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SENATE BILL 5395

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State of Washington

66th Legislature

2019 Regular Session

By Senators Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt, and Kuderer; by request of Superintendent of Public Instruction

Read first time 01/18/19. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to requiring comprehensive sexual health  
2 education that is consistent with the Washington state health and  
3 physical education K-12 learning standards and that requires  
4 affirmative consent curriculum; and amending RCW 28A.300.475.

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

6 **Sec. 1.** RCW 28A.300.475 and 2007 c 265 s 2 are each amended to  
7 read as follows:

8 (1) (a) By September 1, ~~((2008))~~ 2020, every public school ~~((that~~  
9 ~~offers))~~ must provide comprehensive sexual health education ~~((must~~  
10 ~~assure that sexual health education))~~ as an integral part of the  
11 curriculum that is evidence-informed, medically and scientifically  
12 accurate, age-appropriate, ~~((appropriate))~~ and inclusive for all  
13 students regardless of ~~((gender, race, disability status, or sexual~~  
14 ~~orientation,))~~ their protected class status under chapter 49.60 RCW  
15 and includes information ~~((about))~~ and skills-based instruction that:

16 (i) Includes both abstinence and other methods of preventing  
17 unintended pregnancy and sexually transmitted diseases;

18 (ii) Encourages healthy relationships that are based on mutual  
19 respect and affection and are free from violence, coercion, and  
20 intimidation;

1 (iii) Teaches how to identify and respond to attitudes and  
2 behaviors that contribute to sexual violence; and

3 (iv) Emphasizes the importance of affirmative consent, meaning  
4 conscious and voluntary agreement to engage in sexual activity, as a  
5 requirement before sexual activity.

6 (b) In addition:

7 (i) All sexual health information, instruction, and materials  
8 must be medically and scientifically accurate((~~-~~));

9 (ii) Abstinence may not be taught to the exclusion of other  
10 materials and instruction on contraceptives and disease  
11 prevention((~~-~~));

12 (iii) Instruction and materials must be inclusive and use  
13 language and strategies that recognize all members of a protected  
14 class under chapter 49.60 RCW;

15 (iv) A public school may choose to use separate, outside speakers  
16 or prepared curriculum to teach different content areas or units  
17 within the comprehensive sexual health education program as long as  
18 all speakers, curriculum, and materials used are in compliance with  
19 this section((~~-~~)); and

20 (v) Comprehensive sexual health education must be consistent with  
21 the Washington state health and physical education K-12 learning  
22 standards and the January 2005 guidelines for sexual health  
23 information and disease prevention developed by the department of  
24 health and the office of the superintendent of public instruction.

25 (2) As used in ((~~chapter 265, Laws of 2007,~~)) this section:

26 (a) "Evidence-informed" means a program that is informed by  
27 scientific research and effective practice and replicates evidence-  
28 based programs or substantially incorporates elements of effective  
29 programs.

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

39 (3) The superintendent of public instruction((~~and the department~~  
40 ~~of health~~)) shall make the Washington state health and physical

1 education K-12 learning standards and the January 2005 guidelines for  
2 sexual health information and disease prevention available to public  
3 schools ((districts)), teachers, and guest speakers on ((their)) the  
4 office of the superintendent of public instruction's web sites.  
5 Within available resources, the superintendent of public instruction  
6 ~~((and the department of health))~~ shall make any related information,  
7 model policies, curricula, or other resources available as well.

8 (4) (a) The superintendent of public instruction, in consultation  
9 with the department of health, shall develop a list of comprehensive  
10 sexual health education curricula that are consistent with the 2005  
11 guidelines for sexual health information and disease prevention, the  
12 Washington state health and physical education K-12 learning  
13 standards, and this section. This list shall ~~((be intended to))~~ serve  
14 as a resource for school ~~((s))~~ districts, teachers, or any other  
15 organization or community group, and shall be updated ~~((no less~~  
16 ~~frequently than annually))~~ at least biannually and made available on  
17 the web site ~~((s))~~ of the office of the superintendent of public  
18 instruction ~~((and the department of health))~~.

19 (b) By September 1, 2019, the superintendent of public  
20 instruction must develop comprehensive sexual health education  
21 instructional materials review tools and make them available on the  
22 office of the superintendent of public instruction's web site.

23 (5) Public schools ~~((that offer sexual health education are~~  
24 ~~encouraged to review their sexual health curricula and))~~ must choose  
25 a curriculum from the list developed under subsection (4) of this  
26 section ~~((. Any public school that offers sexual health education~~  
27 ~~may))~~ or use the review tools developed under subsection (4)(b) of  
28 this section to identify, choose, or develop any other curriculum  
29 ~~((if the curriculum chosen or developed))~~ that complies with the  
30 requirements of this section. Public schools must use the review  
31 tools when choosing curricula other than those from the list  
32 developed under subsection (4) of this section.

33 (6) ~~((Any))~~ Parents or legal guardians who ~~((wishes))~~ wish to  
34 have ~~((his or her child))~~ their children excused from any planned  
35 instruction in comprehensive sexual health education may do so upon  
36 filing a written request with the school district board of directors  
37 or its designee, or the principal of the school ~~((his or her))~~ their  
38 child attends, or the principal's designee. In addition, ~~((any))~~  
39 parents or legal guardians may review the comprehensive sexual health  
40 education curriculum offered in ~~((his or her))~~ their child's school

1 by filing a written request with the school district board of  
2 directors, the principal of the school (~~his or her~~) their child  
3 attends, or the principal's designee.

4 (7) The office of the superintendent of public instruction  
5 (~~shall, through its Washington state school health profiles survey~~  
6 ~~or other existing reporting mechanism, ask~~) must require public  
7 schools to (~~identify any~~) report, on an annual basis, curricula  
8 used to provide comprehensive sexual health education(~~, and shall~~),  
9 The superintendent of public instruction must report the results of  
10 this inquiry to the education committees of the legislature (~~on a~~  
11 ~~biennial basis, beginning with the 2008-09 school year~~ by November 1,  
12 2021, and biennially thereafter.

13 (8) (~~The requirement~~) RCW 28A.600.480(2), which encourages  
14 school employees, students, and volunteers to report harassment,  
15 intimidation, or bullying (~~under RCW 28A.600.480(2)~~), applies to  
16 this section.

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