primer for Principals, Educators and School Personnel* (2008), <https://www.apa.org/pi/lgbt/resources/just-the-facts>.

7 See, for instance, Andrea Ganna, Karin Verweij, Michel Nivard, et alia, “Large-Scale GWAS Reveals Insights into the Genetic Architecture of Same-Sex Sexual Behavior,” *Science* 30 Aug 2019, <https://science.sciencemag.org/content/365/6456/eaat7693>. Paul Sullins, writing for *Public Discourse*, summarizes the implications of the study: “The study contained two key findings. First, it found that the effect of the genes we inherit from our parents (known as ‘heritability’) on same-sex orientation was very weak, at only .32 on a scale from 0 (none) to 1 (total) heritability. This means that a person’s developmental environment—which includes diet, family, friends, neighborhood, religion, and a host of other life conditions—is twice as influential on the probability of developing same-sex behavior or orientation as a person’s genes are. Second, rebutting decades of widespread belief, the study established that ‘there is certainly no single genetic determinant (sometimes referred to as the “gay gene” in the media)’ that causes same-sex sexual behavior. On the contrary, ‘the variants involved are numerous and spread across the genome.’ Each of these genetic variants increases a person’s propensity for same-sex behavior by an infinitesimally small amount. In scientific terms, same-sex orientation and behavior are highly polygenetic” (<https://www.thepublicdiscourse.com/2019/09/57342/>).

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to those of the same sex by referring to "persons who experience same-sex attraction" instead of labeling a person as "gay" or "lesbian" or "bi-sexual," as if sexual attraction defined the person or constituted the person's identity. Our deepest identity is found as being made in the image and likeness of God and this reality cannot be overshadowed by our attractions and desires.

The *Catechism* also acknowledges that a homosexual attraction often constitutes a "trial," and affirms that men and women who experience homosexual inclinations "must be accepted with respect, compassion, and sensitivity. Every sign of unjust discrimination in their regard should be avoided. These persons are called to fulfill God's will in their lives and, if they are Christians, to unite to the sacrifice of the Lord's Cross the difficulties they may encounter from their condition" (2358). The admonition against "unjust discrimination," however, does not preclude Catholics or Catholic institutions from making *just distinctions* that may be necessary as a matter of prudence or to ensure faithfulness to the institution's mission. In fact, sharing the truth with charity and respect shows true love of the person and reflects the call of God to share the Good News of salvation with all people. The Church calls Catholics to accompany with compassion those who struggle with trials related to sexuality. Ultimately, it is only in Christ and his gift of self on the Cross that we can find healing, salvation, and transformation for our whole being, including our sexuality.



In addition to the Church's teaching on the body and human sexuality, there is much testimony from science and medicine that reinforces the truth of human sexuality and the damage that occurs in attempting to hinder its proper development and exercise. This section provides a brief summary of this testimony, which reinforces an anthropology that takes seriously the nature of the human person as a body-soul unity.

Sex Determination and Sexual Differences

The sex of a human being has been and continues to be determined biologically, a fact known since the discovery of sex chromosomes more than a hundred years ago. From conception, the sexual identity of a person is tied to his or her chromosomal makeup. The person's chromosomes (XX or XY) direct the development of the person's body so that, at maturity, the body is equipped to procreate.⁸ Every cell in the human body can be identified as male or female.⁹

8 Only the Y chromosome carries the Sry gene, which directs the organization of the developing human being as male; a human being without the Sry gene develops as female.

9 T.M. Witzmann and M.L. Pardue, eds. *Exploring the Biological Contributions to Human Health: Does Sex Matter?* (Washington, D.C.: National Academies Press, 2001), <https://www.ncbi.nlm.nih.gov/books/NBK222288/>. See also, Janine Austin Clayton, "Applying the New SABV (Sex as a Biological Variable) Policy to Research and Clinical Care," *Physiology & Behavior* 187, no. 1 (April 2018): 2-5, <https://www.sciencedirect.com/science/article/pii/S0031938417302585#>.

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Many differences between the male and female sexes are a result of the differences between the genetic makeup of male and female cells and the differences in the expression of the genetic makeup. Sex differences have been identified at many levels of biological organization, from biochemical to behavioral.¹⁰

These sexual differences have been shown by numerous studies that have found critical differences, including: females have more aggressive immune systems than males; female and male cardiac issues are significantly different; male and female brains develop and “age” differently; and male and female brains are organized differently for language, with men relying on the left inferior frontal ridge of the brain for language tasks, while women use both the left and right inferior ridges. PET scans and MRIs demonstrate many other differences between male and female brains. Professionals can identify a male or female brain by sight, both before and after birth. Brain imaging studies have shown that women have a higher percentage of gray matter while men have a higher percentage of white matter.¹¹

These differences, along with bone structure, muscle mass, heart capacity, and overall flexibility, are but a few of the findings that confirm the unmistakable biological differences that exist between males and females, all a result of their genetic makeup.

Although there are complicated and rare cases of disorders in sexual development, including situations where a person is born with organs of both sexes or where the sex organs are not completely developed one way or another, medical science usually can determine the person’s sex.¹² Medical or surgical interventions in cases of disorders of sexual development may be warranted to address pathology or restore healthy functioning to the person’s body. In contrast, medical or surgical interventions on the healthy body of a person who seeks body modifications for reasons of “gender identity” cannot be morally justified.

10 T.M. Wiczmann and M.L. Pardue, eds. “Exploring Biological Contributions to Human Health: Does Sex Matter?” *Journal of Women’s Health and Gender Based Medicine* 5 (June 10, 2001): 433-39.

11 Madhura Ingahlalikar, Alex Smith, et al. “Sex Differences in the Structural Connectome of the Human Brain,” *Proceedings of the National Academy of Sciences* 111, no. 2 (2014): 823-28.

12 See “FAQs,” *Person and Identity Project*, www.personandidentity.com.

A VISION OF THE HUMAN PERSON SUPPORTED BY SCIENCE AND MEDICINE

Gender, Gender Dysphoria, Psychological and Health Effects

In the past, “gender” was used as a synonym for sex (male or female), or to describe social aspects of being male or female within a particular culture. Today, however, “gender” has taken on a different meaning incompatible with the Catholic understanding of the human person. Today “gender” refers to a person’s self-representation or identity, as shaped by environment, experience, and personal preference, regardless of biological sex. A person who pursues a “gender transition” rejects his or her sexual identity as male or female in order to assert a “gender identity” at odds with biological sex, whether man, woman, non-binary, or a fluid identity that changes over time. A person who seeks to “transition” might believe that he or she is in the wrong body or feel deep distress over the body’s natural development. This can lead to increasing unhappiness or anxiety which can be diagnosed as gender dysphoria.¹³ In other cases, people become convinced that they must, as a matter of personal autonomy, assert a “gender identity” of their own choosing and will therefore assert

¹³ See National Catholic Bioethics Center, “Brief Statement on Transgenderism.”



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a “right” to transition to the other sex or to a non-binary “identity” without necessarily claiming to be psychologically distressed.

Gender transitioning through behavioral, hormonal, or surgical treatments, is now widely accepted as a form of “therapy.” However, the concept of gender transitioning stands in contradiction to the proper understanding of the nature of the human person. It assumes there is “self” that is separate from the body and which might be in the wrong body. This contradicts the Church’s central teaching that the human person is a body-soul unity and that the integral unity of the body and soul is fundamental to identity of the human person. The body cannot exist separately from the soul and the soul and body together constitute the self. A human person does not just *have* a body – he or she *is* that body. We express this idea when we ask a child, “Did you hurt yourself?” or when someone says, “Don’t touch me!” There is no “true self” apart from the body or “true sexual identity” separable from the sex of the body. God created each person body and soul, and God uses the body to reveal to each person his or her sexual identity as male or female¹⁴. A person’s embrace of his or her God-given sexual identity is an essential part of living a fulfilled relationship with God, with oneself, and with each other (*Laudato Si’*, § 155). The integral unity of body and soul is a foundational anthropological truth central to Christianity. The psychological experience of a disconnect with one’s bodily sex is not to be minimized; it calls for appropriate psychotherapy, but it can in no way affirm an “incorrect” sex.

Given this understanding of what it means to be a human person, a body-soul unity whose sexual identity is reflected in the person’s biology, it should be clear that no surgical, hormonal, or other intervention directed toward the body is capable of altering that innate sexual identity. Behavior stereotypically associated with one sex or the other, including mannerisms, social cues, clothing, or modes of speaking, does not alter the innate sexual identity of the embodied spirit which is the human person. Hormonal interventions to block the body’s sex-specific hormones or provide the sex-specific hormones of the opposite sex likewise do not change a person’s innate sexual identity. The use of puberty blocking hormones in children with gender dysphoria is particularly dangerous since this intervention radically disrupts the normal sequence of physical and

14 See *Compendium of the Social Doctrine of the Church*, §22A.

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A VISION OF THE HUMAN PERSON SUPPORTED BY SCIENCE AND MEDICINE

psychological development that occurs during adolescence and the damage cannot be reversed.

So-called gender confirmation surgeries, designed to “masculinize” or “feminize” the body’s appearance according to preference, also cannot modify the true sexual identity of the person, who was created male or female. Attempts at gender transitioning can, in fact, have disastrous effects in the life of a person who continues to struggle to better understand and accept his or her own true value and full identity. Studies show that, even apart from the resulting medical harm, surgical interventions often fail to resolve feelings of anxiety, depression, and dysphoria. Medical or surgical transition is often justified as necessary to reduce the risk of suicide among transgender-identified persons, but studies show that suicides occur during all stages of transition, and the suicide rate of transgender-identified persons remains high, compared to the general population, even post-transition.¹⁵

15 The most thorough study of the long term effects of gender reassignment surgery analyzing records from Sweden from 1973-2003, concluding, “Persons with transsexualism, after sex reassignment, have considerably higher risks for mortality, suicidal behaviour, and psychiatric morbidity than the general population. Our findings suggest that sex reassignment, although alleviating gender dysphoria, may not suffice as treatment for transsexualism, and should inspire improved psychiatric and somatic care after sex reassignment for this patient group.” For the full study, see Cecilia Dhejne, Paul Lichtenstein, et al., “Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden,” *PLoS One* 6, no. 2 (2011): <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885>. See also C.M. Wierpjes, CM, M. den Heijer, M, M.A. Bremner, et al., “Trends in Suicide Death Risk in Transgender People: Results from the Amsterdam Cohort of Gender Dysphoria Study (1972-2017),” *Acta Psychiatrica Scandinavica* (Feb. 18, 2020), <https://onlinelibrary.wiley.com/doi/full/10.1111/acps.13164>.



In responding to our culture's confusion related to sex and gender, it is important to understand the dynamics and stages related to gender "transition." These dynamics are true for anyone, but pose threats for children, whose bodies have not yet fully developed, and who have not reached the ability to make a mature, lifelong decision. The current progression of "transition" (rejecting one's sexual identity as male or female and asserting a self-determined gender identity at odds with biological sex) occurs in the following four steps:

1. Social transition (new name, pronouns, apparel)
2. Suppression of natural puberty with puberty blockers
3. Hormonal transition with cross-sex hormones
4. Surgeries

Social transition (changing external appearance, name, or pronouns) is often presented as low-risk and fully reversible, although the reality is more complicated. It reinforces the confused child's false beliefs about "who" he or she is and effectively puts an adult "stamp of approval" on the child's desired identity, in direct contradiction to the biological reality of the child's body. Research indicates that "childhood social transitions were important predictors of persistence, especially among natal boys."¹⁶ Experts also warn that the

16 Steensma, T., et al, "Factors Associated with Desistence and Persistence of Childhood Gender Dysphoria: A Quantitative Follow-Up Study," *Journal of The American Academy of Child & Adolescent Psychiatry* 52 (2013): 582-90, emphasis added.

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TERMINOLOGY RELATED TO GENDER "TRANSITION"

longer a child is socially transitioned, the more difficult it may be for the child to "desist" and reclaim his or her natural sexual identity.

No matter how well-intentioned, helping a child to launch into any stage of "transition" risks life-long harm to that child. Disturbing a child's body and mind by facilitating a denial of the child's very nature constitutes child abuse. Is there any other area of life in which adults let young children create their own reality and dictate it to adults? Until recently, a child's identity confusion (or gender dysphoria) was addressed with patience, letting it resolve naturally, or through family therapy to address underlying causes. Children and adolescents were not encouraged to transition, and studies show that the onset of puberty often helped the child align identity with biological sex. By adulthood, a strong majority of children who struggled with identity or dysphoria but were not "affirmed" in their desired identity came to accept their sex.¹⁷

The long-term damage to the bodies of young people subject to "hormonal therapy" to treat gender incongruence is devastating. **Puberty-blocking hormones** interrupt the normal development of the skeletal, neurological and endocrinological systems in ways that cannot simply be "made up" later. In some cases, puberty-blocking hormones will destroy their future fertility – which could lead to deep remorse throughout their adult lives. The use of puberty blockers in children who have gender dysphoria or incongruence is new, and poorly studied. The few studies available show that nearly 100% of children who use puberty blockers will go on to use cross-sex hormones, leaving them permanently sterile.¹⁸

The use of **cross-hormone therapy** to cause feminizing or masculinizing physical changes in children is increasing at an alarming rate. It has already be-

17 Michael K. Laidlaw, et al., "Letter to the Editor: 'Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline,'" *The Journal of Clinical Endocrinology & Metabolism* 104, no. 3 (March 2019): 686-687, <https://academic.oup.com/jcem/article-abstract/104/3/686/5198654?redirectedFrom=fulltext>.

18 Norman P. Spack, et al., "Children and Adolescents with Gender Identity Disorder Referred to a Pediatric Medical Center," *Pediatrics* 129, no. 3 (March, 2012): <http://pediatrics.aappublications.org/content/129/3/418.long>.

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come common practice for patients who self-identify as transgender to receive a prescription for cross-sex hormones on their very first visit to a clinic.¹⁹ The American College of Pediatricians, a national organization of pediatricians and other healthcare professionals dedicated to the health and well-being of children, cautions parents that the best available research shows substantial risks to children from the use of puberty blockers and cross-sex hormones. Numerous

¹⁹ Planned Parenthood of Greater Texas, Inc., "Transgender Healthcare," accessed on February 22, 2019, <https://www.plannedparenthood.org/planned-parenthood-greater-texas/patient-resources/transgender-healthcare>.

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studies indicate that cross-sex hormones and puberty blockers raise the risk of heart disease, blood clots, strokes, depression, osteoporosis and arrested bone growth, crippling joint pain, cancer, and suicidal ideations, with the long-term consequences acknowledged as "unknown."²⁰

Surgical transition includes what are referred to as "top" and "bottom" surgeries. "Top" surgeries can include revisions to a person's hair, forehead, nose, jaw, neck and breast area. Some aspects of these surgeries can be reversible. "Bottom" surgeries, on the other hand, are irreversible. These include amputation, castration and vaginoplasty (construction of a faux vagina) for feminizing surgeries or hysterectomy/oophorectomy (removal of the uterus and ovaries) and phalloplasty (construction of a prosthetic penis) for masculinizing surgeries. The sobering reality here is that fully functioning organs are mutilated to produce a counterfeit form. Function and fertility are destroyed for a cosmetic counterfeit.

Rapid Onset Gender Dysphoria (ROGD)

Parents and some clinicians report a new and increasing phenomenon, described as "Rapid Onset Gender Dysphoria" (ROGD), in which teenagers who never previously manifested any question about their sexual identity suddenly announce their desire to transition, typically after exposure to the concept through peers and social media. The phenomenon requires more research, but initial observations describe a sudden unhappiness with one's sex that happens particularly in female adolescents who showed no signs of discomfort with their sex before puberty.²¹

20 American College of Podiatrists, "Gender Dysphoria in Children" (November 2018): <https://www.acpeds.org/the-college-speaks/position-statements/gender-dysphoria-in-children>; Paul W. Hruz, "Deficiencies in Scientific Evidence for Medical Management of Gender Dysphoria," *The Linacre Quarterly* 87, no. 1 (2020): 34-42, <https://journals.sagepub.com/doi/abs/10.1177/0024363919873762?journalCode=lqra>.

21 L. Littman, "Correction: Parent Reports of Adolescents and Young Adults Perceived to Show Signs of a Rapid Onset of Gender Dysphoria," *PLOS One* 14, no. 3 (Mar. 19, 2019), <https://doi.org/10.1371/journal.pone.0214157>; L. Littman, "The Use of Methodologies in Littman (2018) Is Consistent with the Use of Methodologies in Other Studies Contributing to the Field of Gender Dysphoria Research: Response to Restar (2019)," *Letters, Archives of Sexual Behavior* (Jan. 17 2020), <https://doi.org/10.1007/s10508-020-01631-z>.

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Conclusion

The Church has received a mandate from Jesus to teach in his name and to serve all people through the grace he has given to the community he founded. The truths of creation and God's revelation do not change, although the Church must address new situations that arise. It is an act of charity to teach the truth concerning human sexuality, marriage, and the nature of the human body. The Church's ministry depends upon communicating the truth in love, so as to be able to serve those who come to our parishes and schools. There cannot be compromise on the truth, but there is much that can be done to serve and accompany those struggling with the truth.

Because modern culture has very quickly changed its views of sexuality, the Church appears, in the eyes of many, to be backward or even oppressive in its teaching. This brief document seeks to point to the light and splendor of God's truth, which alone can lead us to true happiness. St. John Paul II summarizes powerfully the goodness of God's plan for creating human beings as male and female:

[We read in Holy Scripture that] from the very beginning, man has been created "male and female" (Gen 1:27). Scripture itself provides the interpretation of this fact: even though man is surrounded by the innumerable creatures of the created world, he realizes that he is alone (cf. Gen 2:20). God intervenes in order to help him escape from this situation of solitude: "It is not good that the man should be alone; I will make him a helper fit for him" (Gen 2:18). The creation of woman is thus marked from the outset by the principle of help: a help which is not one-sided but mutual. Woman complements man, just as man complements woman: men and women are complementary. Womanhood expresses the "human" as much as manhood does, but in a different and complementary way. When the Book of Genesis speaks of "help," it is not referring merely to acting, but also to being. Womanhood and manhood are complementary not only from the physical and psychological points of view, but also from the ontolog-

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ical. It is only through the duality of the “masculine” and the “feminine” that the “human” finds full realization (*Letter to Women*, 1995, 7).

God asks the Church to proclaim the Good News of creation and of redemption, including of human sexuality, as a path to true freedom and happiness. In realizing and accepting our identity as made in the image and likeness of God, as man and woman, we can walk in the way of Christ, a way of healing, integration, fulfillment, and wholeness.

The Archdiocese of Denver offers this document to provide a succinct overview of this teaching, from God’s revelation and the truth of the human person to guide pastoral engagement and to complement policy guidelines. It does not seek to present a comprehensive response to how the Church addresses issues related to sex and gender. Additional resources can be found in the “Resources” appendix.

Acknowledgement

This document incorporates, with permission, specific language from “Catholic Schools and Gender Ideology: General Principles and Recommendations,” a document co-authored by Theresa Farnan, PhD, Susan Selner-Wright, PhD, and Mary Rice Hasson, JD.

The Archdiocese has partnered with the Person and Identity Project to provide further resources to personnel implementing the policies outlined in this document. Their website, personandidentity.com, provides resources including responses to FAQs, videos and downloadable material, available at no cost.

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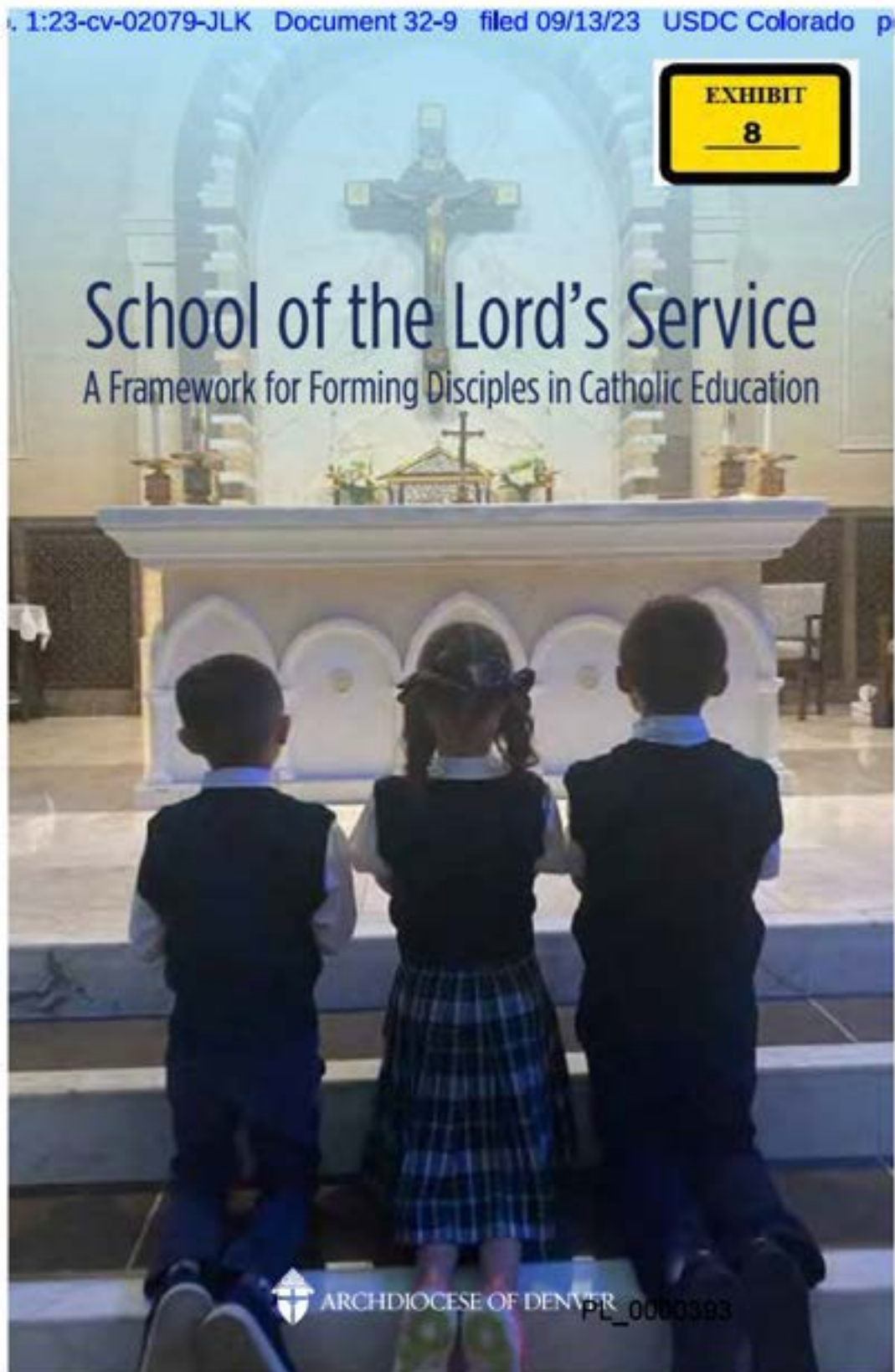
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School of the Lord's Service**A Framework for Forming Disciples in Catholic Education****Contents**

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Introduction

My deepest desire for the Archdiocese of Denver is that it become a place of vibrant discipleship through a deep encounter with Jesus Christ. Discipleship is not a new or innovative vision, but stems from Jesus' own desire for his Church, expressed in the Great Commission that he gave us before his Ascension: "All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you; and lo, I am with you always, to the close of the age" (Matt 28:18-20). Forming disciples is the mission that Jesus gave the Catholic Church and our constant reference by which we can judge our true success.

Jesus founded the Catholic Church to hand on and teach the truth that he revealed and to make us holy through the grace of the sacraments. Jesus truly is the reason for the existence of our Catholics schools, and he wants to guide us in everything that we do. We should be able to say to everyone who comes to our schools: "Be it known to all who enter here that Christ is the reason for this school. He is the unseen but ever present teacher in its classes. He is the model of its faculty and the inspiration of its students so that they may become saints." Everything that we do needs to be Christ-centered, flowing from him and pointing back to him. Our schools must be places to encounter Jesus; nothing is more important.

What does it mean to become a disciple of Jesus Christ? It means that we have truly encountered and met Jesus as the Son of God, experienced his love and mercy personally, and have accepted him as our Lord, living in a committed and daily relationship with him. To be a disciple is to be a Christian, someone who truly lives a life of faith and does everything with and through him. This friendship means we learn from Jesus (Mt 11: 29). Through the sacraments and prayer, especially the prayerful reading of the Gospels, our friendship grows which expresses our ongoing relationship with each person of the Trinity—Father, Son, and Holy Spirit. This friendship is nurtured at home, at school, and at our parishes. It is a life guided by the Holy Spirit, who keeps us in the truth and enables us to be faithful to the Gospel.

