
HOUSE BILL 2016

State of Washington

67th Legislature

2022 Regular Session

By Representatives Morgan, Davis, Bergquist, Duerr, Peterson, Ryu, Valdez, Shewmake, and Ormsby

Read first time 01/17/22. Referred to Committee on Education.

1 AN ACT Relating to teaching students how to prevent, and avoid
2 being recruited into, sex trafficking; and amending RCW 28A.300.475.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 28A.300.475 and 2020 c 188 s 1 (Referendum Measure
5 No. 90) are each amended to read as follows:

6 (1)(a)(i) In accordance with the requirements of this section,
7 every public school shall provide comprehensive sexual health
8 education to each student by the 2022-23 school year. The curriculum,
9 instruction, and materials used to provide the comprehensive sexual
10 health education must be medically and scientifically accurate, age-
11 appropriate, and inclusive of all students, regardless of their
12 protected class status under chapter 49.60 RCW, and must include
13 information about abstinence and other methods of preventing
14 unintended pregnancy and sexually transmitted diseases. Abstinence
15 may not be taught to the exclusion of other materials and instruction
16 on contraceptives and disease prevention.

17 (ii)(A) Beginning in the 2020-21 school year, any public school
18 that provides comprehensive sexual health education must ensure that
19 the curriculum, instruction, and materials include information about
20 affirmative consent and bystander training.

1 (B) The school district boards of directors of one or more public
2 schools that are not providing comprehensive sexual health education
3 in either the 2019-20 school year, the 2020-21 school year, or both,
4 must prepare for incorporating information about affirmative consent
5 and bystander training into the comprehensive sexual health education
6 curriculum, instruction, and materials required by this section. In
7 satisfying the requirements of this subsection (1)(a)(ii)(B), school
8 district boards of directors must also, no later than the 2020-21
9 school year, consult with parents and guardians of students, local
10 communities, and the Washington state school directors' association.

11 (b) A public school may choose to use separate, outside speakers
12 or prepared curriculum to teach different content areas or units
13 within its comprehensive sexual health education program if all
14 speakers, curriculum, and materials used are in compliance with this
15 section.

16 (c) Comprehensive sexual health education must be consistent with
17 the Washington state health and physical education K-12 learning
18 standards and the January 2005 guidelines for sexual health
19 information and disease prevention developed by the department of
20 health and the office of the superintendent of public instruction.

21 (2)(a) Beginning in the 2021-22 school year, comprehensive sexual
22 health education must be provided to all public school students in
23 grades six through twelve.

24 (b) Beginning in the 2022-23 school year, comprehensive sexual
25 health education must be provided to all public school students.

26 (c) The provision of comprehensive sexual health education to
27 public school students as required by (a) and (b) of this subsection
28 (2) must be provided no less than:

29 (i) Once to students in kindergarten through grade three;

30 (ii) Once to students in grades four through five;

31 (iii) Twice to students in grades six through eight; and

32 (iv) Twice to students in grades nine through twelve.

33 (3) The office of the superintendent of public instruction and
34 the department of health shall make the Washington state health and
35 physical education K-12 learning standards and the January 2005
36 guidelines for sexual health information and disease prevention
37 available to public schools, teachers, and guest speakers on their
38 websites. Within available resources, the office of the
39 superintendent of public instruction and the department of health
40 shall also, and to the extent permitted by applicable federal law,

1 make any related information, model policies, curricula, or other
2 resources available on their websites.

3 (4) The office of the superintendent of public instruction, in
4 consultation with the department of health, shall develop a list of
5 comprehensive sexual health education curricula that are consistent
6 with the 2005 guidelines for sexual health information and disease
7 prevention, the Washington state health and physical education K-12
8 learning standards, and this section. This list, which may serve as a
9 resource for schools, teachers, or any other organization or
10 community group, must be updated at least annually, and must be made
11 available on the websites of the office of the superintendent of
12 public instruction and the department of health.

13 (5) Subject to the availability of amounts appropriated for this
14 specific purpose, the office of the superintendent of public
15 instruction shall periodically review and revise, as necessary,
16 training materials, which may be in an electronic format, for
17 classroom teachers and principals to implement the applicable
18 requirements of this section. The initial review required by this
19 subsection (5) must be completed by March 1, 2021.

20 (6) (a) Public schools are encouraged to review their
21 comprehensive sexual health education curricula and choose a
22 curriculum from the list developed under subsection (4) of this
23 section. Any public school may identify, choose, or develop any other
24 curriculum if it complies with the requirements of this section.

