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

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

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

(1)(a) By September 1, 2021, every public school must provide comprehensive sexual health education as an integral part of the curriculum that is evidence-informed, medically and scientifically accurate, age-appropriate, and inclusive for all students regardless of their protected class status under chapter 49.60 RCW and includes information and skills-based instruction that:

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

(ii) Encourages healthy relationships that are based on mutual respect and affection and are free from violence, coercion, and intimidation;
(iii) Teaches how to identify and respond to attitudes and behaviors that contribute to sexual violence; and

(iv) 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 (\(\leftarrow\)) \(\leftarrow\)

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

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

(iv) 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 (\(\leftarrow\)) \(\leftarrow\);

(v) Comprehensive 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) By September 1, 2020, comprehensive sexual health education must be phased in beginning with students in grades six through twelve. By September 1, 2021, comprehensive sexual health education must be phased in for students in grades kindergarten through five. Full statewide implementation for all public schools and all grade levels must be achieved by September 1, 2021.

(3) As used in ((chapter 265, Laws of 2007,)) 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-reviewed)) 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.

((4)) 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 sites. 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)) (5)(a) The superintendent of public instruction, in
consultation with the department of health, shall develop a list of
comprehensive 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)).

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

(6) Public schools ((that offer sexual health education are
couraged to review their sexual health curricula and)) must choose
a curriculum from the list developed under subsection ((4)) (5) of
this section((. Any public school that offers sexual health education
may)) or use the review tools developed under subsection (5)(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 must use the review
tools when choosing curricula other than those from the list
developed under subsection (5) of this section.
Parents or legal guardians who wish to have their children excused from any planned instruction in comprehensive 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 their child attends, or the principal's designee. In addition, parents or legal guardians may review the comprehensive 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 school their child attends, or the principal's designee.

The office of the superintendent of public instruction shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask public school districts to identify any curricula used to provide comprehensive sexual health education, and shall report the results of this inquiry to the education committees of the legislature on a biennial basis, beginning with the 2008-09 school year by November 1, 2021, and biennially thereafter.

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.