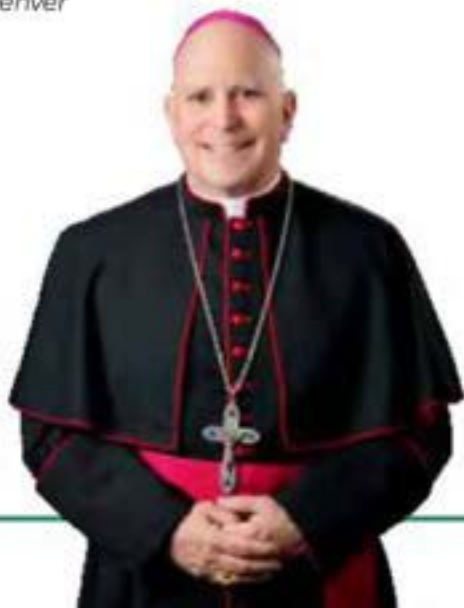
Discipleship is crucial for growing in our true identity as a beloved son or daughter of the Father. It shows us our true dignity as made in the image and likeness of God and made for eternal happiness with him. It also helps

us to recognize this dignity in others, sharing in Jesus' own mission to serve everyone and to bring them also to eternal life. Focusing on discipleship can make our schools places of hope for the future, especially during this difficult time in our culture. The world is suffering for lack of God and our schools can be an oasis of God's life for our students, families, and teachers. Everyone who comes into contact with our schools should be able to experience what is most important in life: a lasting encounter with Jesus Christ.

I hope that this framework will serve as a catalyst for deepening discipleship in our Catholic schools. I want to thank all our school leaders and teachers for their service to our students. I also would like to invite you to continue deepening your relationship with Christ. Please allow your teaching and service to flow from a daily encounter with God in prayer. I want to assure you that forming disciples is truly possible, especially when we follow Jesus' method of forming disciples. As we continue to grow in prayer and share our faith with our students, we can then invite them into a deeper life of faith and prayer and accompany them in their own growth in virtue and holiness. We need to keep our ultimate commitment and priority focused on helping our students to encounter Christ and to live with him. I am very grateful for this framework and am confident that it will help our schools to understand our distinct mission more clearly and to have stronger guidance in how to carry it out.

+ Samuel J. Aquila

Archbishop Samuel J. Aquila,
Archbishop of Denver



The Need for Discipleship

Defining Discipleship

At the beginning of his *Rule*, St. Benedict, the great father of monasticism, says that he seeks to establish a "school of the Lord's service," a place where the disciple may learn to follow Christ through a complete way of life. By forming a community dedicated to learning the Christian life, Benedict sees the disciple as "progressing in the life of conversion and faith that, with heart enlarged and in ineffable sweetness of love, one runs in the way of God's commandments." Every Christian, not just the monks within the monastery, must learn how to live the Christian life to be able to follow Christ with enlarged heart and the sweetness of love. We all need formation with a "school of the Lord's service" to learn how to become disciples of Christ. In a similar way, Saint Thomas Aquinas did not reduce education to information. Rather, he thought of it as the "upbringing and advancement to the

perfect state of man as man, that is, to the state of virtue.”¹

The Church’s mission is evangelization, the spreading of the good news of salvation in Jesus Christ. This mission comes from the Great Commission that Jesus imparts to his disciples before he ascends into heaven, as recorded at the end of Matthew’s Gospel:

All authority in heaven and on earth has been given to me. Go therefore and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all that I have commanded you; and lo, I am with you always, to the close of the age. **Matt 28:18-20**

With his last words, Jesus asks his Church to make disciples by preaching the Gospel in its fullness, celebrating the sacraments he instituted, and teaching others how to live the Christian life. He invites them to continue the work that he began, by calling his disciples by name, spending time with them in friendship, and teaching them.

To be a disciple entails living as a committed follower of Jesus Christ. Jesus invited his disciples to “come and see” (Jn 1:39). It begins by accepting the Gospel message and coming to faith, a grace that flows fully from Baptism. To live the reality of discipleship, however, the graces of Baptism need to be accepted in a personal way. It is coming to know and believe in Jesus’ love and mercy for us. It is coming to know and believe in Jesus’ love and mercy for us, having confidence in his love and mercy, and imitating his life. Discipleship’s goal is to reach heaven, to live in eternal happiness with God, by liv-

ing in communion with God now and loving others as Christ did. Jesus clearly wants active, committed followers, because he commanded the Church to make them and to teach them how to live. Jesus established the Church to operate through relationship, as we only come to be a disciple through the help of others. Disciples are given a mission to become representatives of Jesus to others, “whoever receives you, receives me,” who in turn help them to become disciples.

Discipleship begins with an encounter with Christ and entails a process of growth, an ongoing process of conversion. Building upon the graces of Baptism, intentional discipleship stems from a decision or commitment to follow Jesus and to live in relationship with him. This relationship grows in prayer, the place where “heart to speaks to heart,” as Jesus shares the love of his heart with ours. The life of the disciple also grows in relationship with others, through the process of mentorship through moral and spiritual development. It culminates in the ability to enter maturely into mission, putting faith into practice in daily life and serving the Church’s mission with the community. These three stages could be summarized as 1) choosing to follow Christ, 2) growing in the Christian life through mentorship, and 3) actively engaging in mission.

The Importance of Discipleship

The importance of discipleship for the future of the Church cannot be overstated. As only remnants of Christian culture remain, today’s Catholics are tasked with navigating the uncharted waters of a post-Christian culture while courageously forging a renewed culture in which the faith can develop

¹ In IV Sent., d. 26, q. 1, a. 1, c.

and thrive. The most difficult problem stems from what Pope Benedict XVI called a "crisis of faith" in which even Christians "live as if God does not exist." Catechesis is currently failing to impart the faith in a way that takes roots in the hearts of young Christians. This problem has only become worse amid scandal within the Church. A recent Pew survey detailed that only 31% of self-identified Catholics believe in the Real Presence.² Another Pew survey revealed that former Catholics now make up an astounding 13% of the entire adult U.S. population.³ These facts should cause us to reexamine the ways we hand on the faith in a post-Christian cultural milieu and to ask how this fundamental Christian task could be re-imagined.

Christ's ministry stands at the heart of this re-imagining: his own model was one of discipleship. Christianity is not essentially an intellectual proposition. Rather, it is a lived proposition: how does one *live* Christ? In St. Paul's day, the complexity of reconciling the practice of the Christian faith with Roman society was so immense that he would urge the Corinthians to "Be imitators of me as I am of Christ" (1 Cor 11:1), proposing himself as a mentor so that the disciple can say "it is no longer I who live, but Christ lives in me" (Gal 2:20). Reconciling Christian living with a technologically advanced post-Christian culture similarly requires mentorship. What does it mean to live Christ in this culture? How does the Christian follow the narrow path in *this* time

- 2 Gregory A. Smith, "Just One Third of US Catholics Agree with their Church that Eucharist Is Body, Blood of Christ," Pew Research Center, Aug. 5, 2019, www.pewresearch.org/fact-tank/2019/08/05/transubstantiation-eucharist-u-s-catholics/.
- 3 David Masci and Gregory A. Smith, "7 Facts about American Catholics," Pew Research Center, Oct. 10, 2018, www.pewresearch.org/fact-tank/2018/10/10/7-facts-about-american-catholics/.

and this place? Discipleship, with its intentional, lived formation hands on the faith through a personal encounter.

The future of the Church depends on new missionary disciples formed to bequeath the riches of our faith. The Holy Spirit raises up disciples and calls forth those who will cooperate with his grace. Without missionary disciples, the Church risks acting contrary to her nature, becoming salt that has lost its flavor or a light hidden under a bushel basket (cf. Matt 5:13-14). She also risks continuing to hemorrhage more than the 31.6 million Catholics in America already lost from among her fold. The return to intentional imitation among her members must begin if the Church is to fulfill her God-given mission to evangelize.

Discipleship in the School

As John Paul II often repeated, "only in the mystery of the incarnate Word does the mystery of man take on light" (*Gaudium et Spes*, 22). Jesus, the perennial Teacher, reveals the truth about man and teaches us how to live. Christ teaches us how to love and what to hate; where to spend time and where to spend money; how to be faithful and how to forgive. He instructs us in prayer and shows by his death how to die. He leads us to the Father and makes known the Father's love for us. Thus, discipleship is a living imitation of Christ Jesus Himself, embracing the whole of life.

But Christ did not invite disciples to imitate Him solely in a one-on-one setting. He formed a community of disciples around Himself to strengthen, through friendship and shared life, the art of living he imparts. The Catholic school likewise exists as a

community of faith where students, faculty, staff, and administration seek to pattern their lives after the life of Christ in a communal manner. To that end, the Catholic school exists to form not simply disciples, but a community of discipleship where all learn how to live well and to grow "in wisdom and in stature, and in favor with God and man" (Lk. 2:52).

The Church is committed to Catholic education, because it relates to its mission to form disciples, who are students of Jesus and learn from him how to live. Because Jesus asked the Church to form disciple-students, the school is the natural place for discipleship, in learning the Christian faith and forming habits of the Christian life. Schools are places of formation that immerse students within a community that embodies the faith. The school forms disciples within a community that draws upon the life of the parish and which requires the support and involvement of families.

The Mission of the School: Formation for the Whole of Life

Catholic educators realize that only in communion with the Holy Trinity does the person find true happiness, a communion and a happiness that begin here on earth. This upward orientation to God in education can liberate the student from a purely horizontal goal of educational success aimed no further than securing the best job, the best college, or the highest G.P.A. While these ends promise a complete happiness, they cannot secure it. The orientation of the Catholic school can open the student to true happiness precisely because God is our true end. The Catholic school grounds the

measure of success in being who one is meant to be: a son or daughter of the Father, open to truth, pursuing goodness, transformed by beauty, and made for eternal life with God. While material success may follow from this, it is not the essential aim of education in a Catholic school.

Catholic schools, therefore, can offer the most complete formation. Rooted in Christian anthropology, they recognize the importance of supernatural ends, formation in virtue, and the good of learning for its own sake. Thus, Catholic schools can impart not simply the knowledge that man finds himself in a sincere gift of himself (*Gaudium et Spes*, 24), but also *the habit of self-gift*, namely, the habit of charity exercised in worship of God and service to neighbor. It is no accident that Catholic schools help graduates to be servants of the Church and the wider community. Because the Catholic school understands who man is in light of Christ, it can offer this robust formation of the whole human person.

Thus, the Catholic school has been entrusted with a message and a mission. It is a place of evangelization and catechesis, existing to equip students to go forth proclaiming the marvelous works of God. This mission of evangelization flows from the mission of the Church, which exists in order to evangelize (*Evangelii Nuntiandi*, 14). The primary place for the evangelization of children and their growth in the Christian life is the home. Parents are the primary educators of their children and the parish and school support them in this role, providing additional formation and opportunities for living out the faith. "Catholic education teaches communion with Christ, by living communion with Christ and imitating the love and freedom of the Trinity. This communion begins in the home—with the divinely ordered right and responsibility of parents to educate their children—and extends to the school

community in support and service to the needs of the family. It unites families and educators with a shared educational philosophy to form students for a relationship with God and with others.⁴ The Catholic school exists to partner with parents for the education of their children, including helping them to grow as disciples of Christ.



As a place of transformation and daily encounter with Christ, the Catholic school is uniquely able to introduce students gradually and more deeply to the love that alone will satisfy their hearts. This unfolding of the vast treasure of knowing, loving, and serving the Holy Trinity allows students the time and space to learn how to live the Christian life. It also enables them to “taste and see the goodness of the Lord” (Ps. 34:8) in their own lives; a necessary first step toward evangelizing others. Catholic schools are thus centers of mission, existing to hand on of first importance what was received: the good news of Jesus’ birth, life, death, resurrection, and ascension (cf. 1 Cor. 15:3-5). Everything about the Catholic school is oriented to the fulfillment of this purpose, summed up beautifully in the Benedictine motto of education: to form *scholas servitii Domini*, schools in service to the Lord.

⁴ Cardinal Newman Society, *Principles of Catholic Identity in Education: Parent Guide*, Nov. 6, 2017, newmansociety.org/parent-guide/.

The purpose of the framework

This framework arose in the context of revising the religion standards for the Archdiocese of Denver. Theology and catechesis courses must do more than communicate content. As noted by John Paul II, “the definitive aim of catechesis is to put people not only in touch but in communion, in intimacy, with Jesus Christ: only He can lead us to the love of the Father in the Spirit and make us share in the life of the Holy Trinity” (*Catechesi Tradendae*, 5). Therefore, these courses must seek to draw students into dynamic relationship with the Trinity and to live out the content they are learning ever more deeply. Catechesis and theology provide an integrating source for the Christian school, giving the clearest perspective on mission and the unity of the actions of the school within it.

The revision of this content area brings with it the recognition that the process of formation in the Christian life must reach all aspects of the school’s life within the context of the Church’s mission to form disciples. Although there are many obstacles to this mission—an increasingly secular culture, difficulties within the family, the dominance of technology, and the lack of a vibrant life of faith—bringing students to a committed and living faith provides hope for the future of Catholic education. Statistics show that simply attending a Catholic school, does not produce mature disciples unless there is the support of adult of mentorship and experiences to internalize faith. Catholic schools do many good things to build faith, but these things need support in stronger vision and plan for discipleship. This framework seeks to provide a clearer shared vision on the nature of discipleship for the

schools of the Archdiocese of Denver as well as practical suggestions on how schools can form disciples effectively so that our hope becomes reality.



It is time to embrace the mission of the Catholic school ever more robustly. John Paul II issued a prophetic call to the Church, recognizing the urgent need for evangelization in our secular culture: "I sense that the moment has come to commit all of the Church's energies to a new evangelization" (*Redemptoris Missio*, 3). This call clearly pertains to our schools, which Pope Francis recognized as sources of evangelization: "Catholic schools, which always strive to join their work of education with the explicit proclamation of the Gospel, are a most valuable resource for the evangelization of culture, even in those countries and cities where hostile situations challenge us to greater creativity in our search for suitable methods" (*Evangelii Gaudium*, 134). At this time in history and in response to the Church's call, we, as Catholic educators, are tasked with the formation of disciples as we share in fulfilling the mission Jesus has given us.

Forming Student Disciples



Every student in a Catholic School is first and foremost called to become a disciple or student of Jesus Christ. In the first section, the stages of discipleship were introduced: 1) choosing to follow Christ, 2) growing in the Christian life through mentorship, and 3) actively engaging in mission. These stages are not once and done, as they require a cyclical process of growth and development. We will now look at these three stages in more detail and how they relate to our students.

How to Become a Disciple

For most of us, the Christian life begins when we are baptized, shortly after birth. Adult converts, on the other hand, can spend years thinking through questions of faith, talking to family and friends, and receive a yearlong process of catechesis in the Rite of Christian Initiation of Adults (RCIA). It can be tempting to think that receiving the sacraments of

initiation (Baptism, Confirmation, and the Eucharist) are all we need to become adult Christians, but they are only the entry point into the Christian life. Living as adult Catholic Christians requires coming to mature faith and charity, choosing to follow Jesus and living every day through a relationship with him.

It is important to note that Catholic school attendance is not enough in itself to bring young people to a mature faith and charity. The sociologist Christian Smith notes, from his extensive research on the life of young Catholics in the United States, that “we cannot report that Catholic schooling and youth group participation have robust effects on emerging adult faith and practice.”¹ That is, simply attending a Catholic school will not make someone a disciple of Jesus. For mature faith to develop, Smith discovered a few factors that made a huge difference:

First, Catholic youth who have strong relational bonds with highly religious parents, other adults, and friends are more likely to maintain or increase their religious faith.... Second, developing an internalized belief system involving a faith that is personally important... helps teens to sustain religious faith.... Finally, Catholic teenagers who live out their faith through certain religious practices, especially reading the Bible and frequently attending Sunday school, are more likely to become highly religious emerging adults.”²

¹ Christian Smith et. al. *Young Catholic America: Emerging Adults In, Out of, and Gone from the Church* (New York: Oxford University Press, 2014), 232.

² *Ibid.*, 178.

We could summarize these points that lead to a stronger life of faith as relationships, personal faith, and living out this faith. The influence of parents stands out as the most influential factor, supported by formation outside of the home. For young Catholics to become committed disciples, there needs to be external support along with an internal commitment that leads to living a distinct Christian life. Like any friendship, the relationship must be nurtured in the mutual love of the other.

These points can challenge us as Catholic school teachers and leaders and prompt us to ask, “what are we missing?” One important point is that we cannot assume that our students are already committed disciples of Jesus Christ. We should see the school as a place of forming and strengthening the faith and prayer life of disciples. This requires not simply the teaching of information about the Catholic faith (understood as religion class), but also the ecclesial tasks of evangelization (proclaiming the Good News of salvation in Jesus Christ) and catechesis (the deepening of faith and the understanding of faith). The Catholic school should not simply teach about God as an idea; it must proclaim his living and active presence as a divine person and invite students to relate to him in a personal way through prayer. It also cannot presuppose faith, as it should invite students into a relationship of faith. The focus on relationship, more than information, will enable the school to serve more clearly as a place to grow in faith and discipleship.

Encountering Christ

The reason the Catholic Church invests in schools is that she recognizes that Jesus should be at the center of everything that we do. It is not enough to visit him an hour a week. Our relationship with Jesus should be at the heart of our study and work, giving meaning and purpose to our daily life. Catholic schools provide an integrated experience of faith and life by uniting study, prayer, service, and character formation so that our students learn how to live a truly fulfilled and happy life. Jesus becomes the true teacher, who leads to the truth of the world and who inspires love in response to the truth. Pope Benedict XVI, when visiting the United States and speaking to Catholic educators, related, "First and foremost every Catholic educational institution is a place to encounter the living God who in Jesus Christ reveals his transforming love and truth" ("Meeting with Catholic Educators," April 17, 2008).

How does the school bring students into an encounter with Christ? The school should proclaim the kerygma (the announcement of the Gospel) and invite students to faith. Students at a Catholic school must come to know who Jesus is—the Son of God made man—and also what Jesus has done to save us—that he died to take away our sins and rose to give us new life. The teacher must become a spokesperson for God, sharing the divinely revealed message. Once again, this should not occur simply as information, but as a transformation, as a message from God that requires a response. Students should be invited to believe this message and to formulate a commitment to accept Jesus as Lord. We can see how this proclamation was central to the mission of the early Church in the Acts of the Apostles and summarized by Paul in his first letter to the Corinthians:

How would I remain your brethren, in what terms I preached to you the gospel, which you received, in which you stand, by which you are saved, if you hold it fast—unless you believed in vain. For I delivered to you as of first importance what I also received, that Christ died for our sins in accordance with the scriptures, that he was buried, that he was raised on the third day in accordance with the scriptures.

1 Cor 15:3-4

Paul gives an important example to teachers, as he reminds his disciples, pointing out the message's importance, handing on what he himself has received, and giving the essential points of the message. Teachers likewise can present the kerygma in a clear way, framed as an invitation to respond to Jesus in faith, echoing his call: "Come follow me" (Luke 18:22).

How do students respond to the invitation? If they feel truly called by Jesus and understand the nature of discipleship, they will be able to make a choice to follow Jesus in their lives. This may or may not be a dramatic moment of conversion. It could simply entail a commitment to daily prayer, wanting to learn more about their faith, feeling a vocation to serve others, or making their faith life a bigger priority. Regardless, one becomes a disciple of Jesus in prayer, encountering him in the depth of the heart and drawing closer to him. Relational prayer nurtures the life of the disciple and helps it to grow.

To summarize this first stage, Catholic school students need to come to know Christ, as revealed to the Church, in a personal way and form a commitment to him in faith. Students are to be imbued with a love for the Gospels, so that when they hear Jesus speaking to his disciples, he is speaking to

them today. The Gospels become a living word, and the student comes to understand the nature of discipleship as a call from Jesus to which they need to respond. Teachers can make the invitation to their students on behalf of Jesus and give time for prayer so that students can respond. Discipleship should become integrated into the normal life of the school, although holy hours and retreats also provide important moments for making the invitation and giving a chance to respond.

Growing in the Christian Life

If the first stage of discipleship is coming to know Christ and accepting the invitation to become his disciple, the second stage focuses on learning how to live like Jesus. It is helpful to remember that the word "disciple" means student. Becoming a disciple means becoming a student of Jesus to learn how to live like him. "Take my yoke upon you, and **learn from me**, for I am gentle and lowly in heart, and you will find rest for your souls. For my yoke is easy, and my burden is light" (Matt 11:29). This second stage focuses on the need for constant growth and maturity as Christians.

Discipleship will look different at the different stages of school life, as each age will have its own appropriate marks of growth. In preschool through first grade, students are still learning about who God is, the identity of Jesus as the Son of God, coming to know the love of the Father for them, and coming to know Our Lady and the saints. The focus is on coming to know one's identity as a son and daughter of the Father in order to experience the love and protection of the Father as Jesus experienced it. "He who has seen me has seen the Father" (Jn 14: 9).

Second and third grade have a distinct focus

through the restored order of Confirmation preparation that now encompasses preparing for Reconciliation and First Communion. The goals of these two years include not only learning about the sacraments, they also include introducing relational prayer, growing in virtue, developing conscience, and beginning to receive the call to discipleship explicitly. Fourth and fifth grades provide an important opportunity to follow upon the completion of sacramental initiation by making more connections between faith in life, growing in understanding, and finding opportunities to embrace the mission given by Confirmation, including praying regularly for the gifts of the Spirit.

In middle school, students begin asking more complex questions and are ready to begin thinking theologically by understanding the faith at a deeper level. Many vocations also begin in middle school as students begin to grow in their life of prayer and understanding of Christian mission. It is also important to start holding retreats and engaging in service outside of the school at this age.

High school truly provides a training ground for student-disciples to enter the world, entering into an even more mature understanding, capable of always giving a reason for the hope that is in them (cf. 1 Peter 3:15), making connections between faith and science, discerning vocation, assuming more responsibility for faith and the moral life, overcoming issues related to technology and sexuality, and having more retreats and opportunities for service. It is a time for engaging in a process of self-discovery and finding life's purpose. Strong peer relationships and small groups are even more important for growing as a disciple in high school. At the same time, high school often presents greater challenges requiring the differentiation of where

students are in the discipleship journey (especially for students who are new to Catholic education who have not been exposed to the faith). Attentiveness to the needs of each student requires a heart attuned to the Holy Spirit, invoking often the gift of counsel in order to speak into the reality of the different persons that make up each class to assist their maturation in the Spirit.

This maturation in the Spirit that occurs in discipleship is an apprenticeship in the Christian life, requiring mentorship and support. St. Paul clearly lays out the need for this growth. We are not finished becoming Christians at our Baptism, Confirmation, and first Eucharist. Even if all the seeds have been planted, they need to mature to their full development and realization:

I therefore, a prisoner for the Lord, beg you to lead a life worthy of the calling to which you have been called. . . . until we all attain to the unity of the faith and of the knowledge of the Son of God, to mature manhood, to the measure of the stature of the fulness of Christ. . . . Rather, speaking the truth in love, we are to grow up in every way into him who is the head, into Christ, from whom the whole body, joined and knit together by every joint with which it is supplied, when each part is working properly, makes bodily growth and upbuilds itself in love. Ephesians 4:1, 13-16

For the process of growth to occur, students need guidance, examples, and strong peer relationships. One cannot become a disciple alone. Jesus, the master (a word that meant teacher in the ancient world), gathered a group of disciples (students) around himself, trained and equipped them, and then sent them out on mission as he was sent by



the Father (Jn 20: 21). The disciples, in turn, were given the mission to form other disciples, bringing them to the true master and teacher to shape and form their lives as well. The mentor, however, must represent Jesus in many ways, giving practical guidance and advice, including standing in as a witness and example of the Christian life.

It is of the utmost importance, therefore, for teachers to grow in their own life of discipleship so that they can give to their students what they have experienced. For teachers to help students encounter Christ and grow in the Christian life, they too must have regular encounters in prayer and receive support in their own spiritual growth. Although it is true that we learn by teaching (*discimus docendo*), the school looks for teachers who are prepared to form disciples and also invites its teachers into an ongoing encounter with Christ, to grow in the Christian life, and to teach and mentor students as part of the school's mission. Teachers spend a large amount of time with students each day and the success of the mission of discipleship will depend upon their ability to communicate the faith and support the Christian life of their students. Teachers must serve as mentors of the Christian faith in everything that they do within the school.

For the school to serve as a place of discipleship, it must create an interlocking web of mentorship under the active leadership of the pastor or chaplain.



The principal mentors teachers and provides them opportunities to grow in faith; teachers witness to and support fellow teachers; teachers form their students and invite them to continue growing in their faith; and students striving to live as disciples provide a crucial witness to other students. It is important both in and out of the classroom to have discussions about faith, including providing opportunities for small group discussions and discipleship groups. Teachers provide a primary witness for discipleship in the school through their instruction, Christian discipline, prayer, relationship, and conversation. In addition, discipleship groups would provide additional time for a mentor to talk about

the relation of faith and life, either during lunch or after school. This kind of mentorship should also be offered to parents, creating a partnership in the process of making disciples. Parents can benefit in their own growth in faith with opportunities offered by the school for small group discussion and prayer. This will help families to support one another in growing in their own ability to form disciples in the home.

