

Education Committee

HB 2184

Brief Description: Requiring comprehensive sexual health education with an affirmative consent curriculum in all public schools by the 2022-23 school year in accordance with the recommendations of the sexual health education work group.

Sponsors: Representatives Stonier and Santos.

Brief Summary of Bill

- Requires every public school to provide comprehensive sexual health education (CSHE) to each student by the 2022-23 school year.
- Requires that, beginning in the 2020-21 school year, any public school that provides CSHE must ensure that the curriculum, instruction, and materials include information about affirmative consent and bystander training.
- Specifies that CSHE must be consistent with the Washington State Health and Physical Education K-12 Learning Standards adopted by the Office of the Superintendent of Public Instruction and other requirements.

Hearing Date: 1/16/20

Staff: Ethan Moreno (786-7386).

Background:

Health and Physical Education Standards.

In 2016 the Office of the Superintendent of Public Instruction (OSPI) adopted new Health and Physical Education Standards (Health and P.E. Learning Standards) for kindergarten through grade 12. The Health and P.E. Learning Standards are part of the broader state learning standards (in different content areas) that the OSPI adopts for all public school students. The Health and P.E. Learning Standards took effect in the 2017-18 school year.

School districts do not ratify or formally adopt the state learning standards, and with certain exceptions, curriculum choices are locally-determined. Districts, however, are obligated by law

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to teach three health-related courses: HIV prevention; CPR instruction; and the use of external defibrillators.

Sexual Health Education - General Information.

Public schools may provide sexual health education to their students, but are not required to do so. Public schools that offer sexual health education must assure that the education is medically and scientifically accurate, age-appropriate, and appropriate for students regardless of gender, race, disability status, or sexual orientation. Sexual health education must include information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases.

Sexual health education provided to students must be consistent with the January 2005 guidelines for sexual health information and disease prevention (Sexual Health Information Guidelines) developed by the Department of Health (DOH) and the OSPI. A school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health program if all speakers, curriculum, and materials meet specified statutory requirements.

Curriculum Review and School Selection.

The Superintendent of Public Instruction (SPI), in consultation with the DOH, is required to develop a list of sexual health education curricula that are consistent with the Sexual Health Information Guidelines. This list is intended to serve as a resource for schools, teachers, or any other organization or community group, and must be updated no less frequently than annually and made available on the websites of the OSPI and the DOH.

Public schools that offer sexual health education are encouraged to review their sexual health curricula and choose a curriculum from the list developed by the OSPI. The list does not represent the exclusive options, however, as any public school that offers sexual health education may identify, choose, or develop any other curriculum, provided the curriculum chosen or developed complies with applicable statutory requirements.

Provisions for Excusing Students from Sexual Health Education and Parental Review.

Any parent or legal guardian who wishes to have his or her child excused from any planned instruction in sexual health education may do so upon filing a written request with the school district board of directors, the principal of the school the child attends, or a designee of those school officials. Additionally, any parent or legal guardian may review the sexual health education curriculum offered in their child's school by filing a written request with the school district board of directors, the principal of the child's school, or the principal's designee.

Other Duties of Agencies Relating to Sexual Health Education.

The SPI and the DOH are required to make the Sexual Health Information Guidelines available to school districts, teachers, and guest speakers on their websites. Within available resources, the SPI and the DOH must make any related information, model policies, curricula, or other resources available as well.

Regarding reporting requirements, the OSPI, through its Washington State School Health Profiles Survey or other existing reporting mechanism, is required to ask public schools to

identify any curricula used to provide sexual health education, and to report the results of these inquiries to the Legislature on a biennial basis.

Comprehensive Sexual Health Education Work Group.

Legislation adopted in 2019 directed the OSPI to convene a work group to:

- review provisions related to sexual health education in the Health and P.E. Learning Standards;
- review existing sexual health education curricula in use in the state for the purpose of identifying gaps or potential inconsistencies with the health and physical education learning standards;
- consider revisions to sexual health education provisions in statute; and
- consider the merits and challenges associated with requiring all public schools to offer comprehensive sexual health education to students in all grades by September 1, 2022.

The OSPI issued a report for the Comprehensive Sexual Health Education Work Group, including findings and recommendations, in December, 2019. The executive summary of the Work Group is provided below.

"At the direction of the Legislature, the Office of Superintendent of Public Instruction convened the Sexual Health Education Workgroup to review sexual health education provisions in current K–12 student learning standards and in state law, and to consider the merits and challenges of requiring all K–12 schools to offer comprehensive sexual health education in all grades by September 1, 2022.

The Workgroup members agree all students would benefit from K–12 comprehensive sexual health education. Given concerns from the public about instruction being age-appropriate in the early grades, the Workgroup recommends that any requirement clarifies the expected content of instruction, especially in grades K–3."

Summary of Bill:

Provision of Comprehensive Sexual Health Education to All Students.

Every public school must provide CSHE to each student by the 2022-23 school year. The requirement to provide CSHE includes a multi-year phase-in process:

- beginning in the 2021-22 school year, CSHE must be provided to all public school students in grades six through twelve; and
- beginning in the 2022-23 school year, CSHE must be provided to all public school students.

The curriculum, instruction, and materials used to provide the CSHE must be medically and scientifically accurate, age-appropriate, and appropriate for students regardless of gender, race, disability status, or sexual orientation, and must include information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases.

The provided CSHE is specifically required to be consistent with the Health and P.E. Learning Standards in addition to the January 2005 guidelines for sexual health information and disease prevention developed by the DOH and the OSPI. Additionally, public schools retain the

authority to choose a curriculum from the list developed by the OSPI or to identify, choose, or develop a different curriculum if it complies with applicable requirements.

Duties related to the broad phasing-in of classroom instruction for CSHE begin one year earlier. Beginning in the 2020-21 school year, any public school that provides CSHE must ensure that the curriculum, instruction, and materials include information about affirmative consent, a defined term, and bystander training.

School district boards of directors for districts with one or more school that is not providing CSHE in the 2019-20 school year, the 2020-21 school year, or both, must prepare for incorporating information about affirmative consent and bystander training into its CSHE curriculum, instruction, and materials. In meeting this requirement, the school district boards of directors must also, no later than the 2020-21 school year, consult with parents and guardians of students, local communities, and the Washington State School Directors' Association.

Provisions for Excusing Students from Sexual Health Education and Parental Review.

Provisions governing parental review of the CSHE curriculum and the excusing of students from the CSHE are generally unchanged, except that the person or entity to whom a request to excuse a student from instruction is expressly directed to grant the request.

List of Curricula Reviewed for Consistency with Requirements by the Office of the Superintendent of Public Instruction.

The materials that OSPI must consider when in developing a list of CSHE curricula that complies with specified requirements is expanded to include an evaluation of the curricula's consistency with the Health and P.E. Learning Standards. The resulting list and other materials must be made available on the website of the OSPI.

Modifications to Reporting Duties of the Office of the Superintendent of Public Instruction.

Data collection and reporting duties of the OSPI are modified. The OSPI is directed to request that public schools submit the curricula used to provide CSHE to the OSPI. School districts must submit the requested information in a timely manner and the OSPI must report the results of the submissions to the Legislature on a biennial basis.

Appropriation: None.

Fiscal Note: Requested on January 13, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.