25 (b) If a public school chooses a curriculum that is not from the
26 list developed under subsection (4) of this section, the public
27 school or applicable school district, in consultation with the office
28 of the superintendent of public instruction, must conduct a review of
29 the selected or developed curriculum to ensure compliance with the
30 requirements of this section using a comprehensive sexual health
31 education curriculum analysis tool of the office of the
32 superintendent of public instruction.

33 (c) The office of the superintendent of public instruction shall
34 provide technical assistance to public schools and school districts
35 that is consistent with the curricula review, selection, and
36 development provisions in (a) and (b) of this subsection (6).

37 (7) (a) Any parent or legal guardian who wishes to have his or her
38 child excused from any planned instruction in comprehensive sexual
39 health education may do so upon filing a written request with the
40 school district board of directors or its designee, or the principal

1 of the school his or her child attends, or the principal's designee.
2 The person or entity to whom the request is directed must grant the
3 written request to have the student excused from this instruction in
4 accordance with this subsection. In addition, any parent or legal
5 guardian may review the comprehensive sexual health education
6 curriculum provided in his or her child's school by filing a written
7 request with the school district board of directors, the principal of
8 the school his or her child attends, or the principal's designee.

9 (b) At the beginning of the 2021-22 school year, each school
10 providing comprehensive sexual health education must notify parents
11 and guardians, in writing or in accordance with the methods the
12 school finds most effective in communicating with parents, that the
13 school will be providing comprehensive sexual health education during
14 the school year. The notice must include, or provide a means for
15 electronic access to, all course materials, by grade, that will be
16 used at the school during the instruction.

17 (8)(a) Public schools shall annually, by September 1st, identify
18 to the office of the superintendent of public instruction any
19 curricula used by the school to provide comprehensive sexual health
20 education as required by this section. Materials provided by schools
21 under this subsection (8)(a) must also describe how the provided
22 classroom instruction aligns with the requirements of this section.

23 (b) The office of the superintendent of public instruction shall
24 summarize and, in accordance with RCW 43.01.036, report the results
25 provided under (a) of this subsection (8) to the education committees
26 of the house of representatives and the senate biennially, beginning
27 after the 2022-23 school year.

28 (9) RCW 28A.600.480(2), which encourages school employees,
29 students, and volunteers to report harassment, intimidation, or
30 bullying, applies to this section.

31 (10) Nothing in this section expresses legislative intent to
32 require that comprehensive sexual health education, or components of
33 comprehensive sexual health education, be integrated into curriculum,
34 materials, or instruction in unrelated subject matters or courses.

35 (11) For the purposes of this section:

36 (a) "Affirmative consent" means a conscious and voluntary
37 agreement to engage in sexual activity as a requirement before sexual
38 activity;

39 (b) "Comprehensive sexual health education" means recurring
40 instruction in human development and reproduction that is age-

1 appropriate and inclusive of all students, regardless of their
2 protected class status under chapter 49.60 RCW. All curriculum,
3 instruction, and materials used in providing comprehensive sexual
4 health education must be medically and scientifically accurate and
5 must use language and strategies that recognize all members of
6 protected classes under chapter 49.60 RCW. Comprehensive sexual
7 health education must teach students how to prevent, and avoid being
8 recruited into, sex trafficking. Comprehensive sexual health
9 education for students in kindergarten through grade three must be
10 instruction in social-emotional learning that is consistent with
11 learning standards and benchmarks adopted by the office of the
12 superintendent of public instruction under RCW 28A.300.478.
13 Comprehensive sexual health education for students in grades four
14 through twelve must include information about:

15 (i) The physiological, psychological, and sociological
16 developmental processes experienced by an individual;

17 (ii) The development of intrapersonal and interpersonal skills to
18 communicate, respectfully and effectively, to reduce health risks,
19 and choose healthy behaviors and relationships that are based on
20 mutual respect and affection, and are free from violence, coercion,
21 and intimidation;

22 (iii) Health care and prevention resources;

23 (iv) The development of meaningful relationships and avoidance of
24 exploitative relationships;

25 (v) Understanding the influences of family, peers, community, and
26 the media throughout life on healthy sexual relationships; and

27 (vi) Affirmative consent and recognizing and responding safely
28 and effectively when violence, or a risk of violence, is or may be
29 present with strategies that include bystander training;

30 (c) "Medically and scientifically accurate" means information
31 that is verified or supported by research in compliance with
32 scientific methods, is published in peer-reviewed journals, where
33 appropriate, and is recognized as accurate and objective by
34 professional organizations and agencies with expertise in the field
35 of sexual health including but not limited to the American college of
36 obstetricians and gynecologists, the Washington state department of
37 health, and the federal centers for disease control and prevention;
38 and

1 (d) "Public schools" has the same meaning as in RCW 28A.150.010.

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