In summary, the school should encourage continued growth and maturation in the Christian life. It guides students through the stages of growth that they will move through throughout their studies. Mentorship happens in different ways, but the primary form comes through the daily interactions of teachers with their students. Faith should motivate and guide all interactions with students, making them opportunities for witness. As leaders within Catholic schools, every teacher should serve as a witness and mentor in faith.



Disciples on Mission

The final stage of discipleship entails being sent out to share in the mission of the Church. Jesus sent out his disciples to proclaim the good news, bring people to the sacraments, to teach, and to serve. Mission is the goal of every disciple. Every Christian has a role to play in carrying out the mission of the Church—his or her own way of living out their faith in daily life. No matter one's vocation, state in life, or employment, faith stands at the center of the disciple's life and guides every action.

The disciple, thus, rejects the split between faith and life insisted upon by modern, secular culture. He or she does not see faith as shaping individual or single events, but as something lived out regularly in life. The school serves this third stage of discipleship by providing constant opportunities to encounter, grow, and be on mission in appropriate ways for each stage of education. This formation extends beyond the intellect (although it presupposes knowledge of God and salvation) and reach-

es to the will (our free choice) by shaping concrete choices and decisions.

Pope Benedict XVI pointed to this integration as the very goal of Catholic education: "Catholic schools should therefore seek to foster that unity between faith, culture and life which is the fundamental goal of Christian education" ("Address to the Participants in the Convention of the Diocese of Rome," June 11, 2007). For the disciple, actions matter. They form the concrete expression that makes faith come alive and to become real in the student's life. The disciple will be judged by how his or her life either did or did not conform to Jesus: "And the King will answer them, 'Truly, I say to you, as you did it to one of the least of these my brethren, you did it to me'" (Matt 25:40). Jesus gives a clear indicator for how the disciple should find and serve him in the world: by actions that express his love for everyone and especially those in most need.

There are some clear ways for disciples to live out the faith in their daily lives. The first is by forming regular habits of prayer, both vocal and relational prayer that extends to meditation and contemplation. One can see deep relational prayer in the lives of the saints, and that is the call of every disciple. Second, faith takes on concrete expression in daily life through relationship and common ways of expressing and living faith in a community (more on this will come in section three). Third, disciples engage in regular service, both in the school and parish community as well as the broader community (including local apostolates like the Samaritan House, Gabriel House, and Christ in the City, for example). Fourth, the disciple needs constant refreshment and opportunities for growth, such as regular retreats and also pilgrimages to holy sites (such as the Mother Cabrini Shrine, the Cathedral

Basilica, including the tomb of Servant of God Julia Greeley, St. Elizabeth of Hungary Church in Denver where Fr. Leo Heinrichs was martyred, the site of World Youth Day with St. John Paul II at Cherry Creek State Park, and the Chapel on the Rock at St. Malo). Fifth, disciples view their lives in terms of service and regularly discern God's will for their primary vocation and for their future career. Finally, the disciple actively engages in the Church's primary mission of evangelization, first by witnessing to the faith in daily life and also by inviting others into a life of discipleship.

The formation for discipleship is complete only when disciples begin to form other disciples, continuing the process of growth in others. Disciples can and should become mentors for others. Students should be able to proclaim the kerygma, assist in leading evangelization retreats, give witness to their relationship with the Lord to their peers. If students can already engage in this mission at the school, this should prepare them to continue it in college and their future careers. The lives of the saints provide concrete examples of a fully formed disciple who lives out their mission of serving others like Christ. The saints form the imagination of students by showing them what holiness looks like and helping to them to discern their own way of following Jesus' call.

In summary, schools do not simply teach about discipleship; they draw their students into the life and mission of the disciple. They do so by providing opportunities for prayer, Christian community, service, vocational discernment, and evangelization. Doing so creates a synthesis of faith and life, leading the student into a relationship with Jesus Christ, the overarching goal of the Catholic school.

The Life of a Disciple in the School

Now that we have looked at the nature of discipleship and how the stages of discipleship relate to the life of students, we can now explore how discipleship relates to the institution of the school itself. This section provides an institutional framework for how the school serves as a place of discipleship, in cooperation with the parish.

Rooted in the Sacramental Life and Prayer

When we think of the school as a place of discipleship, it is prayer that forms its spiritual center. The sacraments, in particular, provide direct and tangible access to the mysteries of the faith. They are outward signs that convey God's grace, making present to us and actualizing the realities and grace they symbolize. As we seek to provide encounters with Christ for our students, the Eucharist truly makes Christ present to the school commu-

nity. As John Paul II noted in his first encyclical, *Redemptor Hominis*, "The essential commitment and, above all, the visible grace and source of supernatural strength for the Church as the People of God is to persevere and advance constantly in Eucharistic life and Eucharistic piety and to develop spiritually in the climate of the Eucharist" (20). The regular celebration of Mass provides the central and primary way of encountering Christ—body, blood, soul, and divinity—and constitutes the central point of each school week. The Eucharist is "the source and summit of the Catholic life" and therefore the source and summit of the life of discipleship in our Catholic schools (*Lumen Gentium*, 11).

For students to receive the benefit of the regular celebration of Mass and the sacraments, a regular life of prayer must support their celebration. It is too easy, as we know, for students to remain passive and uninterested during Mass. The solution is not to change the Mass to make it more interesting, but to teach students the spiritual realities that occur during the Mass and how to pray during each part of the celebration. The most important part of praying at Mass entails joining with Christ's sacrifice and offering of himself to the Father that is made present during the consecration. It is also important to teach students how to pray silently during Communion. Prayer forms the most important way for students to actively participate in the liturgy. In a practical way, teachers can help students to process what is happening at Mass by giving the students time after Mass to articulate or write what resonated with them during the readings or homily and what they experienced.

Because of its centrality for the school, Mass should be celebrated as an entire community at least once a week. Upper grades, beginning in middle school,

are encouraged to attend at least twice a week. Music chosen for Mass should reflect the sacred solemnity of the liturgy and reflect its prayerful, mysterious, beautiful, and contemplative nature. The Second Vatican Council made clear, "The Church acknowledges Gregorian chant as specially suited to the Roman liturgy: therefore, other things being equal, it should be given pride of place in liturgical services. But other kinds of sacred music, especially polyphony, are by no means excluded from liturgical celebrations, so long as they accord with the spirit of the liturgical action" (*Sacrosanctum Concilium*, 116). All decisions related to the liturgy should reflect its spiritual reality as a sacred sacrifice and should be made in consultation with the pastor or chaplain.

The school community is not sufficient in itself. The celebration of the Eucharist within it is ordered toward Sunday Mass. As students learn to pray at Mass at school, they are more able to enter it with their families on the Lord's Day. The parish completes the gathering of the local church together for the Eucharist and should provide an opportunity for school families to come together for communion with each other and to encounter other families within the parish. The school should provide frequent encouragement to attend Mass every Sunday and on holy days of obligation (including offering a Mass time at which parents could attend for holy days). Through the parish, and the adult formation it offers, school parents should be invited into a deeper practice of their faith, so as to support their children in their life of discipleship. Parents also should have opportunities for discipleship retreats and small groups.

The regular reception of the Eucharist requires the regular reception of the Sacrament of Rec-

conciliation. The school can help students to form the habit of the regular, fruitful reception of this sacrament, ideally on a monthly basis. Within second grade sacramental preparation, students will learn to make an examination of conscience based on the ten commandments and the virtues. This practice should be strengthened and developed throughout their studies, as their examination grows deeper and more complex as they mature.

The school cooperates with the parish for sacramental preparation, particularly in second and third grades. Parent involvement and participation in the sacramental preparation is essential to the renewal of discipleship. The pastor or chaplain provides guidance and oversight on the formation needed to receive the sacraments and may require additional formation to take place within the parish. Attention should also be given to the directives for Restored Order Confirmation given by the Archbishop of Denver and the Office of Evangelization and Family Life Ministries (see www.saintsdenver.com). Second and third grade sacramental preparation have been organized in a way ordered toward discipleship and learning personal prayer. Students not yet baptized and who desire to receive the sacraments should enter into the Rite of Christian Initiation of Children in coordination with the parish.

The disciple learns how to pray within the community: "One must also learn how to pray. Through a living transmission (Sacred Tradition) within 'the believing and praying Church,' the Holy Spirit teaches the children of God how to pray" (*Catechism of the Catholic Church*, 2650). Personal prayer and the sacramental life of the school reinforce each other. The sacraments impart God's grace and help the students to enter more deeply



into God's life, while personal prayer disposes and opens the student up to be able to receive this grace more fully. Every student, no matter the age, should learn to relate to God in prayer, make acts of faith and love, learn to reflect and meditate in silence, and learn to speak spontaneously in personal prayer. The school can help students to form the habit of prayer by beginning the day with prayer, beginning each class with prayer, praying the Angelus at noon, having regular time for adoration and the rosary, and making time for personal, silent prayer. The memorization of traditional prayers is an important practice, as well as teaching the meaning of these prayers and how they lead into personal prayer for both the students and their parents. It is important also to learn different ways of praying, such as the liturgy of the hours, lectio divina, intercessory prayer, the holy rosary, meditation (including following the Ignatian method that engages the imagination), and contemplation.

Discipleship at the Center of School Culture

Culture can be understood as a way of life shared by a group of people. Families and societies have their own culture—root beliefs, practices, and habits—and the same is true for schools. Culture embodies the beliefs and priorities of the school and makes them accessible to teachers, students, and families daily. Culture is a holistic way in which all the members of the community experience and live their shared values. It is the concrete way that faith becomes living and active in the school. The Catholic school should feel different as a place animated by supernatural principles and where people encounter God and others.

What are some of the key characteristics of a Catholic school culture? It puts God first, honoring him and relating everything the school does to him, in a personal and powerful way. A Christian school culture gives respect and love to everyone within the community and who comes into contact with it, honoring them as made in the image and likeness of God and called to eternal happiness with him. This becomes even more important during conflict. The school instantiates faith in the layout of the campus, clearly signifying its Catholic identity and mission, as well as the policies and procedures of the school. Everything should relate back to the school's mission and beliefs. It also enables everyone—teachers, students, parents, and guests—to participate in the Christian life.

Culture matters greatly for discipleship, because it enables the disciple to live out the faith in an integrated and holistic way. It makes discipleship normative and easier to practice as everyone pursues it as a common and shared goal. Rather than

experiencing constant tension in the surrounding culture, the school culture provides good soil for the disciple to grow and develop in living the faith. This Catholic culture, including praying regularly, treating others with Christian charity, celebrating the feast days and seasons, keeping distinctive Catholic practices and ritual alive, and having Eucharistic and Marian processions all serve to make our Catholic faith real and alive. The school can serve as a garden where the beauty, joy, and love of Christ become accessible and compelling for students. Some suggested practices include celebrating the liturgical seasons, holding a May crowning, celebrating All Saints Day, having a prayer area in each classroom, learning about the saints on their feast days, learning distinctively Catholic music, and decorating the school and classroom with beautiful Catholic art.

The norms, practices, policies, and customs of the school should also point teachers, students, and parents toward discipleship and the Christian life. Every policy, including practical and business-related ones, should also find their ultimate purpose and meaning in communicating faith and love. The ethos and practices of faculty and staff should communicate these ideals as well. The culture should also be inviting and affirming of its workforce, supporting them in living the Christian life and enabling them to enter more deeply into it. Non-Catholic and even non-Christian faculty must support the mission and culture of the school and be invited to enter it as much as possible. Every faculty and staff member must publicly uphold the Catholic mission and identity and refrain from any public action or statement that would contradict it.

Discipleship Permeates the Entire Curriculum

As we have seen, the word disciple means student. Becoming a disciple means learning the art of living, which includes learning about God, oneself, the world, and one's vocation within it. The disciple learns truth, understood as a right recognition of reality—perceiving truly the way things are. When the student understands anything, it is a glimpse of the truth. Jesus contains the fullness of truth within himself, “I am the way, the truth and the life” (Jn 14: 6), being the Word through which all things were created. Only God can see the full truth of all things at once, including himself. Therefore, God is the Truth himself and learning any partial truth points us to him.

A disciple learns how to think like a Catholic whose worldview begins and ends with God as revealed in Jesus Christ. This means not simply learning theology, but encountering Jesus, thinking rightly about all things, learning the inherent truths of the world, coming to understanding things rightly, thinking logically, making the right connections, and applying what is learned to life. Catholic education teaches the student how to view the world and one's place within it through the lens of the Gospel. The Catholic school can teach the fullness of reality by uniting faith and reason and integrating all subjects within a comprehensive view of life. Catholic schools can give students the best perspective on why they learn and the relevance of their studies, as everything taught comes from God—through creation or revelation—and points back to him as the goal of life.

Learning is directly tied to the life of the disciple. The disciple wants to learn, growing in likeness to God and coming closer to him in everything that is learned. The disciple wants to understand the meaning that God imprinted into creation, to understand his plan of salvation, and to know the meaning and purpose of one's own lives. The disciple learns to grow and develop and to continue conforming the mind and free choice to God. Knowing the truth and choosing what is good makes us more fully alive and more like God, and sets us free, “You will know the truth and the truth will set you free” (Jn 8:32).

The Vatican document, “The Catholic School,” makes the link between every subject and the life of discipleship:

Since the educative mission of the Catholic school is so wide, the teacher is in an excellent position to guide the pupil to a deepening of his faith and to enrich and enlighten his human knowledge with the data of the faith. While there are many occasions in teaching when pupils can be stimulated by insights of faith, a Christian education acknowledges the valid contribution which can be made by academic subjects towards the development of a mature Christian. The teacher can form the mind and heart of his pupils and guide them to develop a total commitment to Christ, with their whole personality enriched by human culture. The school considers human knowledge as a truth to be discovered. In the measure in which subjects are taught by someone who knowingly and without restraint seeks the truth, they are to that extent Christian. Discovery and awareness of truth leads man to the discovery of Truth itself. A teacher

who is full of Christian wisdom, well prepared in his own subject, does more than convey the sense of what he is teaching to his pupils. Over and above what he says, he guides his pupils beyond his mere words to the heart of total Truth. 40-41

Learning to read and write provides a foundation for communication through the symbols of words, learning how to express ideas, to think logically, and rightly order words in a persuasive and pleasing way. Numbers express quantity and relation and provide a way of understanding the logical ordering of the universe. The sciences help the mind to enter the mystery and beauty of creation. History brings understanding of human life and our place within the story of human life and civilization. Discipline and respect for the body, gained through physical education and sports, teach respect for our bodies as gifts from God that must be cared for and developed. The fine arts foster the imagination and wonder, and help guide the emotions to desire the good, true, and beautiful.

Teaching from a Catholic worldview provides the overarching principles for curriculum within a Catholic school. First, it forms dispositions and habits of mind rather than practical outcomes, enabling education to form the person rather than focusing on utilitarian purposes. Second, it offers a direct engagement with reality rather than simply imparting abstract formulas and data, enabling students to be active and involved in the process of learning. Third, it can show a unified vision of life through an interdisciplinary approach that draws connections between the subjects taught. Fourth, it helps students to grasp the relevance of what they are learning, pointing their studies to their ultimate purpose for themselves and others. Fifth, it offers

content-rich materials that engage the rich cultural heritage of the Christian past, using good and great books that ask the big questions using eloquent poetry and prose. Catholic school curriculum inspires students to ask the most essential questions about that which we study, and a Catholic worldview pursues these questions to their richest understanding. Finally, it draws upon beauty not only by teaching the fine arts but also by pointing to natural, artistic, and spiritual beauty in every subject.

The Cardinal Newman Society Curriculum Standards offer an important resource for assessing curriculum from a Catholic worldview for the areas of English, math, science, and history.¹ The standards are divided between grades K-6 and 7-12 and supplement existing content standards with general, intellectual, and dispositional ones. The Archdiocese of Denver has begun incorporating them into our academic content standards, as well as using them in our new four-day Catholic Worldview Seminar, required for all new teachers. This seminar draws upon the four pillars of the Catechism and connects them with the liberal arts and the four major content areas addressed by the Cardinal Newman Society standards.

The way we teach, the habits we form, and the worldview we impart through every subject we teach, all form an important approach to supporting discipleship. Learning, in any subject, and faith are not unrelated. The Catholic faith, by providing the broadest and most comprehensive view of reality, serves as a principle of integration for all subjects, motivation for learning, and for applying the fruits of study to life.

¹ "Curriculum Standards," Cardinal Newman Society, <https://newmansociety.org/catholic-curriculum-standards/>.

Making Discipleship a Reality

The final section of this framework focuses on the actions needed to strengthen discipleship in our schools.

Implementation

As we focus more on discipleship, we know that we are not starting from scratch. There are many ways in which our schools support discipleship, even as we recognize the need to do more to help our students reach maturity in their faith. It will be important, therefore, to reflect on this framework as a school and formulate a plan for finding ways of strengthening the approach to discipleship over the next three to five years.

A school's plan should use this framework as a guide. The group does not need to discover the nature of discipleship. Rather, the focus is on how the vision laid out in this document can come to life within the school's culture and life. To begin, all

faculty and fulltime staff of the school should read and discuss this framework. In addition, clergy, administrators, teachers, parish leaders, and parents should all participate in reflecting upon how to strengthen discipleship in the school. From broader meetings, a working group could be formed to oversee continuing conversations and trainings to implement the school's plan. The school can also consider having a point person from the school to work with the principal and pastor for the implementation of this framework. The school's leadership team should do a yearly assessment of the extent to which the discipleship plan is being met and lived out, with continuous improvement conversations about deepening the implementation of this framework.

Communication is an important beginning by helping everyone within the school community to focus on what discipleship is and how it is central to the life of the school. The Catholic faith centered in Jesus Christ stands at the heart of the Catholic school, shaping its mission, curriculum, formation, and culture. It is important for all members of the community to understand how the school approaches discipleship to be able to receive buy in and support for this approach. Discipleship, central to the Church's own mission and the preeminent goal in the Archdiocese of Denver for our schools, should find a prominent place in the school's mission and vision statements. All aspects of the school should align to this mission and incarnate it. Social media communication should also reflect and promote the school's mission.

Hiring will form an important ongoing focus for strengthening discipleship. If the school's Catholic mission forms the reason for the school's existence and the center of its ongoing vitality, this must re-

main a priority in hiring for all positions. The interview process should engage questions of Catholic mission and identity, such as how candidates live their faith and pray, and how they themselves hold a Catholic worldview. The search should prioritize someone who can support and carry out the school's mission. It is easier to train a candidate in technical areas than to create openness and support for the school's Catholic mission. The Catholic school teacher can rightly be considered a minister within the school's religious mission because every aspect of the school's life expresses the school's efforts for discipleship. Teaching subjects other than theology or catechesis and daily interactions with students all present opportunities for discipleship.

For this framework to take root, regular prayer as a faculty will be necessary for discernment and to strengthen a shared life of faith. Brief daily prayer as a group will keep everyone united in faith and mission, although more extended periods are also necessary. It is important to have at least one full day retreat a year (although multiday retreats are encouraged), as well as holy hours throughout the year. In particular, schools should have a retreat focused on discipleship for its teachers, which could provide an excellent opportunity for forming discipleship-focused groups that could continue following the retreat. Discipleship retreats should also be planned for middle and high school students, as well as parents. (See the final heading of this section).

Formation for Faculty and Leadership

Faith, by nature, is something free that cannot be forced. It is not simple enough to go through a training to be prepared to form disciples. The life of discipleship stems from a decision to follow Jesus that is both free and inspired by God's grace. For this reason, it is important to look for and prioritize candidates who show evidence of faith and its practice when recruiting faculty, knowing that prospective teachers will be able to share about their relationship with God. The Catholic school cannot have faculty who stand against its mission or are ambivalent toward it without undermining itself.

The Catholic school, however, should support its teachers and administrators for growth in their life of faith and can invite them into a deeper life of discipleship. It should be the expectation for every employee of the school to strive for continued growth in faith and prayer. Although this cannot be assessed in an objective way, teachers can be asked to describe how they are working toward these goals. Teachers should be given the time and space to formulate goals for their own spiritual and personal growth at the beginning of each academic year.

It is most important to offer formation for new teachers in the mission of Catholic schools. New teachers should read this framework to become familiar with the nature and stages of discipleship and how it relates to their own role as teacher. This group will also receive four days of training through the Catholic Worldview Seminar, and a retreat focused on growing in discipleship is also recommended for their formation. Throughout the hiring process, their initial training, and any certification or licensing process, discipleship should be kept in focus as an

integrating factor for all that the teacher does.

All teachers should receive ongoing support and formation related to discipleship. In addition to regular prayer and annual retreats, one possibility directly related to the nature of discipleship would be to establish teacher mentors. Fellow teachers can provide mentorship and support for prayer and for growth in faith, as well as providing a prayer partner. Small groups of teachers focused on prayer, Bible studies, or other spiritual reading could meet after school or during lunch. It is also possible for schools to work with other schools for regional days of prayer and even for more extraordinary events like pilgrimages. Other creative possibilities can also support the school's efforts, including visits to other schools to observe their practices or travel to regional or national conferences. Ongoing formation should also include intellectual formation to support teaching from a Catholic worldview. This will include reading classic works from the Catholic tradition, exploring connections between faith and particular disciplines, and taking inspiration from the Church's rich artistic tradition.

Principals will have opportunities to explore approaches to discipleship on the Archdiocesan level during monthly meetings and other events. In addition, it is important for school leaders to have opportunities for growth in the spiritual and intellectual life, such as extended retreats and seminars. In order to be able to serve as a spiritual leader for teachers, principals will need even deeper formation and should also set goals for spiritual growth each year. They will need to work with pastors and chaplains to ensure that they have a proper articulation of the school's spiritual mission and cooperate with him in overseeing the execution of the plan to strengthen discipleship.

Cooperation with the Catholic Community in Parish and Family Life

The school is an important place to form disciples, but cannot stand alone in this mission. It requires the support of the parish and the broader Catholic community. The Catholic community is comprised of the faithful and families who find their spiritual center in the parish which, in turn, grounds the community of the school. First, the pastor and chaplain provide essential leadership in overseeing the Catholic mission and identity of the school. This comes most importantly through his role in bringing the sacraments to the community and serving as the chief spiritual shepherd of the community. The pastor or chaplain should play a key role in forming the implementation plan for this framework and for arranging discipleship-focused formation for staff and students. Pastors and chaplains model, lead, and guide the efforts to form disciples in the school.

A positive parish-school connection (where applicable) is also essential to our students becoming disciples. The school should draw upon the broader mission and activities of the parish and serve as an expression of them. The parish should draw families into the school (even for parishes without their own school) and schools can help to reengage families in faith and support them in becoming more active in the parish. Large parishes require smaller groups, through which groups of disciples can meet for prayer, fellowship, and learning. Community-wide events also create important touchpoints and strengthen the relationship of parish and school. Active disciples in the school should also live the Christian life by becoming more active in the

parish, taking up parish ministries and giving additional support to service projects and youth groups. The parish itself could benefit from service projects led by the school. Schools and parishes could also consider joint ministry positions such as campus ministers.

Finally, we come to the essential connection between discipleship and family life. This has not been left to the end of this document as an afterthought but as the culmination of what needs to happen to make discipleship a success in the school. Parents are the most influential mentors for the faith life of their children. They do not always realize this and may look to the school to serve this role on their behalf. Catholic schools, therefore, need to help parents to understand and to know how to better fulfill their primary role as mentors in faith. This may require helping parents to grow deeper in their faith and inviting them to a more intentional discipleship. This fits with the role of the school as supporting parents as the primary educators of their children. This supporting role implies a partnership between the family, the parish, and the school, all working toward the complete education and formation of children.

The center of the life of discipleship for our students is in the home. Discipleship will flower as the family builds a stronger family culture, rooted in faith and daily prayer. Educators can support parents with suggestions for practical ways to implement Catholic culture and catechesis within the home. This should include teaching parents how to catechize within the home and to pray with their children, as well as providing resources for faith reading in the home. Parents need to move through the same stages of discipleship: make a commitment to follow Jesus, continue to grow in

living the Christian life, and to engage in mission. Faith will come alive when the family prioritizes it together and commits to spending time together for meals, prayer, common work, and fun activities. Faith must guide the use of technology and media in the home, overcoming negative influences that would pull children away from what is true, good, and beautiful. A Catholic school will greatly benefit in all aspects of its life by having a strong group of disciple-parents. Students will also blossom in their faith more fully when their parents actively live the life of a disciple.

