
SUBSTITUTE SENATE BILL 5297

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to providing medically and scientifically accurate
2 sexual health education in schools; amending RCW 28A.600.480; adding a
3 new section to chapter 28A.300 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that young people
6 should have the knowledge and skills necessary to build healthy
7 relationships, and to protect themselves from unintended pregnancy and
8 sexually transmitted diseases, including HIV infection. The primary
9 responsibility for sexual health education is with parents and
10 guardians. However, this responsibility also extends to schools and
11 other community groups. It is in the public's best interest to ensure
12 that young people are equipped with medically and scientifically
13 accurate, age-appropriate information that will help them avoid
14 unintended pregnancies, remain free of sexually transmitted diseases,
15 and make informed, responsible decisions throughout their lives.

16 (2) The legislature intends to support and advance the standards
17 established in the January 2005 guidelines for sexual health
18 information and disease prevention developed by the office of the
19 superintendent of public instruction and the department of health.

1 These guidelines are a fundamental tool to help school districts,
2 teachers, guest speakers, health and counseling providers, community
3 groups, parents, and guardians choose, develop, and evaluate sexual
4 health curricula to better meet the health and safety needs of
5 adolescents and young adults in their communities.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300
7 RCW to read as follows:

8 (1) By September 1, 2008, every public school that offers sexual
9 health education must assure that sexual health education is medically
10 and scientifically accurate, age-appropriate, appropriate for students
11 regardless of gender, race, disability status, or sexual orientation,
12 and includes information about abstinence and other methods of
13 preventing unintended pregnancy and sexually transmitted diseases. All
14 sexual health information, instruction, and materials must be medically
15 and scientifically accurate. Abstinence may not be taught to the
16 exclusion of other materials and instruction on contraceptives and
17 disease prevention. Every public school that offers comprehensive
18 sexual health education or abstinence education shall offer both
19 abstinence education and comprehensive sexual health programs. Each
20 program may be taught as separate units and may or may not be taught in
21 separate blocks of time. Sexual health education must be consistent
22 with the January 2005 guidelines for sexual health information and
23 disease prevention developed by the department of health and the office
24 of the superintendent of public instruction.

25 (2) As used in this act, "medically and scientifically accurate"
26 means information that is verified or supported by research in
27 compliance with scientific methods, is published in peer-review
28 journals, where appropriate, and is recognized as accurate and
29 objective by professional organizations and agencies with expertise in
30 the field of sexual health including but not limited to the American
31 college of obstetricians and gynecologists, the Washington state
32 department of health, and the federal centers for disease control and
33 prevention.

34 (3) The superintendent of public instruction and the department of
35 health shall make the January 2005 guidelines for sexual health
36 information and disease prevention available to school districts,
37 teachers, and guest speakers on their web sites. Within available

1 resources, the superintendent of public instruction and the department
2 of health shall make any related information, model policies,
3 curricula, or other resources available as well.

4 (4) The superintendent of public instruction, in consultation with
5 the department of health, shall develop a list of sexual health
6 education curricula that are consistent with the 2005 guidelines for
7 sexual health information and disease prevention. This list shall be
8 intended to serve as a resource for schools, teachers, or any other
9 organization or community group, and shall be updated no less
10 frequently than annually and made available on the web sites of the
11 office of the superintendent of public instruction and the department
12 of health.

13 (5) Public schools that offer sexual health education are
14 encouraged to review their sexual health curricula and choose a
15 curriculum from the list developed under subsection (4) of this
16 section. Any public school that offers sexual health education may
17 identify, choose, or develop any other curriculum, if the curriculum
18 chosen or developed complies with the requirements of this section.

19 (6) Any parent or legal guardian who wishes to have his or her
20 child excused from any planned instruction in sexual health education
21 may do so upon filing a written request with the school district board
22 of directors or its designee, or the principal of the school his or her
23 child attends, or the principal's designee. In addition, any parent or
24 legal guardian may review the sexual health education curriculum
25 offered in his or her child's school by filing a written request with
26 the school district board of directors, the principal of the school his
27 or her child attends, or the principal's designee.

28 (7) The office of the superintendent of public instruction shall,
29 through its Washington state school health profiles survey or other
30 existing reporting mechanism, ask public schools to identify any
31 curricula used to provide sexual health education, and shall report the
32 results of this inquiry to the legislature on a biennial basis,
33 beginning with the 2008-09 school year.

34 (8) The requirement to report harassment, intimidation, or bullying
35 under RCW 28A.600.480(2) applies to this section.

36 **Sec. 3.** RCW 28A.600.480 and 2002 c 207 s 4 are each amended to
37 read as follows:

1 (1) No school employee, student, or volunteer may engage in
2 reprisal, retaliation, or false accusation against a victim, witness,
3 or one with reliable information about an act of harassment,
4 intimidation, or bullying.

5 (2) A school employee, student, or volunteer who has witnessed, or
6 has reliable information that a student has been subjected to,
7 harassment, intimidation, or bullying, whether verbal or physical, (~~is~~
8 ~~encouraged to~~) including as a result of being excused from any planned
9 instruction in sexual health education, shall report such incident to
10 an appropriate school official.

11 (3) A school employee, student, or volunteer who promptly reports
12 an incident of harassment, intimidation, or bullying to an appropriate
13 school official, and who makes this report in compliance with the
14 procedures in the district's policy prohibiting bullying, harassment,
15 or intimidation, is immune from a cause of action for damages arising
16 from any failure to remedy the reported incident.

17 NEW SECTION. **Sec. 4.** This act may be known and cited as the
18 healthy youth act.

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