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**SENATE BILL 6175**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senators Wilson, C., Kuderer, Hasegawa, Darneille, Hunt, Keiser, Lovelett, Nguyen, Pedersen, and Rolfes

AN ACT Relating to sexual health education including information about affirmative consent; and amending RCW 28A.300.475.

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

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

(1)(a) By September 1, ((~~2008~~)) 2021, every public school that offers sexual health education must assure that sexual health education is evidenced-informed, medically and scientifically accurate, age‑appropriate, ((~~appropriate for~~)) and inclusive of all students regardless of ((~~gender, race, disability status, or sexual orientation,~~)) their protected class status under chapter 49.60 RCW and includes information ((~~about~~)) and instruction that:

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

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

(b) In addition:

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

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

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

(iv) Sexual health education must be consistent with the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention developed by the department of health and the office of the superintendent of public instruction.

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

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

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

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

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

(b) By September 1, 2020, the superintendent of public instruction must develop sexual health education instructional materials review tools and make them available on the office of the superintendent of public instruction's web site.

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

(6) ((~~Any parent~~)) Parents or legal guardians who ((~~wishes~~)) wish to have ((~~his or her child~~)) their children excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors or its designee, ((~~or~~)) the principal of the school ((~~his or her~~)) their child attends, or the principal's designee. Parents or legal guardians' written request to have their child excused from this instruction must be granted. In addition, ((~~any~~)) parents or legal guardians may review the sexual health education curriculum offered in ((~~his or her~~)) their child's school by filing a written request with the school district board of directors or its designee, the principal of the school ((~~his or her~~)) their child attends, or the principal's designee.

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

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

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