For discipleship to grow, the school must find ways of partnering more directly with parents. There are a number of key touchpoints throughout the year that can be used to engage parents in the mission of discipleship including school Masses, sacramental preparation, Confession, beginning of the year meetings, sporting events, and other school activities. Other creative ways can be found, such as asking parents to complete formation hours that could count alongside of - or in place of - volunteer hours, inviting them to attend a retreat, introducing parents to Families of Character, or asking committed parents to form small faith groups. Schools can engage both parents and students together through family retreats that focus on praying together and living out the faith in the family more fully. This will make the Catholic school a place of mission that enables it to engage and transform the broader community and culture. American society needs stronger Catholic schools to serve as a source of hope, healing, and service. Schools can be marked by their ability to engage others, serving as an invitational community that proclaims the good news of the kerygma and forms true Christian fellowship that welcomes people where they are at and joyfully invites them to a life lived with Christ.

Conclusion



This framework has sought to provide a vision for how schools can embrace and live out their central mission to form disciples. It is only through this mission, working in partnership with parents, that Catholic school students will grow into mature Christians, ready to practice their faith in adulthood. Discipleship is necessary for the Catholic school to be true to itself and to prepare its students to face the difficulties of living within a secular culture. The school can provide many opportunities for its students to experience the three stages of discipleship by helping them to encounter Christ, grow in their relationship with him, and to embrace their own mission to serve others. Discipleship can shape the school's culture by placing prayer and worship at its center and communicating a Catholic vision throughout its curriculum and environment. Finally, schools can partner with parents, parishes, and the Archdiocese to make this vision a reality, offering formation not only for its students but for all staff and members of the community.



Catholic schools face many difficulties surrounding enrollment, finances, and personnel. Discipleship could be seen as simply another thing to add to the list of demands and challenges. Rather than becoming another box to check, discipleship should free the school from feeling burdened. It can transform obstacles to opportunities by directing everything in the life of the school toward mission. The Catholic school has received a call to live the faith joyfully and in a contagious way. Everyone in the school community should find unity and hope in this shared mission. The school should find security and peace in its mission, so central to the life of the Church, to make disciples and teach them so that they can follow Jesus. Becoming a "school of the Lord's service" will enable our schools to serve as oases of truth, goodness, and beauty and places where Christ can heal and transform both our students and the world.

Resource List

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EARLY CHILDHOOD CURRICULUM GUIDELINES**EXHIBIT****9****PRESCHOOL – THREE- AND FOUR-YEAR OLDS****Art**

This curriculum area identifies a difference in art as a topic and art as the creation of crafts. Art is self-expression and craft work is teacher directed. Art is a process; craft is a product.

Goal 1: The child will develop basic skills to draw, color, cut, glue, and paint.

The child will:

- hold a crayon correctly.
- identify eight basic colors.
- draw using different colors.
- color in one direction and within the lines.
- hold scissors properly.
- use scissors to cut on a line, i.e. cut out a specific shape.
- use glue appropriately.
- use a paintbrush and other tools to paint.

Goal 2: The child will show responsibility in the use of art media and tools.

The child will:

- clean and take care of self and materials used in activities.
- identify tools needed for an art project.
- use tools in an appropriate manner.
- return materials to proper place.

Goal 3: The child will be given the opportunity to develop creative self-expression by using a variety of media, tools, and methods.

The child will:

- express ideas and feelings through lines, color, and design.
- expand upon open-ended suggestions given by the teacher.
- use common objects in a unique way.
- develop ability to work alone or in small groups.
- experience different mediums for self-expression, i.e. clay, chalk, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Art – continued**

Goal 4: *The child will show appreciation for his / her own artistic work and for the artistic work of others.*

The child will:

- show interest in the artworks of others.
- show pride of accomplishment.
- observe and talk about art works including those from other cultures.

Goal 5: *The child will begin to reproduce color, form, and textures.*

The child will:

- recognize basic shapes and colors.
- reproduce a given simple shape, i.e. circle, square, triangle, etc.
- identify smooth and rough textures.

Goal 6: *The child will explore and become confident using a variety of methods, textures, and media.*

The child will:

- experience and be familiar with finger paints using hands, fingers, arms, and feet.
- use play dough / clay, i.e. pat, pound, roll, pinch, shape.
- use materials with a variety of textures, i.e. chalk, sand, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS

Art

This curriculum area identifies a difference in art as a topic and art as the creation of crafts. Art is self-expression and craft work is teacher directed. Art is a process; craft is a product.

Goal 1: *The child will demonstrate basic skills to color, cut, glue, and paint.*

The child will:

- hold scissors properly.
- cut basic shapes with increasing control and accuracy.
- use appropriate grip for crayons, markers, and pencils.
- control tools when painting, drawing, gluing, etc.
- identify primary and secondary colors.
- draw a recognizable face.
- draw a whole body image.
- add detail to personal art.

Goal 2: *The child will show responsibility and greater independence in the use of art media and tools.*

The child will:

- clean and take care of self and materials used in activities.
- identify tools needed for an art project.
- use tools in an age appropriate manner.
- return materials to proper place.

Goal 3: *The child will be given the opportunity to develop creative self-expression by using a variety of media, tools, and methods.*

The child will:

- describe art in his / her own words.
- express personal preferences toward use of media and tools.
- expand upon open-ended suggestions given by the teacher.
- use common objects in a unique way.
- use drawing to express personal feelings.
- work alone or in small groups.
- initiate some projects.
- combine and use different mediums for self-expression.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Art – continued**

Goal 4: *The child will show appreciation for his / her own artistic work and for the artistic work of others.*

The child will:

- show interest in the artworks of others.
- show pride of accomplishment.
- observe and talk about art works including those from other cultures.

Goal 5: *The child will recognize and reproduce basic colors, forms, and textures.*

The child will:

- draw basic shapes, i.e. square, circle, triangle, and rectangle.
- make a cross including crossing the midline.
- trace around a pattern.
- identify types of lines, i.e. straight, zig-zag, curved.
- recognize simple shapes, lines, and forms within the world around him / her, i.e. train car has rectangles, circles, etc.
- identify degrees of different textures.

Goal 6: *The child will explore and become confident using a variety of methods, textures, and media.*

The child will:

- exercise imagination through use of a variety of art media and tools.
- distinguish between various media for desired outcome.
- compare art work to reality.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS**Literacy / Language Arts**

Language is the development of communication skills that enable a child to share his/her world with others. These skills include listening, speaking, and thinking. The child will develop awareness of the five senses. Visual discrimination and memory as well as auditory discrimination and memory are important readiness skills that can be taught through play activities. Listening to and sharing stories, poetry, and finger plays enhance facility and ease with language. Awareness of the written word is developed through alphabet activities, and writing of stories about shared experiences.

Goal 1: Students develop language through speaking.

The child will:

- ask and answer questions.
- give his / her first and last name.
- speak in clear and complete sentences.
- communicate basic needs appropriately.
- share and describe personal experiences.
- recite common nursery rhymes.
- recognize the main characters in common fairy tales.
- retell common stories, fairy tales, and nursery rhymes.
- participate in appropriate role play.
- take an active part in group activities.
- take turns in a discussion.
- recognize, name, and describe simple objects and pictures.

Goal 2: Students develop language through listening.

The child will:

- demonstrate attentive listening skills without interrupting.
- follow simple oral directions.
- listen and repeat words, phrases, and simple sentences.
- identify common environmental sounds.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Literacy / Language Arts – continued*****Goal 3: Students develop reading readiness skills.***

The child will:

- recognize that individual letters have sounds.
- recognize some letters of the alphabet.
- recognize the difference between letters and numbers.
- recognize his / her first name.
- recognize some of the letters in his / her first name.
- follow patterns.
- predict the next item in a pattern.
- sequence from left to right.
- sequence three familiar, simple picture cards.
- hold a book properly.
- turn one page at a time when using a book.
- predict the outcome of a story.

Goal 4: Students develop writing readiness skills.

The child will:

- hold pencils and crayons appropriately.
- draw some letters using various media, i.e. sand, paint, etc.
- trace and follow dotted lines.
- use inventive symbols to “write” a story / picture.
- attempt to write part or whole first name.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS****Literacy / Language Arts**

Language is the development of communication skills that enable a child to share his/her world with others. These skills include listening, speaking, and thinking. The child will develop awareness of the five senses. Visual discrimination and memory as well as auditory discrimination and memory are important readiness skills that can be taught through play activities. Listening to and sharing stories, poetry, and finger plays enhance facility and ease with language. Awareness of the written word is developed through alphabet activities, and writing of stories about shared experiences.

Goal 1: Students develop language through speaking.

The child will:

- use appropriate complex sentences, i.e. correct pronouns, more than one subject, more than one adjective, etc.
- give his / her first and last name.
- recite his / her home address, phone number, and birthday.
- ask and answer age appropriate questions.
- speak with increasing independence, clarity, and fluidity.
- use different question words such as who, what, where, etc.
- communicate basic needs and feelings verbally.
- describe personal experiences using increasingly complex vocabulary and sentences, i.e. show-and-share, calendar time, etc.
- express time with appropriate verb tense, i.e. yesterday, today, tomorrow.
- retell the beginning, middle, and end of a story.
- engage in group activities and discussions.
- respect rights of others in discussions, i.e. take turns, listen to others, follow established routines.
- describe similarities and differences between two or more objects or pictures.
- recite nursery rhymes, songs, prayers, and/or finger plays from memory.
- sort objects according to use and categories.

Goal 2: Students develop language through listening.

The child will:

- demonstrate attentive, courteous listening skills.
- maintain eye contact with speaker.
- follow at least three-step oral directions.
- listen and repeat words, phrases, and sentences.
- identify common environmental sounds.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Literacy / Language Arts – continued*****Goal 3: Students develop reading readiness skills.***

The child will:

- sit quietly and be attentive for a whole story.
- demonstrate an awareness of printed word by associating labels with objects and pictures.
- compose and expand on stories.
- recognize some letter sounds, i.e. hard consonant sounds.
- recognize at least half of the letters of the alphabet.
- recognize words that rhyme.
- name the opposite of a given word, i.e. night / day, inside / outside.
- recognize first and last name.
- recognize and write the letters of his / her first name.
- recite the alphabet.
- enjoy stories for fun.
- choose a variety of different types of literature (also see Media Literacy Curriculum).
- follow a sequence from left to right.
- sequence at least four familiar picture cards.
- demonstrate proper care and use of books.
- retell the plot of a story.

Goal 4: Students develop writing readiness skills.

The child will:

- hold writing utensils correctly.
- trace lines from left to right.
- make a cross including crossing the midline.
- trace a pattern.
- print first name.
- use letters or recognizable symbols in inventive writing.
- “read” their own inventive writing.
- copy words, numbers, and letters of the alphabet from examples.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRESCHOOL – THREE- AND FOUR-YEAR OLDS****Math**

Math readiness at the preschool level involves the development of cognitive skills. This comes from the understanding of colors; shapes; quantitative concepts such as size differences; basic counting skills; classifying; forming sets; and recognizing numerals. These concepts are taught through use of manipulative and play experiences. **The use of worksheets on a regular basis is discouraged.**

In all the areas of Mathematics, students should communicate, in age-appropriate terms, the mathematical reasoning behind solutions. They will explain why or how they made their selection or arrived at their solution.

Goal 1: *Numbers/Number Sense – Students will develop number sense (numeracy) and use number relationships to solve real world math problems and will communicate the reasoning used in solving these problems.*

The child will:

- count orally from 1 to 10.
- touch and count objects from 1 to 5.
- recognize numerals 1 to 5 in random order.
- recognize the difference between numbers and letters.

Goal 2: *Algebraic Concepts – Students will use algebraic methods to explore, model, and describe patterns and functions involving numbers, shapes, data, graphs, etc.*

The child will:

- separate groups of objects to form new groups, i.e. group animals as baby animals and adult animals; separate zoo animals from farm animals, separate plants from animals, etc.
- create and extend simple patterns, i.e. ABAB.
- sort and classify objects by size, i.e. little / big, small / large, short / tall, or by color or shape.
- sort and classify objects by graduated size, i.e. small, smaller, smallest
- identify an object that doesn't belong in a specific group.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Math – continued**

Goal 3: *Geometric Concepts – Students will use geometric shapes, their properties, and relationships in one, two, and three dimensions to model and solve real world problems.*

The child will:

- identify location of an object, i.e. top – bottom; over – under; outside – inside.
- construct models with blocks and puzzles.
- identify basic shapes, i.e. circle, square, triangle.
- identify oval, rectangle, and diamond.
- match shapes.
- sort objects by size, weight.

Goal 4: *Measurement Concepts – Students will use a variety of tools and techniques to make and use measurement in problems and everyday situations.*

The child will:

- identify quantity and volume, i.e. more than – less than, full – empty.
- identify time, i.e. night – day, morning – afternoon.
- experiment with and manipulate dry and liquid substances.
- use the appropriate name for measuring tools.

Goal 5: *Concept of Ratio/Proportion/Percent – Students will understand, develop, and begin to use computational skills and techniques including guessing, estimation, proportion, mental mathematics and calculations, and computers to solve meaningful problems.*

The child will:

- guess the amount of objects before counting.
- guess the length of objects before measurement, i.e. longer, shorter.
- guess the relative weight of objects before weighing, i.e. heavier, lighter.

Goal 6: *Probability/Statistics/Data Analysis – Students will use data collection and analysis, statistics, and probability to solve real world problems and communicate the reasoning and process used in solving these problems.*

The child will:

- collect, discuss, and show classroom data.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS****Math**

Math readiness at the pre-Kindergarten level involves the development of cognitive skills. This comes from the understanding of colors; shapes; quantitative concepts such as size differences; basic counting skills; classifying; forming sets; and recognizing numerals. These concepts are taught through use of manipulative and play experiences. **The use of worksheets on a regular basis is discouraged.**

In all the areas of Mathematics, students should communicate, in age-appropriate terms, the mathematical reasoning behind solutions. They will explain why or how they made their selection or arrived at their solution.

Goal 1: *Numbers/Number Sense – Students will develop number sense (numeracy) and use number relationships to solve real world math problems and will communicate the reasoning used in solving these problems.*

The child will:

- equate “zero” to quantity of nothing.
- count orally from 1 to 20.
- touch and count objects from 1 to 10.
- recognize numerals 0 to 10 in random order.
- print some numerals 1 to 10.

Goal 2: *Algebraic Concepts – Students will use algebraic methods to explore, model, and describe patterns and functions involving numbers, shapes, data, graphs, etc.*

The child will:

- sort and classify objects by two attributes: size, color or shape, etc.
- create and extend patterns, i.e. ABabABab.
- arrange objects in graduated order from smallest to largest, etc.
- separate groups of objects to form new groups, i.e. group animals as baby animals and adult animals; separate zoo animals from farm animals, separate plants from animals, etc.
- identify an object that doesn’t belong in a specific group.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED****Math – continued**

Goal 3: *Geometric Concepts – Students will use geometric shapes, their properties, and relationships in one-, two-, and three- dimensions to model and solve real world problems.*

The child will:

- identify and name geometric shapes, i.e. square, circle, triangle, diamond, oval, rectangle, heart, star.
- describe the qualities of geometric shapes, i.e. number of sides.
- identify location of an object, i.e. top – bottom; over – under; outside – inside.
- construct models with blocks and puzzles of at least 20 pieces.
- draw simple shapes without a pattern, i.e. circle, square, triangle, etc.

Goal 4: *Measurement – Students will use a variety of tools and techniques to make and use measurement in problems and everyday situations.*

The child will:

- identify and explore various measurements of quantity and volume, i.e. more than – less than – equal to, full – empty – equal to, temperature – weights.
- identify coins, i.e. penny, nickel, dime, quarter.
- identify time, i.e. night – day, morning – afternoon, today – tomorrow – yesterday, day – week – month.
- recognize a clock as a measurement of time.
- name tools used to measure, i.e. ruler, tape measure, cup, scales, measuring spoons, etc.

Goal 5: *Concept of Ratio/Proportion/Percent – Students will understand, develop, and begin to use computational skills and techniques including guessing, estimation, proportion, mental mathematics and calculations, and computers to solve meaningful problems.*

The child will:

- guess the amount of objects before counting, i.e. 1-10+.
- guess the length of objects before measurement, i.e. longer or shorter.
- guess the relative weight of objects before weighing, i.e. heavier and lighter.
- perform simple mathematical operations with manipulatives.
- use a computer for math activities with adult guidance.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED
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Math – continued

Goal 6: *Probability/Statistics/Data Analysis – Students will use data collection and analysis, statistics, and probability to solve real world problems and communicate the reasoning and process used in solving these problems.*

The child will:

- collect, discuss, and record classroom data.
- communicate the mathematical reasoning behind solutions.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS**Music**

Music is a channel for creative expression in two ways. One is the manner in which sounds are communicated by the music-maker. The other is the emotional and physical response that the sound evokes from the listener. Singing, listening to music, using and making rhythm instruments, dancing and other rhythmic activities are ways of developing a love and appreciation for music.

Goal 1: Music production and performance

The child will:

- listen and respond to music.
- sing alone and with others.
- develop a repertoire of songs to be sung from memory.
- identify a favorite song.
- recognize familiar songs when played or sung.
- identify and distinguish differences in sound.
- explore with rhythm instrument.
- use instruments to accompany movement.

Goal 2: Expressing rhythm through various movement to music

The child will:

- move to music with scarves, ribbons, etc.
- move freely to music.
- move to a beat
 - walk and clap
 - walk fast and slow
 - run fast and slow
 - march
 - swing arms
 - swing one leg
 - gallop
 - hop
- keep time to music with body movements.
- reproduce simple patterns.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED

Music – continued

Goal 3: Familiarity with musical instruments

The child will:

- use rhythm instruments alone or to accompany music.
- use instruments to accompany movement.
- identify some instruments.
- recognize sounds of different instruments.

Goal 4: Music from various cultures, genres, and music with a storyline

The child will:

- retell a story told in a song.
- listen to music from various cultures.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS

Music

Music is a channel for creative expression in two ways. One is the manner in which sounds are communicated by the music-maker. The other is the emotional and physical response that the sound evokes from the listener. Singing, listening to music, using and making rhythm instruments, dancing and other rhythmic activities are ways of developing a love and appreciation for music.

Goal 1: Music production and performance

The child will:

- listen and respond to music.
- sing alone and with others.
- develop a repertoire of songs from memory.
- identify a favorite song.
- recognize familiar songs when played or sung.
- recognize familiar tunes.
- identify and distinguish differences in sound.
- explore with rhythm instrument.
- use instruments to accompany movement.
- listen quietly and relax with appropriate music.
- establish good listening habits.
- use music creatively for self-expression, i.e. draw with music, create a song, make up a dance, etc.

Goal 2: Expressing rhythm through various movement to music

The child will:

- move to music with scarves, ribbons, etc.
- move freely to music.
- keep time to music with body movements.
- reproduce simple patterns.
- move to music through participation in singing, folk games, free and directed rhythmic responses such as clapping, marching, running, skipping, swaying, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED

Music – continued

Goal 3: Familiarity with musical instruments

The child will:

- use rhythm instruments alone or to accompany music.
- use instruments to accompany movement.
- identify some instruments.
- recognize sounds of different instruments.
- demonstrate appropriate use and care of instruments.
- recognize some musical symbols.

Goal 4: Music from various cultures, genres, and music with a storyline.

The child will:

- retell a story told in a song.
- listen to music from various cultures.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRESCHOOL – THREE- AND FOUR-YEAR OLDS****Health, Safety, and Physical Education**

Motor skills are a vital part of the young child's development and are crucial to the learning skills he/she will need in the future. The preschool child learns with his / her body. These motor skills are not overlooked in favor of cognitive skills.

Gross motor skills are those skills that involve body coordination as appropriate to the child's developmental age and physical maturity. These skills are advanced through large muscle activities such as walking, running, jumping, hopping, skipping, etc. Arm-eye coordination is developed by throwing a large ball or bean-bag, catching, and aiming at a target. Rhythm and movement provide an outlet for creative expression and the joy of using the body in dance, games, and organized play.

Fine motor skills are developed through manipulating clay, stringing beads, hammering, pasting, coloring with crayons, painting, pouring, lacing, and using scissors. Dexterity and strength of the small muscles are developing skills that enhance reading readiness. Use of natural hand preference is encouraged, but hand dominance is not yet achieved. Eye tracking promotes left-to-right progression skill required for reading readiness.

Goal 1: Develop locomotor skills

The child will:

- walk on a straight line on the floor or balance beam with assistance forwards.
- walk on the floor backwards.
- walk on tip toes.
- stand on one foot, alternate feet.
- jump up and down in place 5 times.
- jump from a height of at least 8 inches.
- step over a rope 4 inches off the floor.
- climb up stairs using alternate feet.
- run, changing directions.
- gallop.
- use playground equipment appropriately.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Health, Safety, and Physical Education – continued*****Goal 2: Develop non-locomotor skills***

The child will:

- demonstrate bending and stretching.
- demonstrate pulling and pushing.
- demonstrate the ability to twist and turn.
- demonstrate correct posture while standing, sitting, and kneeling.
- demonstrate body-space awareness and personal control.

Goal 3: Develop eye-hand and eye-foot coordination

The child will:

- place pegs in a pegboard.
- throw a bean bag up and catch it with both hands.
- kick a stationary ball.
- roll a ball at a target.
- throw a ball underhand and overhand.
- use lacing card.

Goal 4: Develop fine motor skills

The child will:

- work a puzzle with 8 to 12 large pieces.
- build a tower of at least 6 blocks.
- string one-inch beads.
- develop pincer control skills.
- fold paper.
- tear paper.
- screw and unscrew.
- work with clothespins.
- use tongs and tweezers.
- develop self-help skills.
- dressing self with minimal help.
- pouring.
- snapping with assistance.
- zippering with assistance.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Health, Safety, and Physical Education – continued*****Goal 5: Develop age-appropriate personal hygiene skills***

The child will:

- wash hands before eating, after toilet, after outside playtime, after coughing, sneezing, nose blowing, or when asked.
- use toilet facilities appropriately.
- use tissue to blow nose, and dispose of it properly.
- clean up personal space after lunch, snack time, etc.

Goal 6: Develop cooperative group skills

The child will:

- stand in line appropriately.
- take turns with guidance when playing games.
- respect the abilities of others.
- walk with a partner.

Goal 7: Personal health and safety

The child will:

- recite his / her first and last name.
- recite the first and last names of his / her parents.
- follow personal safety rules when in an unfamiliar situation or in contact with an unfamiliar person.
- follow school rules.
- demonstrate emergency procedures, i.e. call 911.
- discuss appropriate dress for various types of weather.
- discuss ways to identify and express anger and other feelings in an appropriate way.
- discuss some healthy foods and good nutrition habits.
- discuss some safety rules and basic traffic symbols.
- describe the appropriate use of medications, and the difference between healthy and unhealthy substances.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS****Health, Safety, and Physical Education**

Motor skills are a vital part of the young child's development and are crucial to the learning skills he/she will need in the future. The pre-Kindergarten child learns with his / her body. These motor skills are not overlooked in favor of cognitive skills.

Gross motor skills are those skills that involve body coordination as appropriate to the child's developmental age and physical maturity. These skills are advanced through large muscle activities such as walking, running, jumping, hopping, skipping, etc. Arm-eye coordination is developed by throwing a large ball or bean-bag, catching, and aiming at a target. Rhythm and movement provide an outlet for creative expression and the joy of using the body in dance, games, and organized play.

Fine motor skills are developed through manipulating clay, stringing beads, hammering, pasting, coloring with crayons, painting, pouring, lacing, and using scissors. Dexterity and strength of the small muscles are developing skills that enhance reading readiness. Use of natural hand preference is encouraged, but hand dominance is not yet achieved. Eye tracking promotes left-to-right progression skill required for reading readiness.

Goal 1: Develop locomotor skills

The child will:

- walk on a straight line on a balance beam or other raised object forwards and sideways.
- walk backwards on the floor.
- walk on tip toes.
- stand on one foot, alternate feet.
- hop on one foot with both left and right foot.
- jump up and down in place 10 times.
- jump from a height of at least 12 inches.
- step over a rope 6 inches off the floor.
- climb up and down stairs using alternate feet.
- run, changing directions.
- gallop, leap, slide.
- skip.
- use playground equipment appropriately.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Health, Safety, and Physical Education – continued*****Goal 2: Develop non-locomotor skills***

The child will:

- demonstrate bending and stretching.
- demonstrate pulling and pushing.
- demonstrate the ability to twist and turn.
- demonstrate correct posture while standing, sitting, and kneeling.
- demonstrate body-space awareness and personal control.

