
HOUSE BILL 2139

State of Washington

59th Legislature

2005 Regular Session

By Representatives Schindler, Bailey, Crouse, Ahern, Holmquist, Sump, McDonald, Serben, Haler, Hinkle, Pearson, Condotta, Kretz, Roach, Dunn, Campbell, Kristiansen, McCune and Nixon

Read first time 02/21/2005. Referred to Committee on Education.

1 AN ACT Relating to requiring parental consent for instruction in
2 the common schools relating to sex education or sexual conduct;
3 amending RCW 28A.230.070; and adding a new section to chapter 28A.230
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.230
7 RCW to read as follows:

8 (1) Each school district, at least one month before the
9 presentation in any classroom, assembly, lecture series, or other group
10 setting, of information regarding sex education or other matters
11 pertaining to sexual conduct, shall:

12 (a) Provide written notice to the parents, guardians, or other
13 custodians of the students who are the intended audience of such
14 presentation; and

15 (b) Make the curricula and all related materials available for
16 inspection by parents, guardians, and other custodians.

17 (2) No student may be permitted to attend or participate in a
18 class, assembly, lecture, or other setting in which information

1 regarding sex education or sexual conduct is presented unless the
2 student's parent, guardian, or other custodian consents in writing.

3 (3) The notice required under this section must include:

4 (a) The date, time, and location of the scheduled presentation to
5 students;

6 (b) A sampling of the curriculum that is a fair representation of
7 the information to be provided to students;

8 (c) The places and times when the curriculum and materials will be
9 available for inspection or viewing; and

10 (d) An explanation that no student will be allowed to participate
11 in or attend a presentation of the information without written consent
12 from a parent, guardian, or other custodian.

13 (4) The consent form required under this section must include a
14 means for a parent, guardian, or other custodian to indicate whether
15 the parent, guardian, or custodian:

16 (a) Has inspected or reviewed the curriculum; and

17 (b) Consents to the student's participation in the class, assembly,
18 lecture, or other setting.

19 **Sec. 2.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to
20 read as follows:

21 (1) The life-threatening dangers of acquired immunodeficiency
22 syndrome (AIDS) and its prevention shall be taught in the public
23 schools of this state. AIDS prevention education shall be limited to
24 the discussion of the life-threatening dangers of the disease, its
25 spread, and prevention. Students shall receive such education at least
26 once each school year beginning no later than the fifth grade.

27 (2) Each district board of directors shall adopt an AIDS prevention
28 education program which is developed in consultation with teachers,
29 administrators, parents, and other community members including, but not
30 limited to, persons from medical, public health, and mental health
31 organizations and agencies so long as the curricula and materials
32 developed for use in the AIDS education program either (a) are the
33 model curricula and resources under subsection (3) of this section, or
34 (b) are developed by the school district and approved for medical
35 accuracy by the office on AIDS established in RCW 70.24.250. If a
36 district elects to use curricula developed by the school district, the
37 district shall submit to the office on AIDS a copy of its curricula and

1 an affidavit of medical accuracy stating that the material in the
2 district-developed curricula has been compared to the model curricula
3 for medical accuracy and that in the opinion of the district the
4 district-developed materials are medically accurate. Upon submission
5 of the affidavit and curricula, the district may use these materials
6 until the approval procedure to be conducted by the office of AIDS has
7 been completed.

8 (3) Model curricula and other resources available from the
9 superintendent of public instruction may be reviewed by the school
10 district board of directors, in addition to materials designed locally,
11 in developing the district's AIDS education program. The model
12 curricula shall be reviewed for medical accuracy by the office on AIDS
13 established in RCW 70.24.250 within the department of social and health
14 services.

15 (4) Each school district shall, at least one month before teaching
16 AIDS prevention education in any classroom, conduct at least one
17 presentation during weekend and evening hours for the parents and
18 guardians of students concerning the curricula and materials that will
19 be used for such education. The parents and guardians shall be
20 notified (~~((by the school district of the presentation and that the~~
21 ~~curricula and materials are available for inspection))~~ according to the
22 procedures in section 1 of this act. No student may (~~((be required to))~~)
23 participate in AIDS prevention education (~~((if))~~) unless the student's
24 parent or guardian(~~(, having attended one of the district~~
25 ~~presentations, objects))~~ consents in writing to the participation.

26 (5) The office of the superintendent of public instruction with the
27 assistance of the office on AIDS shall update AIDS education curriculum
28 material as newly discovered medical facts make it necessary.

29 (6) The curriculum for AIDS prevention education shall be designed
30 to teach students which behaviors place a person dangerously at risk of
31 infection with the human immunodeficiency virus (HIV) and methods to
32 avoid such risk including, at least:

33 (a) The dangers of drug abuse, especially that involving the use of
34 hypodermic needles; and

35 (b) The dangers of sexual intercourse, with or without condoms.

36 (7) The program of AIDS prevention education shall stress the life-
37 threatening dangers of contracting AIDS and shall stress that
38 abstinence from sexual activity is the only certain means for the

1 prevention of the spread or contraction of the AIDS virus through
2 sexual contact. It shall also teach that condoms and other artificial
3 means of birth control are not a certain means of preventing the spread
4 of the AIDS virus and reliance on condoms puts a person at risk for
5 exposure to the disease.

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