Goal 3: Develop eye-hand and eye-foot coordination

The child will:

- place pegs in a pegboard.
- use a hammer with nails, tool bench, etc.
- throw a bean bag up and catch it with both hands.
- kick a stationary and rolling ball using dominant and non-dominant foot.
- toss a ball at a target.
- throw a ball underhand and overhand.
- catch a ball thrown by someone else.
- use lacing and sewing cards.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Health, Safety, and Physical Education – continued*****Goal 4: Develop fine muscle skills***

The child will:

- work a large 20 piece puzzle without a frame.
- build a tower of at least 10 blocks.
- string beads.
- develop pincer control skills.
- fold paper.
- tear paper.
- screw and unscrew.
- work with clothespins.
- use tongs and tweezers.
- use eyedroppers.
- punch holes.
- develop self-help skills.
- dressing self including shoes, boots, coats, hats, mittens, etc.
- pouring.
- snapping.
- zippering.
- buckling.
- buttoning.
- organizing backpacks and personal belongings.

Goal 5: Develop age-appropriate personal hygiene and safety skills

The child will:

- wash hands before eating, after toilet, after outside playtime, after coughing, sneezing, nose blowing, or when asked.
- use toilet facilities appropriately.
- use tissue to blow nose, and dispose of it properly.
- clean up personal space after lunch, snack time, etc.
- recognize limits in play, rest when tired, get a drink when thirsty, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Health, Safety, and Physical Education – continued*****Goal 6: Develop cooperative group skills***

The child will:

- stand in line appropriately.
- demonstrate willingness to participate as an individual and as a member of a team.
- demonstrate effective participation skills such as taking turns, sharing, getting along with others, keep winning and losing in perspective.
- participate in directed games with rules and limits.
- apply safety practices.

Goal 7: Personal health and safety

The child will:

- recite his / her first and last name.
- recite the first and last names of his / her parents.
- recite address, phone number, and birthday.
- follow personal safety rules when in an unfamiliar situation or in contact with an unfamiliar person.
- follow school rules.
- demonstrate emergency procedures, i.e. call 911.
- discuss appropriate dress for various types of weather.
- identify feelings and exhibit appropriate ways to express them.
- discuss the relationship between behaviors and their consequences.
- identify some healthy foods and good nutrition habits.
- identify some safety rules and basic traffic symbols.
- describe the appropriate use of medications, compare and contrast healthy and unhealthy substances.

EARLY CHILDHOOD CURRICULUM GUIDELINES**PRESCHOOL – THREE- AND FOUR-YEAR OLDS****Religion**

Religion is an integral part of the Catholic School early childhood program. It begins the preparation for further formal instruction. Religious readiness is the development of a positive self-image in relation to a loving God. A deep love of God comes from examples set by the family and the spiritual life of the parish community. A child's sense of God comes from the warm atmosphere of love and acceptance in the preschool environment where the child learns about God's wonderful world. Prayer and simple paraliturgies prepare the child to participate in the worship and prayer life of the local church.

Goal 1: Developing a relationship with our loving God and learning about God's gifts

The child will:

- recognize his / her own goodness.
- recognize Jesus as friend and teacher.
- exhibit the ability to share, care for, love, and forgive others.
- recognize the love others have for her/him.
- discuss that God's love makes him/her special.
- list some of the people who love him/her.
- use Jesus as a role model.
- recognize that all God's creation is good.
- acknowledge that everything/everyone is created by God.
- begin to accept responsibility for their world and all living things.

Goal 2: Awareness of church as being family of God

The child will:

- participate in faith experiences such as extended prayer services in classroom and/or in church. Mass participation may be included where appropriate.
- discuss that he/she belongs to a human family, God's family, and the world.
- identify the priest (and religious sisters and brothers) and discuss his (their) special role in the local church.
- experience signs and symbols of church, i.e. Sign of the Cross, genuflecting, kneeling, bowing, tabernacle, blessing with holy water.
- acknowledge that Jesus is with us in a special way at Mass.
- acknowledge that Mary is the Mother of Jesus.
- identify the patron saint of the school or the event after which the church is named.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Religion – continued****Goal 3: *The importance of prayer (spoken, sung, spontaneous, rote, etc.) and God's Word in one's life***

The child will:

- experience that God speaks to us through the Bible and its stories.
- discuss the difference between Old Testament and New Testament.
- know that prayer is talking and listening to God.
- recite simple prayers, i.e. The Sign of the Cross, meal blessing, Angel of God, Hail Mary, etc.
- know that God listens to our prayers.
- use singing and creative movement as a form of prayer.
- listen respectfully to God's word.
- verbalize spontaneous, personal prayers.
- discuss that he/she may pray at any time or in any place.

Goal 4: *Developing a sense of right and wrong behavior*

The child will:

- discuss that each person has feelings.
- discuss ways to express sorrow, anger, happiness, and love.
- identify own feelings.
- express feelings and emotions in a developmentally appropriate manner.
- respect the feelings of others.
- realize that God loves us and forgives us.
- practice ways to forgive others.
- discuss consequences of inappropriate behavior.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS

Religion

Religion is an integral part of the Catholic School early childhood program. It begins the preparation for further formal instruction. Religious readiness is the development of a positive self-image in relation to a loving God. A deep love of God comes from examples set by the family and the spiritual life of the parish community. A child's sense of God comes from the warm atmosphere of love and acceptance in the pre-Kindergarten environment where the child learns about God's wonderful world. Prayer and simple paraliturgies prepare the child to participate in the worship and prayer life of the local church.

Goal 1: Developing a relationship with our loving God and learning about God's gifts

The child will:

- recognize self-worth and build positive self-esteem through recognition of his / her own gifts and talents.
- recognize five senses as gifts from God and appreciate God's creation through use of the senses.
- identify ways to care for creation, i.e. picking up trash and not littering, not being wasteful of resources, discussing pollution prevention, caring for pre-kindergarten environment.
- use Jesus as a role model.
- experience God as always loving and knowing each one by name.
- recognize the gifts and talents of others.
- discuss and demonstrate ways of caring for others, i.e. being nice to siblings and classmates, outreach to nursing homes, making cards for sick classmates, collecting food for food bank, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Religion – continued****Goal 2: *Awareness of church as the family of God***

The child will:

- develop a sense of membership in community of people loved by God.
- identify self as a member of the Catholic community.
- discuss the saints and the Blessed Virgin Mary as members of God's family.
- identify the patron saint of the school or the event after which the church / school is named and his / her personal patron saint.
- participate in faith experiences.
- identify religious holidays and liturgical seasons.
- discuss the sacraments.
- experience signs and symbols of church, i.e. Sign of the Cross, genuflecting, kneeling, bowing, tabernacle, blessing with holy water, crucifix, Rosary, statues.
- acknowledge that Jesus is with us in a special way at Mass.
- discuss the responsibilities of the members of the church with special ministries.

Goal 3: *Importance of prayer (spoken, sung, spontaneous, rote, etc.) and God's Word in one's life*

The child will:

- recite simple prayers, i.e. The Sign of the Cross, meal blessing, Angel of God, Hail Mary, Our Father, Glory Be, etc.
- experience that the Bible and its stories are God's word.
- identify some of the people of the bible stories in both Old and New Testament.
- know that prayer is talking and listening to God.
- use singing and creative movement as a form of prayer.
- verbalize spontaneous, personal prayers.
- discuss that he/she may pray at any time or in any place.
- listen respectfully to God's word.
- demonstrate reverent behavior during prayer and in church.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED
--

Religion – continued

Goal 4: Developing a sense of right and wrong behavior

The child will:

- discuss that each person has feelings.
- discuss ways to express sorrow, anger, happiness, and love.
- identify own feelings.
- demonstrate respect for the authority of parents, teachers, and community workers.
- demonstrate Christian attitudes of sharing, taking turns, listening, helping, celebrating, thanking, apologizing, changing inappropriate behavior, and forgiving.
- respect others' feelings, property, opinions, space, etc.
- realize that God loves us and forgives us.
- discuss and practice making appropriate behavioral choices.
- discuss and take responsibility for the consequences of inappropriate behavior.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS**Science**

Science readiness encourages the preschool child to be aware of God's world. This awareness is heightened by encouraging the use of the five senses in science activities. Both guided and creative experiences provide the foundation for scientific reasoning. The child begins to question, experience, discover, and project results based on given experiences.

Strand 1: Life Science

The child will:

- identify major parts of the body, i.e. face, parts of the face, hands, feet, head, back, shoulders, knees, toes, etc.
- discuss the five senses.
- experience and identify various sounds, smells, textures, and flavors.
- recognize physical differences and similarities in human beings.
- discuss skill development / stages of development, i.e. crawling to walking; drinking, holding a pencil / crayon appropriately, etc.
- become familiar with plant growth.
- become familiar with the ways plants and animals are used by people.
- become aware that living things need air, water, sun, and food.
- discuss familiar animals.
- discuss prehistoric animals.

Strand 2: Earth and Space Science

The child will:

- discover that air surrounds us.
- observe changes in weather.
- discuss appropriate dress for various weather.
- observe the changes in the seasons.
- observe the difference between day and night.
- discuss sun, moon, and stars.
- name major land forms, i.e. mountains, rivers, lakes, oceans, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED
--

Science – continued

Strand 3: Physical Science

The child will:

- discuss basic physical properties of matter, i.e., soft, hard, heavy, light, etc.
- experience change in properties of matter, i.e. ice / snow melts.

Strand 4: Nature of Science

The child will:

- make predictions.
- come to conclusions based on observations.
- measure things relative to other things, i.e. larger-smaller, higher-lower, etc.
- group objects based on common attributes.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS

Science

Science readiness encourages the pre-Kindergarten child to be aware of God's world. This awareness is heightened by encouraging the use of the five senses in science activities. Both guided and creative experiences provide the foundation for scientific reasoning. The child begins to question, experience, discover, and project results based on given experiences.

Strand 1: Life Science

The child will:

- identify parts of the body.
- discuss organs, bones and muscles as components of the body.
- list five senses.
- experience and identify various sounds, smells, textures, and flavors.
- distinguish between living things and non-living things.
- explore the parts of common plants.
- identify mature animals and offspring.
- discuss animal habitats.
- discuss life cycles of plants and animals.
- discuss pre-historic animals and their habitats.

Strand 2: Earth and Space Science

The child will:

- identify characteristics of the seasons.
- identify the weather of the day.
- discuss appropriate dress for the weather.
- discuss the difference between day and night.
- discuss the planets, sun, moon, and stars.
- use a map to locate various land forms.
- discuss the water cycle.
- discuss recycling as good use of resources.

Strand 3: Physical Science

The child will:

- use five senses to investigate states of matter.
- recognize liquids and solids.
- discuss changes in the properties of matter, i.e. cooking an egg, freezing / thawing.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED
--

Science – continued

Strand 4: Nature of Science

The child will:

- make predictions.
- collect data concerning an experience.
- graph data collected.
- form conclusion based on observations.
- communicate the findings of an observation.
- measure using non-traditional means, i.e. manipulatives, footsteps, etc.
- identify similar and different attributes.
- group items with similar attributes.
- identify the use of common tools and machines, i.e. broom, vacuum cleaner, silverware, dump trucks, etc.
- use appropriate technology tools, such as computers, CD players, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS**Social Studies**

Social Studies is experienced in the everyday early childhood environment. The child learns the patterns of appropriate behavior. A secure environment supervised by caring adults, allows the child to practice the acquired skills of playing, sharing, turn-taking, and respect for others. Holidays, traditions, seasons, historical events, and cultural differences broaden the preschool Social Studies experience.

Goal 1: *Historical Perspective – Students will use the process of historical inquiry to understand the past, develop a sense of the present, and build perspectives on the future. These studies contribute to the development of the student's historical self.*

The child will:

- use vocabulary such as before and after.
- place three pictures in a simple story in sequence.
- sing and rhyme to explore vocabulary associated with calendar, i.e. day, week, month, year.
- describe personal life events with concepts of past and present.
- discuss growth and change from baby to preschooler.
- recognize various holidays and celebrations.

Goal 2: *Geographic Perspective – Students will develop and use geographic knowledge and concepts to understand the relationships between human and physical geography.*

The child will:

- demonstrate awareness of location and direction by using vocabulary like up, down, far, close, above, inside, outside, next to, over, and under.
- describe the purpose for various places, i.e. school, church, hospital, etc.
- discuss the relationship between weather and dress.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRESCHOOL – THREE- AND FOUR-YEAR OLDS – CONTINUED**Social Studies – continued**

Goal 3: *Civic Perspective – Students will become aware of political systems and how people govern themselves.*

The child will:

- recognize the flags of the United States and Colorado.
- recognize the importance of rules and laws.
- state reasons for some rules and laws.
- discuss the relationship of actions and consequences.
- list some characteristics of appropriate behavior, i.e. good citizenship.
- be responsible for personal items.
- respect others and their property.
- cooperate with others.
- show kindness toward others.
- take an active role in class i.e. standing up for self.

Goal 4: *Economic Perspective – Students will examine choices, the impact on themselves, and the consequences of their choices for their environment.*

The child will:

- identify needs, i.e. shelter, food, parents, etc.
- realize that resources are limited.
- realize that we must not waste.
- realize that we must keep our Earth safe and clean.
- accept responsibility for classroom jobs and assignments.

Goal 5: *Social, Cultural, and World Perspective – Students will develop an awareness of the larger world around them.*

The child will:

- identify and describe the family unit.
- become aware of community helpers and a variety of occupations.
- realize that people depend on each other.
- identify methods of transportation.
- explore similarities and differences between countries, i.e. customs, traditions, homes, jobs, food, dress, etc.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS

Social Studies

Social Studies is experienced in the everyday early childhood environment. The child learns the patterns of appropriate behavior. A secure environment supervised by caring adults, allows the child to practice the acquired skills of playing, sharing, turn-taking, and respect for others. Holidays, traditions, seasons, historical events, and cultural differences broaden the preschool Social Studies experience.

Goal 1: *Historical Perspective – Students will use the process of historical inquiry to understand the past, develop a sense of the present, and build perspectives on the future. These studies contribute to the development of the student’s historical self.*

The child will:

- use vocabulary such as before, after, yesterday, today, tomorrow.
- place up to six pictures in a simple story in the correct sequence.
- sing and rhyme to explore vocabulary associated with calendar, i.e. day, week, month, year, yesterday, today, tomorrow.
- describe own life events with concepts of past and present.
- discuss growth and change from baby to pre-kindergartener.
- recognize various state and national holidays and celebrations.
- recognize the difference in others and celebrate diversity.

Goal 2: *Geographic Perspective – Students will develop and use geographic knowledge and concepts to understand the relationships between human and physical geography.*

The child will:

- demonstrate awareness of location and direction by using vocabulary like right, left, far, near, above, below, across, between, inside, outside, next to, over, and under.
- design a map of the classroom or their house.
- describe the purpose for various places, i.e. school, church, hospital, etc.
- discuss the weather of various parts of the world.
- discuss the relationship between weather and dress.
- observe and explore ways of adapting to the natural environment (dress, housing).
- recognize the names and locations of some states.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED**Social Studies – continued**

Goal 3: *Civic Perspective – Students will become aware of political systems and how people govern themselves.*

The child will:

- recognize the flags of the United States and Colorado.
- identify other symbols of the United States, i.e. Eagle, Statue of Liberty, Liberty Bell, etc.
- recite the Pledge of Allegiance.
- recognize the importance of rules and laws.
- state reasons for some rules and laws.
- discuss the relationship of actions and consequences.
- list some characteristics of appropriate behavior, i.e. good citizenship.
- be responsible for personal items.
- respect others and their property.
- cooperate with others.
- show kindness toward others.

Goal 4: *Economic Perspective – Students will examine choices, the impact on themselves, and the consequences of their choices for their environment.*

The child will:

- label needs and wants.
- realize that resources are limited.
- realize that we must not waste.
- realize that we must keep our Earth safe and clean.
- use toys, materials, and tools appropriately.
- accept responsibility for classroom jobs and assignments.

EARLY CHILDHOOD CURRICULUM GUIDELINES

PRE-KINDERGARTEN FOUR- AND FIVE-YEAR OLDS – CONTINUED

Social Studies – continued

Goal 5: Social, Cultural, and World Perspective – Students will develop an awareness of the larger world around them.

The child will:

- identify and describe the family unit.
- become aware of community helpers and a variety of occupations.
- realize that people depend on each other.
- identify methods of transportation.
- explore similarities and differences between countries, i.e. customs, traditions, homes, jobs, food, dress, etc.
- explore various cultures through dance, music, stories, using various media.
- identify the various communities to which he / she belongs, i.e. family, class, school, parish.

From: "Dollins, Very Rev. Randy" <Father.Dollins@archden.org>

Date: January 14, 2023 at 1:13:59 PM MST

To: All Priests <All_Priests@archden.org>

Subject: NOTICE: Direction for Parishes and Schools on "Universal (UPK) Pre-School Colorado"

Do not enter into any agreement with the state of Colorado for Universal Pre-School Colorado

A year ago, Governor Polis signed into law HB22-1295 which establishes that every child in the year before they are eligible for kindergarten is eligible for half-day (15 hours), state-funded, voluntary preschool beginning in the 2023-24 school year. Families that meet additional qualifying factors are eligible to have an additional 15 hours funded top of the half-day programming. Three-year-olds with qualifying factors are eligible to have part-time (10 hours) preschool programming funded by the state.

Our Catholic preschools are eligible to become state approved Local Coordinating Organizations (LCOs) that can receive the funding to provide the preschool program service to families. To become state approved LCOs, preschool programs must register and sign a "UPK Program Service Agreement" with the state.

While this appears to be a great benefit for families and a great opportunity for access to funding for our Catholic preschool programs, in our review of the UPK statutes, with the help of our legal counsel, **we have found significant concerns with the following non-discrimination requirements:**

26.5-4-205. Quality standards:

...b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING, INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY.

As you can see, these elements of the non-discrimination requirements clearly run counter to Church teaching and the guidance we have provided to Catholic schools in the Archdiocese of Denver with respect to issues of sexual and gender identity. Unfortunately, **the statutes do not provide any type of exemption from the non-discrimination requirement for religiously held beliefs.** The "UPK Program Service Agreement" contains this same non-discrimination language. If Catholic preschools were to participate at this time, the state would hold our programs in non-compliance for upholding Church teaching in our employment and admission practices and programs could incur penalties. Most notably though, participation at this time would be to cooperate with an ideology and agenda contrary to our beliefs on the human person, which would ultimately compromise the integrity of our Catholic schools' mission.

Therefore, due to the significant risk involved and until such a time as religious exemptions can be guaranteed by UPK, **parishes and their preschool programs are directed to not enter into any agreements with the state for UPK.**

Brittany Vessely of the Colorado Catholic Conference is working with our Superintendent and school officials in the three dioceses of Colorado to identify a path to securing a religious exemption to the incongruous components of the non-discrimination requirements. We ask you to pray for their efforts.

Again, at this time the direction is not a "no" into perpetuity, but simply a **"not yet"** until we can have the confidence that our parishes and schools will not be placed into a compromising situation that jeopardizes our Catholic mission.

We understand and recognize that parishes and schools may fear the loss of families who may choose to pursue a free or low-cost preschool education elsewhere as a result of this stance at this time. However, we trust that our families see the great benefit of a Catholic education, as many other families do when they elect to enroll their children in our schools over public schools. At the same time, our witness to truth and a proper human anthropology is necessary for the world to have. As such, let us not be afraid and trust that the Lord will bless our fidelity and that he will work for the good in this situation.

In Christ,
Fr. Dollins



Very Rev. R. Michael Dollins, V.G.

Vicar General

T 303.715.3263

1300 S Steele St, Denver, CO 80210

archden.org

Denver Catholic | Denver Parish Connect | Apostolic Mindset





The Rocky Mountain District of the
Lutheran Church - Missouri Synod

Friday, February 17, 2023

EXHIBIT
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Dear Governor Polis:

We write today as a statewide coalition of Colorado private schools, policy leaders, and scholarship-granting organizations to request that your office intervene in the implementation of Colorado's Universal Preschool Program (UPK) with regard to the participation of faith-based providers.

Our coalition greatly appreciates your office's support for private schools in Colorado through the GAENS Program in recent months. As organizations focused on serving Colorado children, we are also strongly supportive of UPK. Many of our schools are eager to serve as providers as the program rolls out statewide.

We believe that Colorado's young children will be best served by a broad, diverse selection of preschool providers, including faith-based private providers. Private providers are an important part of Colorado's early childhood ecosystem, and we hope to see them continue to serve these students under the new program.

However, we believe that certain requirements under UPK will severely restrict the ability of faith-based providers to participate in the program without compromising their sincerely held religious beliefs. Unfortunately, this determination means that many private providers have chosen not to participate in UPK at this time—thereby depriving Colorado parents of many high-quality ECE options. And because the program is closely intertwined with the Denver Preschool Program, some providers are also having to reevaluate their longstanding participation in that program.

As you know, the UPK Program allows private schools—including faith-based private schools—to participate as preschool providers so long as they meet certain quality standards established in rule by the Colorado Department of Early Childhood. The governing statute mandates that those quality standards include a requirement that:

...EACH PRESCHOOL PROVIDER PROVIDE ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING, INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY.

Additionally, the law excludes "classes operated primarily for religious instruction," though it provides no specific definition or guidance on how that instruction is to be defined or identified.

These requirements go far beyond those found in federal law, and we believe some of them infringe upon the religious liberty of faith-based providers. These concerns have been raised by numerous schools with the Colorado Department of Early Childhood, and the department has discussed the possibility of exemptions for these providers in general terms. However, even as the program launches, we have received no clear guidance or information on if, how, or under what circumstances such exemptions might be provided.

Our coalition believes strongly in the autonomy of Colorado private schools, including the religious freedoms established in the First Amendment of the United States Constitution and upheld by U.S. Supreme Court precedent in recent rulings.

In 2017, the U.S. Supreme Court unambiguously supported the religious liberty of schools in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, where the Court found that the exclusion of a faith-based preschool under a public benefit program was in violation of the First Amendment's Free Exercise Clause. In 2020, the Court further specified in *Espinoza v. Montana Department of Revenue* that programs providing educational options to parents may not discriminate against faith-based providers due to their status as religious organizations. And in 2022, the Court ended any remaining room for religious discrimination in such programs by clarifying in *Carson v. Makin* that states may not discriminate on the basis of either religious status or use of funds.

Due to these and other rulings, exemptions from similar requirements are routinely and automatically provided at the federal level. For instance, the U.S. Department of Agriculture announced in 2022 that religious schools would be provided automatic exemptions from broadened anti-discrimination rules under Title IX.

We believe that providing exemptions for faith-based religious providers from aspects of the UPK Program that those providers believe run counter to their sincerely held beliefs will maintain the legal and constitutional integrity of the program while enhancing the number and variety of preschools from which Colorado parents can choose.

We respectfully request that your office and the Department of Early Childhood engage with key stakeholders on the issue of these exemptions as soon as possible. Our coalition is eager to collaborate with your office on this subject.

Thank you for your time and leadership.

Weston Kurz, Director
Colorado Association of Private Schools

Norton Rainey, Chief Executive Officer
ACE Scholarships

Deborah Hendrix, Executive Director
Parents Challenge

Mordechai Hoffman, Executive Director
Hillel Academy

Pam Benigno, Director
Independence Institute Education Policy Center

Dr. Sheila Whalen, Superintendent
Catholic Diocese of Colorado Springs

Elias Moo, Superintendent
Archdiocese of Denver

Rev. Paul Albers, Executive Director
Rocky Mountain District, Lutheran Church Missouri Synod

Philip Scott, Esq., Vice President for Legal Affairs
Association of Christian Schools International

Rabbi Yossi Kaplan, Director
Agudath Israel of Colorado

Brittany Vessely, Executive Director
Colorado Catholic Conference



COLORADO
Department of Early Childhood

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EXHIBIT

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February 28, 2023

Mr. Weston Kurz, Director, Colorado Association of Private Schools
 Mr. Norton Rainey, Chief Executive Officer, ACE Scholarships
 Ms. Deborah Hendrix, Executive Director, Parents Challenge
 Mr. Mordechai Hoffman, Executive Director, Hillel Academy
 Ms. Pam Benigno, Director, Independence Institute Education Policy Center
 Dr. Sheila Whalen, Superintendent, Catholic Diocese of Colorado Springs
 Mr. Elias Moo, Superintendent, Archdiocese of Denver
 Rev. Paul Albers, Executive Director, Rocky Mountain District, Lutheran Church Missouri Synod
 Mr. Philip Scott, Esq., Vice President for Legal Affairs, Association of Christian Schools International
 Rabbi Yossi Kaplan, Director, Agudath Israel of Colorado
 Ms. Brittany Vessely, Executive Director, Colorado Catholic Conference

Re: Recent Communication

Dear Members of the Coalition:

Thank you for your letter, dated February 17, 2023, which was sent to Governor Jared Polis. We appreciate the time you have taken to provide us with your concerns about Universal Preschool (UPK) Colorado.

As you point out in your letter, state statute mandates that the Executive Director promulgate rules for quality standards for the UPK Program which must include: "[a] requirement that each preschool provider provide eligible children an equal opportunity to enroll and receive preschool services regardless of race, ethnicity, religious affiliation, sexual orientation, gender identity, lack of housing, income level, or disability, as such characteristics and circumstances apply to the child or the child's family." § 26.5-4-205(2)(b), C.R.S.

As Executive Director for the Colorado Department of Early Childhood (CDEC), I do not have the authority to create an exemption that excludes faith-based providers from the above statute. Additionally, an exemption would be inconsistent with statute and therefore void under the State Administrative Procedure Act, § 24-4-103(8)(a), C.R.S. Only the legislature has authority to make statutory changes.

While CDEC is aware of your concerns, faith-based providers can, and are encouraged to, participate in the UPK program. To that end, we created an interfaith working group, which meets weekly, to problem solve issues as they arise from within the faith-based community and facilitate participation.



Additionally, faith-based providers that participate in the UPK Program may give preference to members of their congregation. Unlike most other UPK providers, faith-based providers can reserve all or a portion of their seats for their members, and decline a match from a family that is not part of the congregation. However, no provider may discriminate against children or families in violation of state statute.

Finally, you noted that "because the program is closely intertwined with the Denver Preschool Program, some providers are also having to reevaluate their longstanding participation in that program." Provider agreements for the Denver Preschool Program also require that "Provider shall not discriminate against any person on the basis of race, color, religion, national origin, gender, age (except as to the age of children qualifying for Tuition Credits), military status, sexual orientation, gender variance, marital status, or physical or mental disability (except as such disability may materially and adversely impact proper administration of the preschool program)."

I hope this helps you to understand CDEC's authority and current efforts to include faith-based providers in the UPK Program. Please feel free to reach out if you have additional questions.

Sincerely,

Dr. Lisa Roy
Executive Director

EXHIBIT**13**

Universal Preschool (UPK) Colorado Program Service Agreement

This Universal Preschool (UPK) Colorado Program Service Agreement (Agreement) is entered into by and between the Colorado Department of Early Childhood (CDEC) and

(Provider), located at _____

The Agreement includes Exhibit A - Universal Preschool (UPK) Colorado Program Service Agreement Terms and Conditions, and Exhibit B - HIPAA Business Associate Agreement, hyperlinked below. The term (Term) of the Agreement, as defined in Section 2 of Exhibit A, begins July 1, 2023 (Effective Date) and ends June 30, 2024 (Expiration Date.).

Provider agrees to provide preschool services in conjunction with UPK Colorado, a program financed and governed by CDEC, during the 2023-2024 school year. Provider agrees to provide these services in compliance with Part 2 of the Colorado Universal Preschool Program Act, §26.5-4-201, C.R.S., et seq., and regulations promulgated at 8 C.C.R. 1404-1 ("Universal Preschool Program").

Provider agrees to provide each student eligible for UPK Colorado with a minimum of part-time, tuition-free, high-quality preschool programming per school year. Provider may provide eligible students with additional hours up to and including full-day preschool services. These services must adhere to Provider's licensed ratio. Provider agrees to serve eligible children during the 2023-2024 school year. Provider shall comply with all requirements of UPK Colorado, including, without limitation, the following:

Program Requirements

- Provider must be licensed by CDEC to deliver preschool program services to eligible children. Provider will adhere to the requirements of its license at all times.
- Provider must have eligible children enrolled in its preschool program to qualify as a participating Provider.
- Provider must agree to guarantee families at least the minimum number of hours defined in 8 C.C.R. 1404-1 for the rate that is provided.
- Provider will deliver a preschool program for eligible children in substantially the same form as advertised to parents, including but not limited to physical location and facilities, staff and hours. Any substantial program change must be approved in writing by CDEC.
- Provider agrees that its director(s) or delegate(s) will participate in meetings conducted by CDEC to review policies and procedures, or other matters of importance to UPK Colorado. CDEC will work with Provider to ensure that attendance at meetings does not disrupt UPK Colorado or other preschool or child care programs offered by Provider.
- Provider is encouraged to offer CDEC feedback on how CDEC and Local Coordinating Organizations (LCOs) can better support UPK Colorado.
- Provider understands that the allocation of slots may be amended on a quarterly basis in conjunction with Provider payments if the number of awarded slots is not filled or if a greater number of slots is needed, provided funds are available.

Attendance and Reimbursement

- Provider will ensure that accurate enrollment and attendance records are kept for each child.
- Provider agrees to post preschool tuition costs on the Provider's page in the Universal Preschool Colorado Application Portal (Application Portal).

- Provider shall not charge a family participating in UPK Colorado tuition that exceeds the amount that is charged to families of preschool-aged children that do not participate in UPK Colorado.
- Provider must ensure that funding from UPK Colorado does not supplant funding from other sources used to support other services provided by Provider.
- Provider agrees to adhere to all deadlines and submit documents as required by CDEC. Attendance records, annual calendars, bell schedules, hours of operation, tuition schedules, and detailed expense reports, must be retained for verification and payment authorization, and must be provided to CDEC upon request.
- Should a student cease enrollment or otherwise withdraw, Provider must notify the LCO within the same week of such withdrawal through the Application Portal.
- CDEC will pay Provider in accordance with the adopted provider rate on a per-slot quarterly (August-May) basis for students that applied and were approved through the Application Portal. CDEC may make adjustments quarterly to ensure provider capacity and family access across the State.
- Provider will ensure that individual children are not counted or claimed for reimbursement for full-day care by more than one funding source.

Quality Assurance

- Provider agrees to adhere to the quality standards identified in §26.5-4-205, C.R.S., which will be developed with UPK Colorado providers and adopted into CDEC's rules prior to the 2023-2024 launch of UPK Colorado. At a minimum, quality standards must include:
 - Child care licensing requirements with which preschool providers are required to comply.
 - Quality standards relating to health and safety as a condition of participating in UPK Colorado.
 - Minimum numbers of contact hours of instructional services established in rule for universal preschool services, which must not be less than 360 hours per school year.
 - Requirement that each preschool provider provide eligible children an equal opportunity to enroll and receive preschool services regardless of race, ethnicity, religious affiliation, sexual orientation, gender identity, lack of housing, income level, or disability, as such characteristics and circumstances apply to the child or the child's family.
 - Maximum allowable educator-to-child ratios and group sizes.
 - Qualifications for preschool teachers, which must not require preschool teachers to be licensed and must allow preschool providers to employ a non-licensed preschool teacher as long as the teacher meets other qualifications established by CDEC rules.
 - Standards for preschool services that, at a minimum, are aligned with the Colorado early learning and development guidelines across all early childhood domains approved by the Early Childhood Leadership Commission and with the Colorado Academic Standards adopted by the State Board of Education.
 - Limitations on the use of, and required procedures for, out-of-school suspensions and expulsions.
 - Standards for family and community engagement to ensure that the preschool providers engage with parents and neighborhood leaders in a formal and meaningful way, including seeking input for policy and programming decisions.
 - Requirements for serving children who are dual-language learners.
 - Requirements for offering voluntary vision, hearing, dental, and health screenings, and, upon parent request, referrals to appropriate health providers for children who are enrolled by a preschool provider.

Curriculum and Assessment

- Provider agrees that all educational services performed will meet or exceed the requirements of UPK Colorado.
- Provider is encouraged to participate as a partner in the effort to define a "high quality" UPK learning environment including instructional approach, curriculum and assessment tools, and use expectations. At a minimum Provider must:
 - Participate in developing instructional standards
 - Contribute to a resource library of aligned evidence based resources
 - Participate in aligned pilot programs
 - Complete survey requests
 - Join work groups

Data Management

- Provider agrees to submit any additional information and/or documentation requested by CDEC related to Provider's participation in UPK Colorado .
- Provider agrees to report data in the Application Portal on at least a monthly basis, detailing UPK Colorado enrollment and open slot capacity. Provider agrees to report data for the previous month by the 15th day of the next month.

Provider Rights

If Provider contends that CDEC or its payment vendor has not made adequate payment based on program rules for care provided, Provider has the right to an informal conference with CDEC.

- Provider may request a conference in writing within 10 Business Days, as defined in Section 3 of Exhibit A, of the date Provider was to receive the disputed payment.
- Provider request should be addressed to CDEC Director of the Division of Universal Preschool.
- Provider may request that CDEC staff participate in the conference. That participation may be by telephone conference.
- The conference shall be held within 10 Business Days of the date that the written request is received by CDEC.
- The purpose of the conference will be limited to discussion of the payments in dispute and the relevant rules regarding payment.
- The final decision of CDEC shall be mailed to Provider within 15 Business Days of the conference date.

CDEC Responsibilities

- CDEC will, through a payment vendor, reimburse Provider for authorized, attended, and properly recorded preschool participation. Payments to Provider will be based on rates set by rule at 8 CCR 1404-1.
- CDEC will, through the Application Portal, determine a family's eligibility for universal preschool services within 20 Business Days of receiving a complete application packet pending verification.
- CDEC will provide an informal conference within 10 Business Days of Provider's written request, to discuss the basis for any denial or termination of this Agreement or to discuss any payment dispute(s).
- CDEC will pay Provider based on the information regarding the number of students that applied and were approved through the Application Portal. Provider will be paid beginning in August of each school year based upon the number of slots allocated to Provider. Subsequent payments

will be made based upon actual enrollment in November, February, and May of the school year.

Termination

- Either CDEC or Provider may terminate this Agreement with 20 Business Days' written notice to the other Party.

Exhibit A - Colorado Universal Preschool (UPK) Colorado Program Services Agreement Terms and Conditions

Exhibit B - HIPAA Business Associate Agreement

By signing below, Provider agrees to adhere to the terms and conditions in Exhibit A and Exhibit B.

Authorized Signatures

CDEC Designee _____ Date _____

Print Name/Title of CDEC Designee _____

Provider Legal Name _____

Authorized Representative _____ Date _____

Print Name/Title of Authorized Representative _____

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Exhibit A Universal Preschool (UPK) Colorado Program Service Agreement Terms and Conditions

Exhibit B HIPAA Business Associate Agreement

Exhibit A Universal Preschool (UPK) Colorado Program Service Agreement
Terms and Conditions

1. PARTIES

Universal Preschool (UPK) Colorado Program Service Agreement Terms and Conditions (Agreement) is entered into by and between Provider named in the Agreement (Provider), and the STATE OF COLORADO acting by and through the Department of Early Childhood (the "State" or "CDEC"). Provider and the State agree to the terms and conditions in the Agreement.

2. TERM AND EFFECTIVE DATE

A. Effective Date

The Agreement shall not be valid or enforceable until the Effective Date of the Agreement. The State shall not be bound by any provision of the Agreement before the Effective Date, and shall have no obligation to pay Provider for any Work performed or expense incurred before the Effective Date or after the expiration or sooner termination of the Agreement.

B. Initial Term

The Parties' respective performances under the Agreement shall commence on the Effective Date of the Agreement and shall terminate on the Expiration Date of the Agreement unless sooner terminated or further extended in accordance with the terms of the Agreement.

C. Early Termination in the Public Interest

The State is entering into the Agreement to serve the public interest of the State of Colorado as determined by its Governor, General Assembly, or Courts. If the Agreement ceases to further the public interest of the State, the State, in its discretion, may terminate the Agreement in whole or in part. A determination that the Agreement should be terminated in the public interest shall not be equivalent to a State right to terminate for convenience. This subsection shall not apply to a termination of the Agreement by the State for Breach of the Agreement by Provider.

i. Method and Content

The State shall notify Provider of such termination. The notice shall specify the effective date of the termination and whether it affects all or a portion of the Agreement, and shall include, to the extent practicable, the public interest justification for the termination.

ii. Payments

If the State terminates the Agreement in the public interest, the State shall pay Provider an amount equal to the percentage of the total reimbursement payable under the Agreement that corresponds to the percentage of Work satisfactorily completed and accepted, as determined by the State, less payments previously made. Additionally, if the Agreement is less than 60% completed, as determined by the State, the State may reimburse Provider for a portion of actual out-of-pocket expenses, not otherwise reimbursed under the Agreement, incurred by Provider which are directly attributable to the uncompleted portion of Provider's obligations, provided that the sum of any and all reimbursement shall not exceed the maximum amount payable to Provider hereunder.

3. DEFINITIONS

The following terms shall be construed and interpreted as follows:

A. "Breach of Agreement" means the failure of a Party to perform any of its obligations in accordance with the Agreement, in whole or in part or in a timely or satisfactory manner. The institution of proceedings under any bankruptcy, insolvency, reorganization or similar law, by or against Provider, or the appointment of a receiver or similar officer for Provider or any of its property, which is not vacated or fully stayed within 30 days after the institution of such proceeding, may also constitute a breach. If Provider is debarred or suspended under §24-109-105, C.R.S. at any time during the term of the Agreement, then such debarment or suspension shall constitute a breach.

B. "Business Day" means any day in which the State is open and conducting business, but shall not include Saturday, Sunday or any day on which the State observes one of the holidays as listed in §24-11-101(1) C.R.S.

C. "CJI" means criminal justice information collected by criminal justice agencies needed for the performance of their authorized functions, including, without limitation, all information defined as criminal justice information by the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy, as amended and all Criminal Justice Records as defined under 24-72-302 C.R.S.

D. "Agreement Funds" means the funds that have been appropriated, designated, encumbered, or otherwise made available for payment by the State under the Agreement.

E. "CORA" means the Colorado Open Records Act, §§24-72-200.1 et. seq., C.R.S.

F. "Deliverable" means the outcome to be achieved or output to be provided, in the form of a tangible object or software that is produced as a result of Provider's Work that is intended to be delivered to the State by Provider.

- G. “Effective Date” means the effective date of the Agreement.
- H. “Exhibits” means the exhibits and attachments included with the Agreement.
- I. “Incident” means any accidental or deliberate event that results in or constitutes an imminent threat of the unauthorized access, loss, disclosure, modification, disruption, or destruction of any communications or information resources of the State, which are included as part of the Work, as described in §§24-37.5-401, et. seq., C.R.S. Incidents include, without limitation, (i) successful attempts to gain unauthorized access to a State system or State Records regardless of where such information is located; (ii) unwanted disruption or denial of service; (iii) the unauthorized use of a State system for the processing or storage of data; or (iv) changes to State system hardware, firmware, or software characteristics without the State’s knowledge, instruction, or consent.
- J. “Party” means the State or Provider, and “Parties” means both the State and Provider.
- K. “PCI” means payment card information including any data related to credit card holders’ names, credit card numbers, or other credit card information as may be protected by state or federal law.
- L. “PHI” means any individually identifiable health information, transmitted or maintained in electronic or any form or medium, including but not limited to demographic information,, (i) that relates to the past, present or future physical or mental condition of an individual; the provision of health care to an individual; or the past, present or future payment for the provision of health care to an individual; and (ii) that identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify the individual. PHI includes, but is not limited to, any information defined as Individually Identifiable Health Information by the federal Health Insurance Portability and Accountability Act.
- M. “PII” means personally identifiable information including, without limitation, any information maintained by the State about an individual that can be used to distinguish or trace an individual’s identity, such as name, social security number, date and place of birth, mother’s maiden name, or biometric records; and any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information. PII includes, but is not limited to, all information defined as personally identifiable information in §24-72-501 and 24-73-101, C.R.S. “PII” shall also mean “personal identifying information” as set forth in § 24-74-102, et. Seq., C.R.S.
- N. “Services” means the services to be performed by Provider as set forth in the Agreement, and shall include any services to be rendered by Provider in connection with any goods provided under the Agreement.

O. “State Confidential Information” means any and all State Records not subject to disclosure under CORA. State Confidential Information shall include, but is not limited to, CJI, PII, PHI, PCI, Tax Information, Educational Records, Substance Use Disorder Information, and State personnel records not subject to disclosure under CORA. State Confidential Information shall not include information or data concerning individuals that is not deemed confidential but nevertheless belongs to the State, which has been communicated, furnished, or disclosed by the State to the Agreement or which (i) is subject to disclosure pursuant to CORA; (ii) is already known to the Agreement or without restrictions at the time of its disclosure to the Agreement or; (iii) is or subsequently becomes publicly available without breach of any obligation owed by Provider to the State; (iv) is disclosed to the Agreement or, without confidentiality obligations, by a third party who has the right to disclose such information; or (v) was independently developed without reliance on any State Confidential Information.

P. “State Fiscal Rules” means the fiscal rules promulgated by the Colorado State Controller pursuant to §24-30-202(13)(a), C.R.S.

Q. “State Fiscal Year” means a 12 month period beginning on July 1 of each calendar year and ending on June 30 of the following calendar year. If a single calendar year follows the term, then it means the State Fiscal Year ending in that calendar year.

R. “State Records” means any and all State data, information, and records, regardless of physical form, including, but not limited to, information subject to disclosure under CORA.

S. “Subcontractor” means any third-parties engaged by Provider to aid in performance of the Work.

T. “Tax Information” means federal and State of Colorado tax information including, without limitation, federal and State tax returns, return information, and such other tax-related information as may be protected by federal and State law and regulation. Tax Information includes, but is not limited to all information defined as federal tax information in Internal Revenue Service Publication 1075.

U. “Work” means the goods delivered and Services performed pursuant to the Agreement.

Any other term used in the Agreement that is defined in an Exhibit shall be construed and interpreted as defined in that Exhibit.

4. STATEMENT OF WORK

Provider shall complete the Work as described in the Agreement and in accordance with the provisions of the Exhibits. The State shall have no liability to compensate the Provider for

the delivery of any goods or the performance of any services that are not specifically set forth in the Agreement.

5. PAYMENTS TO PROVIDER

A. Maximum Amount

The maximum amount payable under the Agreement is equal to the sum of four (4) quarterly award amounts. Quarterly award amounts will be determined using appropriate provider rates and enrollment data in the Application Portal. Provider will receive notification of the quarterly award a minimum of two weeks prior to the start of the quarter.

Payments to Provider are limited to the unpaid balance of the quarterly award amounts. The State shall not pay Provider any amount under the Agreement that exceeds the sum of the quarterly award amounts for the Term in the Agreement.

B. Payment Procedures

i. Payment Process

Payments will be made to Provider on a quarterly basis, in accordance with the payment schedule provided by the State. Payments will be equal to the full quarterly award amount in accordance with §5.A.

ii. Payment Disputes

If Provider disputes any calculation, determination or amount of any payment, Provider shall notify the State in writing of its dispute within 30 days following the earlier to occur of Provider's receipt of the payment or notification of the determination or calculation of the payment by the State. The State will review the information presented by the Provider and may make changes to its determination based on this review. The calculation, determination or payment amount that results from the State's review shall not be subject to additional dispute under this subsection. No payment subject to a dispute under this subsection shall be due until after the State has concluded its review, and the State shall not pay any interest on any amount during the period it is subject to dispute under this subsection.

iii. Available Funds-Contingency-Termination

The State is prohibited by law from making commitments beyond the term of the current State Fiscal Year. Payment to Provider beyond the current State Fiscal Year is contingent on the appropriation and continuing availability of Agreement Funds in any subsequent year (as provided in the Colorado Special Provisions). If federal funds or funds from any other non-State funds constitute all or some of the Agreement Funds the State's obligation to pay Provider shall be contingent upon such non-State funding continuing to be made available for payment. Payments to be made pursuant to the Agreement shall be made only from Agreement Funds, and

the State's liability for such payments shall be limited to the amount remaining of such Agreement Funds. If State, federal or other funds are not appropriated, or otherwise become unavailable to fund the Agreement, the State may, upon written notice, terminate the Agreement, in whole or in part, without incurring further liability. The State shall, however, remain obligated to pay for Services and goods that are delivered and accepted prior to the effective date of notice of termination, and this termination shall otherwise be treated as if the Agreement were terminated in the public interest.

6. REPORTING - NOTIFICATION

A. Litigation Reporting

If Provider is served with a pleading or other document in connection with an action before a court or other administrative decision making body, and such pleading or document relates to the Agreement or may affect Provider's ability to perform its obligations under the Agreement, Provider shall, within 5 days after being served, notify the State of such action and deliver copies of such pleading or document to the CDEC Designee identified in the Agreement.

7. PROVIDER RECORDS

A. Maintenance

Provider shall maintain a file of all documents, records, communications, notes and other materials relating to the Work (the "Provider Records"). Provider Records shall include all documents, records, communications, notes and other materials maintained by Provider that relate to any Work performed by Subcontractors, and Provider shall maintain all records related to the Work performed by Subcontractors required to ensure proper performance of that Work. Provider shall maintain Provider Records until the last to occur of: (i) the date three years after the date the Agreement expires or is terminated, (ii) final payment under the Agreement is made, (iii) the resolution of any pending Agreement matters, or (iv) if an audit is occurring, or Provider has received notice that an audit is pending, the date such audit is completed and its findings have been resolved (the "Record Retention Period").

B. Inspection

Provider shall permit the State, the federal government, and any duly authorized agent of a governmental entity, to audit, inspect, examine, excerpt, copy and transcribe Provider Records during the Record Retention Period. Provider shall make Provider Records available during normal business hours at Provider's office or place of business, or at other mutually agreed upon times or locations, upon no fewer than two Business Days' notice from the State, unless the State determines that a shorter period of notice, or no notice, is necessary to protect the interests of the State.

C. Monitoring

The State, the federal government, and any other duly authorized agent of a governmental agency, in its discretion, may monitor Provider's performance of its obligations under the Agreement using procedures as determined by the State. The State shall monitor Provider's performance in a manner that does not unduly interfere with Provider's performance of the Work.

D. Final Audit Report

Provider shall, if requested by the State, promptly submit to the State a copy of any final audit report of an audit performed on Provider's records that relates to or affects the Agreement or the Work, whether the audit is conducted by Provider or a third party.

8. CONFIDENTIAL INFORMATION-STATE RECORDS

A. Confidentiality

Provider shall keep confidential, and cause all Subcontractors to keep confidential, all State Records, unless those State Records are publicly available. Provider shall not, without prior written approval of the State, use, publish, copy, disclose to any third party, or permit the use by any third party of any State Records, except as otherwise stated in the Agreement, permitted by law or approved in writing by the State. Provider shall provide for the security of all State Confidential Information in accordance with all policies promulgated by the Colorado Office of Information Security and all applicable laws, rules, policies, publications, and guidelines. If Provider or any of its Subcontractors will or may receive the following types of data, Provider or its Subcontractors shall provide for the security of such data according to the following: (i) the most recently promulgated IRS Publication 1075 for all Tax Information and in accordance with the Safeguarding Requirements for Federal Tax Information attached to the Agreement as an Exhibit, if applicable, (ii) the most recently updated PCI Data Security Standard from the PCI Security Standards Council for all PCI, (iii) the most recently issued version of the U.S. Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Security Policy for all CJI, and (iv) the most recently issued version of the federal Health Insurance Portability and Accountability Act for all PHI and the HIPAA Business Associate Agreement attached to the Agreement, if applicable. Provider shall immediately forward any request or demand for State Records to the State's Principal Representative.

B. Other Entity Access and Nondisclosure Agreements

Provider may provide State Records to its agents, employees, assigns and Subcontractors as necessary to perform the Work, but shall restrict access to State Confidential Information to those agents, employees, assigns and Subcontractors who require access to perform their obligations under the Agreement. Provider shall ensure all such agents, employees, assigns, and

Subcontractors sign agreements containing nondisclosure provisions at least as protective as those in the Agreement, and that the nondisclosure provisions are in force at all times the agent, employee, assign or Subcontractor has access to any State Confidential Information. Provider shall provide copies of those signed nondisclosure provisions to the State upon execution of the nondisclosure provisions if requested by the State.

C. Use, Security, and Retention

Provider shall use, hold and maintain State Confidential Information in compliance with any and all applicable laws and regulations only in facilities located within the United States, and shall maintain a secure environment that ensures confidentiality of all State Confidential Information. Provider shall provide the State with access, subject to Provider's reasonable security requirements, for purposes of inspecting and monitoring access and use of State Confidential Information and evaluating security control effectiveness. Upon the expiration or termination of the Agreement, Provider shall return State Records provided to Provider or destroy such State Records and certify to the State that it has done so, as directed by the State. If Provider is prevented by law or regulation from returning or destroying State Confidential Information, Provider warrants it will guarantee the confidentiality of, and cease to use, such State Confidential Information.

D. Incident Notice and Remediation

If Provider becomes aware of any Incident, Provider shall notify the State immediately and cooperate with the State regarding recovery, remediation, and the necessity to involve law enforcement, as determined by the State. Unless Provider can establish that Provider and its Subcontractors are not the cause or source of the Incident, Provider shall be responsible for the cost of notifying each person who may have been impacted by the Incident. After an Incident, Provider shall take steps to reduce the risk of incurring a similar type of Incident in the future as directed by the State, which may include, but is not limited to, developing and implementing a remediation plan that is approved by the State, at no additional cost to the State. The State may adjust or direct modifications to this plan in its sole discretion, and Provider shall make all modifications as directed by the State. If Provider cannot produce its analysis and plan within the allotted time, the State, in its discretion, may perform such analysis and produce a remediation plan, and Provider shall reimburse the State for the actual costs thereof. The State may, in its sole discretion and at Provider's sole expense, require Provider to engage the services of an independent, qualified, State-approved third party to conduct a security audit. Provider shall provide the State with the results of such audit and evidence of Provider's planned remediation in response to any negative findings.

E. Data Protection and Handling

Provider shall ensure that all State Records and Work Product in the possession of Provider or any Subcontractors are protected and handled in accordance with the requirements of the Agreement, including the requirements of any Exhibits hereto, at all times.

F. Safeguarding PII

IF PROVIDER OR ANY OF ITS SUBCONTRACTORS WILL OR MAY RECEIVE PII UNDER THE AGREEMENT, PROVIDER SHALL PROVIDE FOR THE SECURITY OF SUCH PII, IN A MANNER AND FORM ACCEPTABLE TO THE STATE, INCLUDING, WITHOUT LIMITATION, STATE NON-DISCLOSURE REQUIREMENTS, USE OF APPROPRIATE TECHNOLOGY, SECURITY PRACTICES, COMPUTER ACCESS SECURITY, DATA ACCESS SECURITY, DATA STORAGE ENCRYPTION, DATA TRANSMISSION ENCRYPTION, SECURITY INSPECTIONS, AND AUDITS. PROVIDER SHALL BE A "THIRD-PARTY SERVICE PROVIDER" AS DEFINED IN §24-73-103(1)(I), C.R.S. AND SHALL MAINTAIN SECURITY PROCEDURES AND PRACTICES CONSISTENT WITH §§24-73-101 ET SEQ., C.R.S. IN ADDITION, AS SET FORTH IN § 24-74-102, ET. SEQ., C.R.S., PROVIDER, INCLUDING, BUT NOT LIMITED TO, PROVIDER'S EMPLOYEES, AGENTS AND SUBCONTRACTORS, AGREES NOT TO SHARE ANY PII WITH ANY THIRD PARTIES FOR THE PURPOSE OF INVESTIGATING FOR, PARTICIPATING IN, COOPERATING WITH, OR ASSISTING WITH FEDERAL IMMIGRATION ENFORCEMENT. IF PROVIDER IS GIVEN DIRECT ACCESS TO ANY STATE DATABASES CONTAINING PII, PROVIDER SHALL EXECUTE, ON BEHALF OF ITSELF AND ITS EMPLOYEES, THE CERTIFICATION DESCRIBED IN SECTION 19 BELOW ON AN ANNUAL BASIS PROVIDER'S DUTY AND OBLIGATION TO CERTIFY AS SET FORTH IN SECTION 19 BELOW SHALL CONTINUE AS LONG AS PROVIDER HAS DIRECT ACCESS TO ANY STATE DATABASES CONTAINING PII. IF PROVIDER USES ANY SUBCONTRACTORS TO PERFORM SERVICES REQUIRING DIRECT ACCESS TO STATE DATABASES CONTAINING PII, THE PROVIDER SHALL REQUIRE SUCH SUBCONTRACTORS TO EXECUTE AND DELIVER THE CERTIFICATION TO THE STATE ON AN ANNUAL BASIS, SO LONG AS THE SUBCONTRACTOR HAS ACCESS TO STATE DATABASES CONTAINING PII.

9. CONFLICTS OF INTEREST

A. Actual Conflicts of Interest

Provider shall not engage in any business or activities, or maintain any relationships that conflict in any way with the full performance of the obligations of Provider under the Agreement. Such a conflict of interest would arise when a Provider or Subcontractor's employee,

officer or agent were to offer or provide any tangible personal benefit to an employee of the State, or any member of his or her immediate family or his or her partner, related to the award of, entry into or management or oversight of the Agreement.

B. Apparent Conflicts of Interest

Provider acknowledges that, with respect to the Agreement, even the appearance of a conflict of interest shall be harmful to the State's interests. Absent the State's prior written approval, Provider shall refrain from any practices, activities or relationships that reasonably appear to be in conflict with the full performance of Provider's obligations under the Agreement.

C. Disclosure to the State

If a conflict or the appearance of a conflict arises, or if Provider is uncertain whether a conflict or the appearance of a conflict has arisen, Provider shall submit to the State a disclosure statement setting forth the relevant details for the State's consideration. Failure to promptly submit a disclosure statement or to follow the State's direction in regard to the actual or apparent conflict constitutes a breach of the Agreement.

D. Provider acknowledges that all State employees are subject to the ethical principles described in §24-18-105, C.R.S. Provider further acknowledges that State employees may be subject to the requirements of §24-18-105, C.R.S. with regard to the Agreement.

10. INSURANCE

Provider shall obtain and maintain, and ensure that each Subcontractor shall obtain and maintain, insurance as specified in this section at all times during the term of the Agreement to the extent that such insurance policies are required as shown in the Agreement. All insurance policies required by the Agreement shall be issued by insurance companies as approved by the State. These insurance requirements shall not be construed as caps or limitations on liability.

A. Workers' Compensation

Workers' compensation insurance as required by state statute, and employers' liability insurance covering all Provider or Subcontractor employees acting within the course and scope of their employment.

B. General Liability

Commercial general liability insurance covering premises operations, fire damage, independent contractors, products and completed operations, blanket contractual liability, personal injury, and advertising liability with minimum limits as follows:

- i. \$1,000,000 each occurrence;
- ii. \$1,000,000 general aggregate; and
- iii. \$1,000,000 products and completed operations aggregate

C. Automobile Liability

Automobile liability insurance covering any auto (including owned, hired and non-owned autos) with a minimum limit of \$1,000,000 each accident combined single limit.

D. Additional Insured

The State shall be named as additional insured on all commercial general liability policies (leases and construction contracts require additional insured coverage for completed operations) required of Provider and Subcontractors.

E. Primacy of Coverage

Coverage required of Provider and each Subcontractor shall be primary and noncontributory over any insurance or self-insurance program carried by Provider or the State.

F. Cancellation

The above insurance policies shall include provisions preventing cancellation or non-renewal, except for cancellation based on non-payment of premiums, without at least 30 days prior notice to Provider and Provider shall forward such notice to the State in accordance with §15 within seven days of Provider's receipt of such notice.

G. Subrogation Waiver

All insurance policies secured or maintained by Provider or its Subcontractors in relation to the Agreement shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against Provider or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.

H. Public Entities

If Provider is a "public entity" within the meaning of the Colorado Governmental Immunity Act, §§24-10-101, et seq., C.R.S. (the "GIA"), Provider shall maintain, in lieu of the liability insurance requirements stated above, at all times during the term of the Agreement such liability insurance, by commercial policy or self-insurance, as is necessary to meet its liabilities under the GIA. If a Subcontractor is a public entity within the meaning of the GIA, Provider shall ensure that the Subcontractor maintains at all times during the terms of the Agreement, in lieu of the liability insurance requirements stated above, such liability insurance, by commercial policy or self-insurance, as is necessary to meet the Subcontractor's obligations under the GIA.

I. Certificates

Provider shall provide to the State certificates evidencing Provider's insurance coverage required in the Agreement within seven Business Days following the Effective Date. Provider shall provide to the State certificates evidencing Subcontractor insurance coverage required under the Agreement within seven Business Days following the Effective Date, except that, if Provider's subcontract is not in effect as of the Effective Date, Provider shall provide to the State certificates showing Subcontractor insurance coverage required under the Agreement within seven Business Days following Provider's execution of the subcontract. No later than 15 days before the expiration date of Provider's or any Subcontractor's coverage, Provider shall deliver to the State certificates of insurance evidencing renewals of coverage. At any other time during the term of the Agreement, upon request by the State, Provider shall, within seven Business Days following the request by the State, supply to the State evidence satisfactory to the State of compliance with the provisions of this section.

11. BREACH OF AGREEMENT

In the event of a Breach of Agreement, the aggrieved Party shall give written notice of breach to the other Party. If the notified Party does not cure the Breach of Agreement, at its sole expense, within 30 days after the delivery of written notice, the Party may exercise any of the remedies as described in §12 for that Party. Notwithstanding any provision of the Agreement to the contrary, the State, in its discretion, need not provide notice or a cure period and may immediately terminate the Agreement in whole or in part or institute any other remedy in the Agreement in order to protect the public interest of the State; or if Provider is debarred or suspended under §24-109-105, C.R.S., the State, in its discretion, need not provide notice or cure period and may terminate the Agreement in whole or in part or institute any other remedy in the Agreement as of the date that the debarment or suspension takes effect.

12. REMEDIES

A. State's Remedies

If Provider is in breach under any provision of the Agreement and fails to cure such breach, the State, following the notice and cure period set forth in §11, shall have all of the remedies listed in this section in addition to all other remedies set forth in the Agreement or at law. The State may exercise any or all of the remedies available to it, in its discretion, concurrently or consecutively.

i. Termination for Breach of Agreement

In the event of Provider's uncured breach, the State may terminate the entire Agreement or any part of the Agreement. Provider shall continue performance of the Agreement to the extent not terminated, if any.

Notwithstanding any of the foregoing, Provider license revocation is grounds for immediate termination for Breach of Agreement.

In the event of termination of the Agreement for Breach of Agreement, Provider shall be required to reimburse to the State any advance payments received for Services on or after the date of termination.

a. Obligations and Rights

To the extent specified in any termination notice, Provider shall not incur further obligations or render further performance past the effective date of such notice, and shall terminate outstanding orders and subcontracts with third parties. However, Provider shall complete and deliver to the State all Work not canceled by the termination notice, and may incur obligations as necessary to do so within the Agreement's terms. At the request of the State, Provider shall assign to the State all of Provider's rights, title, and interest in and to such terminated orders or subcontracts. Upon termination, Provider shall take timely, reasonable and necessary action to protect and preserve property in the possession of Provider but in which the State has an interest. At the State's request, Provider shall return materials owned by the State in Provider's possession at the time of any termination. Provider shall deliver all completed Work Product and all Work Product that was in the process of completion to the State at the State's request.

b. Payments

Notwithstanding anything to the contrary, the State shall only pay Provider for accepted Work received as of the date of termination.

c. Damages and Withholding

Notwithstanding any other remedial action by the State, Provider shall remain liable to the State for any damages sustained by the State in connection with any breach by Provider, and the State may withhold payment to Provider for the purpose of mitigating the State's damages until such time as the exact amount of damages due to the State from Provider is determined. The State may withhold any amount that may be due Provider as the State deems necessary to protect the State against loss including, without limitation, loss as a result of outstanding liens and excess costs incurred by the State in procuring from third parties replacement Work as cover.

i. Remedies Not Involving Termination

The State, in its discretion, may exercise one or more of the following additional remedies:

a. Suspend Performance

Suspend Provider's performance with respect to all or any portion of the Work pending corrective action as specified by the State without entitling Provider to an adjustment in price or cost or an adjustment in the performance schedule. Provider shall promptly cease performing Work and incurring costs in accordance with the State's directive, and the State shall not be liable for costs incurred by Provider after the suspension of performance.

b. Withhold Payment

Withhold payment to Provider until Provider corrects its Work.

c. Deny Payment

Deny payment for Work not performed, or that due to Provider's actions or inactions, cannot be performed or if they were performed are reasonably of no value to the state; provided, that any denial of payment shall be equal to the value of the obligations not performed.

B. Provider's Remedies

If the State is in breach of any provision of the Agreement and does not cure such breach, Provider, following the notice and cure period in §11 and the dispute resolution process in §14, shall have all remedies available at law and equity.

13. DISPUTE RESOLUTION

A. Initial Resolution

Except as herein specifically provided otherwise, disputes concerning the performance of the Agreement which cannot be resolved by the designated Agreement representatives shall be referred in writing to a senior departmental management staff member designated by the State and a senior manager designated by Provider for resolution.

14. NOTICES AND REPRESENTATIVES

Each individual identified in the Agreement shall be the principal representative of the designating Party. All notices required or permitted to be given under the Agreement shall be in writing, and shall be delivered (A) by hand with receipt required, (B) by certified or registered mail to such Party's principal representative at the address set forth in the Agreement or (C) as an email with read receipt requested to the principal representative at the email address, if any, set forth in the Agreement for the Agreement. If a Party delivers a notice to another through email and the email is undeliverable, then, unless the Party has been provided with an alternate email contact, the Party delivering the notice shall deliver the notice by hand with receipt required or by certified or registered mail to such Party's principal representative at the address set forth below. Either Party may change its principal representative or principal representative contact information by notice submitted in accordance with this section without a formal amendment to the Agreement. Unless otherwise provided in the Agreement, notices shall be effective upon delivery of the written notice.

15. STATEWIDE CONTRACT MANAGEMENT SYSTEM

If the maximum amount payable to Provider under the Agreement is \$100,000 or greater, either on the Effective Date or at any time thereafter, this section shall apply. Provider agrees to be governed by and comply with the provisions of §§24-106-103, 24-102-206, 24-106-106, and 24-106-107, C.R.S. regarding the monitoring of vendor performance and the reporting of Agreement performance information in the State's contract management system ("Contract Management System" or "CMS"). Provider's performance shall be subject to evaluation and review in accordance with the terms and conditions of the Agreement, Colorado statutes governing CMS, and State Fiscal Rules and State Controller Policies.

16. GENERAL PROVISIONS

A. Assignment

Provider's rights and obligations under the Agreement are personal and may not be transferred or assigned without the prior, written consent of the State. Any attempt at assignment or transfer without such consent shall be void. Any assignment or transfer of Provider's rights and obligations approved by the State shall be subject to the provisions of the Agreement.

B. Subcontracts

Provider may enter into subcontracts per their licensing regulations and may be requested to provide copies of those agreements to the State.

C. Binding Effect

Except as otherwise provided in §16.A., all provisions of the Agreement, including the benefits and burdens, shall extend to and be binding upon the Parties' respective successors and assigns.

D. Authority

Each Party represents and warrants to the other that the execution and delivery of the Agreement and the performance of such Party's obligations have been duly authorized.

E. Captions and References

The captions and headings in the Agreement are for convenience of reference only, and shall not be used to interpret, define, or limit its provisions. All references in the Agreement to sections (whether spelled out or using the § symbol), subsections, exhibits or other attachments, are references to sections, subsections, exhibits or other attachments contained herein or incorporated as a part hereof, unless otherwise noted.

F. Counterparts

The Agreement may be executed in multiple, identical, original counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

G. Entire Understanding

The Agreement represents the complete integration of all understandings between the Parties related to the Work, and all prior representations and understandings related to the Work, oral or written, are merged into the Agreement. Prior or contemporaneous additions, deletions, or other changes to the Agreement shall not have any force or effect whatsoever, unless embodied herein.

H. Digital Signatures

If any signatory signs the Agreement using a digital signature in accordance with the Colorado State Controller Contract, Grant and Purchase Order Policies regarding the use of digital signatures issued under the State Fiscal Rules, then any agreement or consent to use digital signatures within the electronic system through which that signatory signed shall be incorporated into the Agreement by reference.

I. Modification

Except as otherwise provided in the Agreement, any modification to the Agreement shall only be effective if agreed to in a formal amendment to the Agreement, properly executed and

approved in accordance with applicable Colorado State law and State Fiscal Rules. Modifications permitted under the Agreement, other than Agreement amendments, shall conform to the policies issued by the Colorado State Controller.

Notwithstanding the foregoing, the State may modify the Agreement upon thirty (30) days' notice to Provider. Provider has thirty (30) days to provide written objection(s) to the change(s), after which time the modifications shall become part of the Agreement without the need for formal amendment.

J. Statutes, Regulations, Fiscal Rules, and Other Authority.

Any reference in the Agreement to a statute, regulation, State Fiscal Rule, fiscal policy or other authority shall be interpreted to refer to such authority then current, as may have been changed or amended since the Effective Date of the Agreement.

K. Order of Precedence

In the event of a conflict or inconsistency between the Agreement and any Exhibits or attachments such conflict or inconsistency shall be resolved by reference to the documents in the following order of priority:

- i. HIPAA Business Associate Agreement (if any).
- ii. Colorado Special Provisions in §17 of the main body of the Agreement.
- iii. The provisions of the other sections of the main body of the Agreement.
- iv. Any other Exhibit(s) shall take precedence in alphabetical order.

L. External Terms and Conditions

Notwithstanding anything to the contrary herein, the State shall not be subject to any provision included in any terms, conditions, or agreements appearing on Provider's or a Subcontractor's website or any provision incorporated into any click-through or online agreements related to the Work unless that provision is specifically referenced in the Agreement.

M. Severability

The invalidity or unenforceability of any provision of the Agreement shall not affect the validity or enforceability of any other provision of the Agreement, which shall remain in full force and effect, provided that the Parties can continue to perform their obligations under the Agreement in accordance with the intent of the Agreement.

N. Survival of Certain Agreement Terms

Any provision of the Agreement that imposes an obligation on a Party after termination or expiration of the Agreement shall survive the termination or expiration of the Agreement and shall be enforceable by the other Party.

O. Taxes

The State is exempt from federal excise taxes under I.R.C. Chapter 32 (26 U.S.C., Subtitle D, Ch. 32) (Federal Excise Tax Exemption Certificate of Registry No. 84-730123K) and from State and local government sales and use taxes under §§39-26-704(1), et seq. C.R.S. (Colorado Sales Tax Exemption Identification Number 98-02565). The State shall not be liable for the payment of any excise, sales, or use taxes, regardless of whether any political subdivision of the state imposes such taxes on Provider. Provider shall be solely responsible for any exemptions from the collection of excise, sales or use taxes that Provider may wish to have in place in connection with the Agreement.

P. Third Party Beneficiaries

Except for the Parties' respective successors and assigns described in §18.A., the Agreement does not and is not intended to confer any rights or remedies upon any person or entity other than the Parties. Enforcement of the Agreement and all rights and obligations hereunder are reserved solely to the Parties. Any services or benefits which third parties receive as a result of the Agreement are incidental to the Agreement, and do not create any rights for such third parties.

Q. Waiver

A Party's failure or delay in exercising any right, power, or privilege under the Agreement, whether explicit or by lack of enforcement, shall not operate as a waiver, nor shall any single or partial exercise of any right, power, or privilege preclude any other or further exercise of such right, power, or privilege.

R. CORA Disclosure

To the extent not prohibited by federal law, the Agreement and the performance measures and standards required under §24-106-107, C.R.S., if any, are subject to public release through the CORA.

S. Standard and Manner of Performance

Provider shall perform its obligations under the Agreement in accordance with the highest standards of care, skill and diligence in Provider's industry, trade, or profession.

T. Licenses, Permits, and Other Authorizations.

Provider shall secure, prior to the Effective Date, and maintain at all times during the term of the Agreement, at its sole expense, all licenses, certifications, permits, and other authorizations required to perform its obligations under the Agreement, and shall ensure that all employees, agents and Subcontractors secure and maintain at all times during the term of their employment, agency or subcontract, all licenses, certifications, permits and other authorizations required to perform their obligations in relation to the Agreement.

U. Indemnification

i. Applicability

This entire §16.U does not apply to Provider if Provider is a “public entity” within the meaning of the GIA.

ii. General Indemnification

Provider shall indemnify, save, and hold harmless the State, its employees, agents and assignees (the “Indemnified Parties”), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys’ fees and related costs) incurred by any of the Indemnified Parties in relation to any act or omission by Provider, or its employees, agents, Subcontractors, or assignees in connection with the Agreement.

iii. Confidential Information Indemnification

Disclosure or use of State Confidential Information by Provider in violation of §8 may be cause for legal action by third parties against Provider, the State, or their respective agents. Provider shall indemnify, save, and hold harmless the Indemnified Parties, against any and all claims, damages, liabilities, losses, costs, expenses (including attorneys’ fees and costs) incurred by the State in relation to any act or omission by Provider, or its employees, agents, assigns, or Subcontractors in violation of §8.

V. Accessibility

- i. Provider shall indemnify, save, and hold harmless the state, its employees, agents and assignees (collectively, the “Indemnified Parties”), against any and all costs, expenses, claims, damages, liabilities, court awards and other amounts (including attorneys’ fees and related costs) incurred by any of the Indemnified Parties in relation to Provider’s failure to comply with §§24-85-101, *et seq.*, C.R.S., or the *Accessibility Standards for Individuals with a Disability* as established by the Office of Information Technology pursuant to Section §24-85-103 (2.5), C.R.S.
- ii. The State may require Provider’s compliance to the State’s Accessibility Standards to be determined by a third party selected by the State to attest to Provider’s Work Product and software is in compliance with §§24-85-101, *et*

seq., C.R.S., and the *Accessibility Standards for Individuals with a Disability* as established by the Office of Information Technology pursuant to Section §24-85-103 (2.5), C.R.S.

W. Other

i. Compliance with State and Federal Law, Regulations, & Executive Orders

Provider shall comply with all State and, if Federal funding is involved, Federal law, regulations, executive orders, State and Federal Awarding Agency policies, procedures, directives, and reporting requirements at all times during the term of the Agreement.

17. COLORADO SPECIAL PROVISIONS (COLORADO FISCAL RULE 3-3)

These Special Provisions apply to all Agreements except where noted in italics.

A. STATUTORY APPROVAL. §24-30-202(1), C.R.S.

The Agreement shall not be valid until it has been approved by the Colorado State Controller or designee. If the Agreement is for a Major Information Technology Project, as defined in §24-37.5-102(2.6), C.R.S., then the Agreement shall not be valid until it has been approved by the State's Chief Information Officer or designee.

B. FUND AVAILABILITY. §24-30-202(5.5), C.R.S.

Financial obligations of the State payable after the current State Fiscal Year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

C. GOVERNMENTAL IMMUNITY.

Liability for claims for injuries to persons or property arising from the negligence of the State, its departments, boards, commissions committees, bureaus, offices, employees and officials shall be controlled and limited by the provisions of the Colorado Governmental Immunity Act, §24-10-101, et seq., C.R.S.; the Federal Tort Claims Act, 28 U.S.C. Pt. VI, Ch. 171 and 28 U.S.C. 1346(b), and the State's risk management statutes, §§24-30-1501, et seq. C.R.S. No term or condition of the Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions, contained in these statutes.

D. INDEPENDENT CONTRACTOR.

Provider shall perform its duties hereunder as an independent Provider and not as an employee. Neither Provider nor any agent or employee of Provider shall be deemed to be an agent or employee of the State. Provider shall not have authorization, express or implied, to bind the State to any agreement, liability or understanding, except as expressly set forth herein.

Provider and its employees and agents are not entitled to unemployment insurance or workers compensation benefits through the State and the State shall not pay for or otherwise provide such coverage for Provider or any of its agents or employees. Provider shall pay when due all applicable employment taxes and income taxes and local head taxes incurred pursuant to the Agreement. Provider shall (i) provide and keep in force workers' compensation and unemployment compensation insurance in the amounts required by law, (ii) provide proof thereof when requested by the State, and (iii) be solely responsible for its acts and those of its employees and agents.

E. COMPLIANCE WITH LAW.

Provider shall strictly comply with all applicable federal and State laws, rules, and regulations in effect or hereafter established, including, without limitation, laws applicable to discrimination and unfair employment practices.

F. CHOICE OF LAW, JURISDICTION, AND VENUE.

Colorado law, and rules and regulations issued pursuant thereto, shall be applied in the interpretation, execution, and enforcement of the Agreement. Any provision included or incorporated herein by reference which conflicts with said laws, rules, and regulations shall be null and void. All suits or actions related to the Agreement shall be filed and proceedings held in the State of Colorado and exclusive venue shall be in the City and County of Denver.

G. PROHIBITED TERMS.

Any term included in the Agreement that requires the State to indemnify or hold Provider harmless; requires the State to agree to binding arbitration; limits Provider's liability for damages resulting from death, bodily injury, or damage to tangible property; or that conflicts with this provision in any way shall be void ab initio. Nothing in the Agreement shall be construed as a waiver of any provision of §24-106-109, C.R.S.

H. SOFTWARE PIRACY PROHIBITION.

State or other public funds payable under the Agreement shall not be used for the acquisition, operation, or maintenance of computer software in violation of federal copyright laws or applicable licensing restrictions. Provider hereby certifies and warrants that, during the term of the Agreement and any extensions, Provider has and shall maintain in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that Provider is in violation of this provision, the State may exercise any remedy available at law or in equity or under the Agreement, including, without limitation, immediate termination of the Agreement and any remedy consistent with federal copyright laws or applicable licensing restrictions.

I. EMPLOYEE FINANCIAL INTEREST/CONFLICT OF INTEREST. §§24-18-201 and 24-50-507, C.R.S.

The signatories aver that to their knowledge, no employee of the State has any personal or beneficial interest whatsoever in the service or property described in the Agreement. Provider has no interest and shall not acquire any interest, direct or indirect, that would conflict in any manner or degree with the performance of Provider's services and Provider shall not employ any person having such known interests.

J. VENDOR OFFSET AND ERRONEOUS PAYMENTS. §§24-30-202(1) and 24-30-202.4, C.R.S.

[Not applicable to intergovernmental agreements] Subject to §24-30-202.4(3.5), C.R.S., the State Controller may withhold payment under the State's vendor offset intercept system for debts owed to State agencies for: (i) unpaid child support debts or child support arrearages; (ii) unpaid balances of tax, accrued interest, or other charges specified in §§39-21-101, et seq., C.R.S.; (iii) unpaid loans due to the Student Loan Division of the Department of Higher Education; (iv) amounts required to be paid to the Unemployment Compensation Fund; and (v) other unpaid debts owing to the State as a result of final agency determination or judicial action. The State may also recover, at the State's discretion, payments made to Provider in error for any reason, including, but not limited to, overpayments or improper payments, and unexpended or excess funds received by Provider by deduction from subsequent payments under the Agreement, deduction from any payment due under any other contracts, grants or agreements between the State and Provider, or by any other appropriate method for collecting debts owed to the State.

18. DEPARTMENT OF EARLY CHILDHOOD PROVISIONS

A. Restrictions on Public Benefits

If applicable, Provider shall comply with C.R.S. §§ 24-76.5-101 – 103 exactly as the State is required to comply with C.R.S. §§ 24-76.5-101 – 103.

B. Discrimination

Provider shall not:

i. discriminate against any person on the basis of gender, race, ethnicity, religion, national origin, age, sexual orientation, gender identity, citizenship status, education, disability, socio-economic status, or any other identity.

ii. exclude from participation in, or deny benefits to any qualified individual with a disability, by reason of such disability.

Any person who thinks he/she has been discriminated against as related to the performance of the Agreement has the right to assert a claim, Colorado Civil Rights Division, C.R.S. §24-34-301, et seq.

C. Criminal Background Check

Pursuant to C.R.S. §27-90-111 and CDHS Policy VI-2.4, any independent provider, and its agent(s), who is designated by the Executive Director or the Executive Director's designee to be a contracting employee under C.R.S. §27-90-111, who has direct contact with vulnerable persons in a state-operated facility, or who provides state-funded services that involve direct contact with vulnerable persons in the vulnerable person's home or residence, shall:

- i. submit to and successfully pass a criminal background check, and
- ii. report any arrests, charges, or summonses for any disqualifying offense as specified by C.R.S. §27-90-111 to the State.

Any Provider or its agent(s), who does not comply with C.R.S. §27-90-111 and CDHS Policy VI-2.4, may, at the sole discretion of the State, be suspended or terminated.

D. Fraud Policy

Provider shall comply with the current State Fraud Policy.

E. COVID-19 Pandemic

CDEC operates many facilities across the State and with regard to the COVID-19 Pandemic, Provider may be subject to local or state public health orders, Department policy, individual facility policy, or any other requirement that could impose additional requirements on the Provider. If so, Provider shall promptly comply upon notice.

19. THIRD PARTY CERTIFICATION FOR ACCESS TO PII THROUGH A DATABASE OR AUTOMATED NETWORK

Pursuant to § 24-74-105, C.R.S., if Provider is to be granted access to Personal Identifying Information through a database or automated network that is not publicly available information, Provider certifies, and will certify annually, under penalty of perjury that Provider has not and will not use or disclose any Personal Identifying Information, as defined by § 24-74-102(1), C.R.S., for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, including the enforcement of civil immigration laws, and the Illegal Immigration and Immigrant Responsibility Act, which is codified at 8 U.S.C. §§ 1325 and 1326, unless required to do so to comply with Federal or State law, or to comply with a court-issued subpoena, warrant or order.

If Provider's agents, employees, assigns or Subcontractors require certification pursuant to § 24-74-105, C.R.S., Provider shall require annually that its agents, employees, assigns or Subcontractors

sign and date the following certifications as applicable, which shall be made available to the State upon request:

For an individual: Pursuant to § 24-74-105, C.R.S., I hereby certify under the penalty of perjury that I have not and will not use or disclose any Personal Identifying Information, as defined by § 24-74-102(1), C.R.S., for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, including the enforcement of civil immigration laws, and the Illegal Immigration and Immigrant Responsibility Act, which is codified at 8 U.S.C. §§ 1325 and 1326, unless required to do so to comply with Federal or State law, or to comply with a court-issued subpoena, warrant or order.

For and entity/organization: Pursuant to § 24-74-105, C.R.S., I, _____, on behalf of _____ (legal name of entity / organization) (the "Organization"), hereby certify under the penalty of perjury that the Organization has not and will not use or disclose any Personal Identifying Information, as defined by § 24-74-102(1), C.R.S., for the purpose of investigating for, participating in, cooperating with, or assisting Federal Immigration Enforcement, including the enforcement of civil immigration laws, and the Illegal Immigration and Immigrant Responsibility Act, which is codified at 8 U.S.C. §§ 1325 and 1326, unless required to do so to comply with Federal or State law, or to comply with a court-issued subpoena, warrant or order.

I hereby represent and certify that I have full legal authority to execute this certification on behalf of the Organization.

**Exhibit B****HIPAA BUSINESS ASSOCIATE AGREEMENT**

This HIPAA Business Associate Agreement ("Agreement") between the State and Provider is agreed to in connection with, and as an exhibit to, the Program Service Agreement. For purposes of this Agreement, the State is referred to as "Covered Entity" and the Provider is referred to as "Business Associate". Unless the context clearly requires a distinction between the Program Service Agreement and this Agreement, all references to "Program Service Agreement" shall include this Agreement.

1. PURPOSE

Covered Entity wishes to disclose information to Business Associate, which may include Protected Health Information ("PHI"). The Parties intend to protect the privacy and security of the disclosed PHI in compliance with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Pub. L. No. 104-191 (1996) as amended by the Health Information Technology for Economic and Clinical Health Act ("HITECH Act") enacted under the American Recovery and Reinvestment Act of 2009 ("ARRA") Pub. L. No. 111-5 (2009), implementing regulations promulgated by the U.S. Department of Health and Human Services at 45 C.F.R. Parts 160, 162 and 164 (the "HIPAA Rules") and other applicable laws, as amended. Prior to the disclosure of PHI, Covered Entity is required to enter into an agreement with Business Associate containing specific requirements as set forth in, but not limited to, Title 45, Sections 160.103, 164.502(e) and 164.504(e) of the Code of Federal Regulations ("C.F.R.") and all other applicable laws and regulations, all as may be amended.

2. DEFINITIONS

The following terms used in this Agreement shall have the same meanings as in the HIPAA Rules: Breach, Data Aggregation, Designated Record Set, Disclosure, Health Care Operations, Individual, Minimum Necessary, Notice of Privacy Practices, Protected Health Information, Required by Law, Secretary, Security Incident, Subcontractor, Unsecured Protected Health Information, and Use.

The following terms used in this Agreement shall have the meanings set forth below:

- a. Business Associate. "Business Associate" shall have the same meaning as the term "business associate" at 45 C.F.R. 160.103, and shall refer to Provider.
- b. Covered Entity. "Covered Entity" shall have the same meaning as the term "covered entity" at 45 C.F.R. 160.103, and shall refer to the State.
- c. Information Technology and Information Security. "Information Technology" and "Information Security" shall have the same meanings as the terms "information technology" and "information security", respectively, in §24-37.5-102, C.R.S.

Capitalized terms used herein and not otherwise defined herein or in the HIPAA Rules shall have the meanings ascribed to them in the Program Service Agreement.

**Exhibit B****3. OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE****a. Permitted Uses and Disclosures.**

- i. Business Associate shall use and disclose PHI only to accomplish Business Associate's obligations under the Program Service Agreement.
- i. To the extent Business Associate carries out one or more of Covered Entity's obligations under Subpart E of 45 C.F.R. Part 164, Business Associate shall comply with any and all requirements of Subpart E that apply to Covered Entity in the performance of such obligation.
- ii. Business Associate may disclose PHI to carry out the legal responsibilities of Business Associate, provided, that the disclosure is Required by Law or Business Associate obtains reasonable assurances from the person to whom the information is disclosed that:
 - A. the information will remain confidential and will be used or disclosed only as Required by Law or for the purpose for which Business Associate originally disclosed the information to that person, and;
 - B. the person notifies Business Associate of any Breach involving PHI of which it is aware.
- iii. Business Associate may provide Data Aggregation services relating to the Health Care Operations of Covered Entity. Business Associate may de-identify any or all PHI created or received by Business Associate under this Agreement, provided the de-identification conforms to the requirements of the HIPAA Rules.

d. Minimum Necessary. Business Associate, its Subcontractors and agents, shall access, use, and disclose only the minimum amount of PHI necessary to accomplish the objectives of the Program Service Agreement, in accordance with the Minimum Necessary Requirements of the HIPAA Rules including, but not limited to, 45 C.F.R. 164.502(b) and 164.514(d).**e. Impermissible Uses and Disclosures.**

- i. Business Associate shall not disclose the PHI of Covered Entity to another covered entity without the written authorization of Covered Entity.
- ii. Business Associate shall not share, use, disclose or make available any Covered Entity PHI in any form via any medium with or to any person or entity beyond the boundaries or jurisdiction of the United States without express written authorization from Covered Entity.

f. Business Associate's Subcontractors.



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- i. Business Associate shall, in accordance with 45 C.F.R. 164.502(e)(1)(ii) and 164.308(b)(2), ensure that any Subcontractors who create, receive, maintain, or transmit PHI on behalf of Business Associate agree in writing to the same restrictions, conditions, and requirements that apply to Business Associate with respect to safeguarding PHI.
 - ii. Business Associate shall provide to Covered Entity, on Covered Entity's request, a list of Subcontractors who have entered into any such agreement with Business Associate.
 - iii. Business Associate shall provide to Covered Entity, on Covered Entity's request, copies of any such agreements Business Associate has entered into with Subcontractors.
- g. Access to System. If Business Associate needs access to a Covered Entity Information Technology system to comply with its obligations under the Program Service Agreement or this Agreement, Business Associate shall request, review, and comply with any and all policies applicable to Covered Entity regarding such system including, but not limited to, any policies promulgated by the Office of Information Technology and available at <http://oit.state.co.us/about/policies>.
- h. Access to PHI. Business Associate shall, within ten days of receiving a written request from Covered Entity, make available PHI in a Designated Record Set to Covered Entity as necessary to satisfy Covered Entity's obligations under 45 C.F.R. 164.524.
- i. Amendment of PHI.
 - i. Business Associate shall within ten days of receiving a written request from Covered Entity make any amendment to PHI in a Designated Record Set as directed by or agreed to by Covered Entity pursuant to 45 C.F.R. 164.526, or take other measures as necessary to satisfy Covered Entity's obligations under 45 C.F.R. 164.526.
 - ii. Business Associate shall promptly forward to Covered Entity any request for amendment of PHI that Business Associate receives directly from an Individual.
- j. Accounting Rights. Business Associate shall, within ten days of receiving a written request from Covered Entity, maintain and make available to Covered Entity the information necessary for Covered Entity to satisfy its obligations to provide an accounting of Disclosure under 45 C.F.R. 164.528.
- k. Restrictions and Confidential Communications.
 - i. Business Associate shall restrict the Use or Disclosure of an Individual's PHI within ten days of notice from Covered Entity of:
 - A. a restriction on Use or Disclosure of PHI pursuant to 45 C.F.R. 164.522; or
 - B. a request for confidential communication of PHI pursuant to 45 C.F.R. 164.522.
 - ii. Business Associate shall not respond directly to an Individual's requests to restrict the Use or Disclosure of PHI or to send all communication of PHI to an alternate address.



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- iii. Business Associate shall refer such requests to Covered Entity so that Covered Entity can coordinate and prepare a timely response to the requesting Individual and provide direction to Business Associate.
- l. Governmental Access to Records. Business Associate shall make its facilities, internal practices, books, records, and other sources of information, including PHI, available to the Secretary for purposes of determining compliance with the HIPAA Rules in accordance with 45 C.F.R. 160.310.
- m. Audit, Inspection and Enforcement.
 - i. Business Associate shall obtain and update at least annually a written assessment performed by an independent third party reasonably acceptable to Covered Entity, which evaluates the Information Security of the applications, infrastructure, and processes that interact with the Covered Entity data Business Associate receives, manipulates, stores and distributes. Upon request by Covered Entity, Business Associate shall provide to Covered Entity the executive summary of the assessment.
 - ii. Business Associate, upon the request of Covered Entity, shall fully cooperate with Covered Entity's efforts to audit Business Associate's compliance with applicable HIPAA Rules. If, through audit or inspection, Covered Entity determines that Business Associate's conduct would result in violation of the HIPAA Rules or is in violation of the Program Service Agreement or this Agreement, Business Associate shall promptly remedy any such violation and shall certify completion of its remedy in writing to Covered Entity.
- n. Appropriate Safeguards.
 - i. Business Associate shall use appropriate safeguards and comply with Subpart C of 45 C.F.R. Part 164 with respect to electronic PHI to prevent use or disclosure of PHI other than as provided in this Agreement.
 - ii. Business Associate shall safeguard the PHI from tampering and unauthorized disclosures.
 - iii. Business Associate shall maintain the confidentiality of passwords and other data required for accessing this information.
 - iv. Business Associate shall extend protection beyond the initial information obtained from Covered Entity to any databases or collections of PHI containing information derived from the PHI. The provisions of this section shall be in force unless PHI is de-identified in conformance to the requirements of the HIPAA Rules.
- o. Safeguard During Transmission.
 - i. Business Associate shall use reasonable and appropriate safeguards including, without limitation, Information Security measures to ensure that all transmissions of PHI are authorized and to prevent use or disclosure of PHI other than as provided for by this Agreement.



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- ii. Business Associate shall not transmit PHI over the internet or any other insecure or open communication channel unless the PHI is encrypted or otherwise safeguarded with a FIPS-compliant encryption algorithm.

p. Reporting of Improper Use or Disclosure and Notification of Breach.

- i. Business Associate shall, as soon as reasonably possible, but immediately after discovery of a Breach, notify Covered Entity of any use or disclosure of PHI not provided for by this Agreement, including a Breach of Unsecured Protected Health Information as such notice is required by 45 C.F.R. 164.410 or a breach for which notice is required under §24-73-103, C.R.S.
- ii. Such notice shall include the identification of each Individual whose Unsecured Protected Health Information has been, or is reasonably believed by Business Associate to have been, accessed, acquired, or disclosed during such Breach.
- iii. Business Associate shall, as soon as reasonably possible, but immediately after discovery of any Security Incident that does not constitute a Breach, notify Covered Entity of such incident.
- iv. Business Associate shall have the burden of demonstrating that all notifications were made as required, including evidence demonstrating the necessity of any delay.

q. Business Associate's Insurance and Notification Costs.

- i. Business Associate shall bear all costs of a Breach response including, without limitation, notifications, and shall maintain insurance to cover:
 - A. loss of PHI data;
 - B. Breach notification requirements specified in HIPAA Rules and in §24-73-103, C.R.S.; and
 - C. claims based upon alleged violations of privacy rights through improper use or disclosure of PHI.
- ii. All such policies shall meet or exceed the minimum insurance requirements of the Program Service Agreement or otherwise as may be approved by Covered Entity (e.g., occurrence basis, combined single dollar limits, annual aggregate dollar limits, additional insured status, and notice of cancellation).
- iii. Business Associate shall provide Covered Entity a point of contact who possesses relevant Information Security knowledge and is accessible 24 hours per day, 7 days per week to assist with incident handling.



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- iv. Business Associate, to the extent practicable, shall mitigate any harmful effect known to Business Associate of a Use or Disclosure of PHI by Business Associate in violation of this Agreement.
- r. Subcontractors and Breaches.
 - i. Business Associate shall enter into a written agreement with each of its Subcontractors and agents, who create, receive, maintain, or transmit PHI on behalf of Business Associate. The agreements shall require such Subcontractors and agents to report to Business Associate any use or disclosure of PHI not provided for by this Agreement, including Security Incidents and Breaches of Unsecured Protected Health Information, on the first day such Subcontractor or agent knows or should have known of the Breach as required by 45 C.F.R. 164.410.
 - ii. Business Associate shall notify Covered Entity of any such report and shall provide copies of any such agreements to Covered Entity on request.
- s. Data Ownership.
 - i. Business Associate acknowledges that Business Associate has no ownership rights with respect to the PHI.
 - ii. Upon request by Covered Entity, Business Associate immediately shall provide Covered Entity with any keys to decrypt information that the Business Association has encrypted and maintains in encrypted form, or shall provide such information in unencrypted usable form.
- t. Retention of PHI. Except upon termination of this Agreement as provided in Section 5, below, Business Associate and its Subcontractors or agents shall retain all PHI throughout the term of this Agreement, and shall continue to maintain the accounting of disclosures required under Section 3.h, above, for a period of six years.

4. OBLIGATIONS OF COVERED ENTITY

- a. Safeguards During Transmission. Covered Entity shall be responsible for using appropriate safeguards including encryption of PHI, to maintain and ensure the confidentiality, integrity, and security of PHI transmitted pursuant to this Agreement, in accordance with the standards and requirements of the HIPAA Rules.
- b. Notice of Changes.
 - a.
 - i. Covered Entity maintains a copy of its Notice of Privacy Practices on its website. Covered Entity shall provide Business Associate with any changes in, or revocation of, permission to use or disclose PHI, to the extent that it may affect Business Associate's permitted or required uses or disclosures.



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- ii. Covered Entity shall notify Business Associate of any restriction on the use or disclosure of PHI to which Covered Entity has agreed in accordance with 45 C.F.R. 164.522, to the extent that it may affect Business Associate's permitted use or disclosure of PHI.

5. TERMINATION

b. Breach.

- i. In addition to any Program Service Agreement provision regarding remedies for breach, Covered Entity shall have the right, in the event of a breach by Business Associate of any provision of this Agreement, to terminate immediately the Program Service Agreement, or this Agreement, or both.
- ii. Subject to any directions from Covered Entity, upon termination of the Program Service Agreement, this Agreement, or both, Business Associate shall take timely, reasonable, and necessary action to protect and preserve property in the possession of Business Associate in which Covered Entity has an interest.

u. Effect of Termination.

- i. Upon termination of this Agreement for any reason, Business Associate, at the option of Covered Entity, shall return or destroy all PHI that Business Associate, its agents, or its Subcontractors maintain in any form, and shall not retain any copies of such PHI.
- ii. If Covered Entity directs Business Associate to destroy the PHI, Business Associate shall certify in writing to Covered Entity that such PHI has been destroyed.
- iii. If Business Associate believes that returning or destroying the PHI is not feasible, Business Associate shall promptly provide Covered Entity with notice of the conditions making return or destruction infeasible. Business Associate shall continue to extend the protections of Section 3 of this Agreement to such PHI, and shall limit further use of such PHI to those purposes that make the return or destruction of such PHI infeasible.

6. INJUNCTIVE RELIEF

Covered Entity and Business Associate agree that irreparable damage would occur in the event Business Associate or any of its Subcontractors or agents use or disclosure of PHI in violation of this Agreement, the HIPAA Rules or any applicable law. Covered Entity and Business Associate further agree that money damages would not provide an adequate remedy for such Breach. Accordingly, Covered Entity and Business Associate agree that Covered Entity shall be entitled to injunctive relief, specific performance, and other equitable relief to prevent or restrain any Breach or threatened Breach of and to enforce specifically the terms and provisions of this Agreement.

**Exhibit B****7. LIMITATION OF LIABILITY**

Any provision in the Program Service Agreement limiting Provider's liability shall not apply to Business Associate's liability under this Agreement, which shall not be limited.

8. DISCLAIMER

Covered Entity makes no warranty or representation that compliance by Business Associate with this Agreement or the HIPAA Rules will be adequate or satisfactory for Business Associate's own purposes. Business Associate is solely responsible for all decisions made and actions taken by Business Associate regarding the safeguarding of PHI.

9. CERTIFICATION

Covered Entity has a legal obligation under HIPAA Rules to certify as to Business Associate's Information Security practices. Covered Entity or its authorized agent or Provider shall have the right to examine Business Associate's facilities, systems, procedures, and records, at Covered Entity's expense, if Covered Entity determines that examination is necessary to certify that Business Associate's Information Security safeguards comply with the HIPAA Rules or this Agreement.

10. AMENDMENT

- a. Amendment to Comply with Law. The Parties acknowledge that state and federal laws and regulations relating to data security and privacy are rapidly evolving and that amendment of this Agreement may be required to provide procedures to ensure compliance with such developments.
 - i. In the event of any change to state or federal laws and regulations relating to data security and privacy affecting this Agreement, the Parties shall take such action as is necessary to implement the changes to the standards and requirements of HIPAA, the HIPAA Rules and other applicable rules relating to the confidentiality, integrity, availability and security of PHI with respect to this Agreement.
 - ii. Business Associate shall provide to Covered Entity written assurance satisfactory to Covered Entity that Business Associate shall adequately safeguard all PHI, and obtain written assurance satisfactory to Covered Entity from Business Associate's Subcontractors and agents that they shall adequately safeguard all PHI.
 - i. iii. Upon the request of either Party, the other Party promptly shall negotiate in good faith the terms of an amendment to the Program Service Agreement embodying written assurances consistent with the standards and requirements of HIPAA, the HIPAA Rules, or other applicable rules.
 - ii. iv. Covered Entity may terminate this Agreement upon 30 days' prior written notice in the event that:



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- A. Business Associate does not promptly enter into negotiations to amend the Program Service Agreement and this Agreement when requested by Covered Entity pursuant to this Section; or
 - B. Business Associate does not enter into an amendment to the Program Service Agreement and this Agreement, which provides assurances regarding the safeguarding of PHI sufficient, in Covered Entity's sole discretion, to satisfy the standards and requirements of the HIPAA, the HIPAA Rules and applicable law.
- v. Amendment of Appendix. The Appendix to this Agreement may be modified or amended by the mutual written agreement of the Parties, without amendment of this Agreement. Any modified or amended Appendix agreed to in writing by the Parties shall supersede and replace any prior version of the Appendix.

11. ASSISTANCE IN LITIGATION OR ADMINISTRATIVE PROCEEDINGS

Covered Entity shall provide written notice to Business Associate if litigation or administrative proceeding is commenced against Covered Entity, its directors, officers, or employees, based on a claimed violation by Business Associate of HIPAA, the HIPAA Rules or other laws relating to security and privacy or PHI. Upon receipt of such notice and to the extent requested by Covered Entity, Business Associate shall, and shall cause its employees, Subcontractors, or agents assisting Business Associate in the performance of its obligations under the Program Service Agreement to, assist Covered Entity in the defense of such litigation or proceedings. Business Associate shall, and shall cause its employees, Subcontractor's and agents to, provide assistance, to Covered Entity, which may include testifying as a witness at such proceedings. Business Associate or any of its employees, Subcontractors or agents shall not be required to provide such assistance if Business Associate is a named adverse party.

12. INTERPRETATION AND ORDER OF PRECEDENCE

Any ambiguity in this Agreement shall be resolved in favor of a meaning that complies and is consistent with the HIPAA Rules. In the event of an inconsistency between the Program Service Agreement and this Agreement, this Agreement shall control. This Agreement supersedes and replaces any previous, separately executed HIPAA business associate agreement between the Parties.

13. SURVIVAL

Provisions of this Agreement requiring continued performance, compliance, or effect after termination shall survive termination of this Program Service Agreement or this agreement and shall be enforceable by Covered Entity.



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APPENDIX TO HIPAA BUSINESS ASSOCIATE AGREEMENT

This Appendix ("Appendix") to the HIPAA Business Associate Agreement ("Agreement") is an appendix to the Program Service Agreement and the Agreement. For the purposes of this Appendix, defined terms shall have the meanings ascribed to them in the Agreement and the Program Service Agreement. Unless the context clearly requires a distinction between the Program Service Agreement, the Agreement, and this Appendix, all references to "Program Service Agreement" or "Agreement" shall include this Appendix.

1. PURPOSE

This Appendix sets forth additional terms to the Agreement. Any sub-section of this Appendix marked as "Reserved" shall be construed as setting forth no additional terms.

2. ADDITIONAL TERMS

- a. Additional Permitted Uses. In addition to those purposes set forth in the Agreement, Business Associate may use PHI for the following additional purposes:
 - i. Reserved.
- b. Additional Permitted Disclosures. In addition to those purposes set forth in the Agreement, Business Associate may disclose PHI for the following additional purposes:
 - i. Reserved.
- c. Approved Subcontractors. Covered Entity agrees that the following Subcontractors or agents of Business Associate may receive PHI under the Agreement:
 - i. Reserved.
- d. Definition of Receipt of PHI. Business Associate's receipt of PHI under this Program Service Agreement shall be deemed to occur, and Business Associate's obligations under the Agreement shall commence, as follows:
 - i. Reserved.
- e. Additional Restrictions on Business Associate. Business Associate agrees to comply with the following additional restrictions on Business Associate's use and disclosure of PHI under the Program Service Agreement:
 - i. Reserved.
- f. Additional Terms. Business Associate agrees to comply with the following additional terms under the Agreement:
 - i. Reserved.