
HOUSE BILL 1422

State of Washington 67th Legislature 2021 Regular Session

By Representatives MacEwen, Young, and Jacobsen

Read first time 01/29/21. Referred to Committee on Education.

1 AN ACT Relating to extending comprehensive sexual health
2 education compliance dates by one year; and amending RCW 28A.300.475.

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

4 **Sec. 1.** RCW 28A.300.475 and 2020 c 188 s 1 (Referendum Measure
5 No. 90) are each amended to read as follows:

6 (1)(a)(i) In accordance with the requirements of this section,
7 every public school shall provide comprehensive sexual health
8 education to each student by the ((2022-23)) 2023-24 school year. The
9 curriculum, instruction, and materials used to provide the
10 comprehensive sexual health education must be medically and
11 scientifically accurate, age-appropriate, and inclusive of all
12 students, regardless of their protected class status under chapter
13 49.60 RCW, and must include information about abstinence and other
14 methods of preventing unintended pregnancy and sexually transmitted
15 diseases. Abstinence may not be taught to the exclusion of other
16 materials and instruction on contraceptives and disease prevention.

17 (ii)(A) Beginning in the ((2020-21)) 2021-22 school year, any
18 public school that provides comprehensive sexual health education
19 must ensure that the curriculum, instruction, and materials include
20 information about affirmative consent and bystander training.

1 (B) The school district boards of directors of one or more public
2 schools that are not providing comprehensive sexual health education
3 (~~in either the 2019-20 school year, the 2020-21 school year, or~~
4 ~~both,~~) before the dates established in subsection (2) of this
5 section must prepare for incorporating information about affirmative
6 consent and bystander training into the comprehensive sexual health
7 education curriculum, instruction, and materials required by this
8 section. In satisfying the requirements of this subsection
9 (1)(a)(ii)(B), school district boards of directors must also, no
10 later than the (~~2020-21~~) 2021-22 school year, consult with parents
11 and guardians of students, local communities, and the Washington
12 state school directors' association.

13 (b) A public school may choose to use separate, outside speakers
14 or prepared curriculum to teach different content areas or units
15 within its comprehensive sexual health education program if all
16 speakers, curriculum, and materials used are in compliance with this
17 section.

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

23 (2)(a) Beginning in the (~~2021-22~~) 2022-23 school year,
24 comprehensive sexual health education must be provided to all public
25 school students in grades six through twelve.

26 (b) Beginning in the (~~2022-23~~) 2023-24 school year,
27 comprehensive sexual health education must be provided to all public
28 school students.

29 (c) The provision of comprehensive sexual health education to
30 public school students as required by (a) and (b) of this subsection
31 (2) must be provided no less than:

- 32 (i) Once to students in kindergarten through grade three;
- 33 (ii) Once to students in grades four through five;
- 34 (iii) Twice to students in grades six through eight; and
- 35 (iv) Twice to students in grades nine through twelve.

36 (3) The office of the superintendent of public instruction and
37 the department of health shall make the Washington state health and
38 physical education K-12 learning standards and the January 2005
39 guidelines for sexual health information and disease prevention
40 available to public schools, teachers, and guest speakers on their

1 web sites. Within available resources, the office of the
2 superintendent of public instruction and the department of health
3 shall also, and to the extent permitted by applicable federal law,
4 make any related information, model policies, curricula, or other
5 resources available on their web sites.

6 (4) The office of the superintendent of public instruction, in
7 consultation with the department of health, shall develop a list of
8 comprehensive sexual health education curricula that are consistent
9 with the 2005 guidelines for sexual health information and disease
10 prevention, the Washington state health and physical education K-12
11 learning standards, and this section. This list, which may serve as a
12 resource for schools, teachers, or any other organization or
13 community group, must be updated at least annually, and must be made
14 available on the web sites of the office of the superintendent of
15 public instruction and the department of health.

16 (5) Subject to the availability of amounts appropriated for this
17 specific purpose, the office of the superintendent of public
18 instruction shall periodically review and revise, as necessary,
19 training materials, which may be in an electronic format, for
20 classroom teachers and principals to implement the applicable
21 requirements of this section. The initial review required by this
22 subsection (5) must be completed by March 1, (~~2021~~) 2022.

23 (6) (a) Public schools are encouraged to review their
24 comprehensive sexual health education curricula and choose a
25 curriculum from the list developed under subsection (4) of this
26 section. Any public school may identify, choose, or develop any other
27 curriculum if it complies with the requirements of this section.

28 (b) If a public school chooses a curriculum that is not from the
29 list developed under subsection (4) of this section, the public
30 school or applicable school district, in consultation with the office
31 of the superintendent of public instruction, must conduct a review of
32 the selected or developed curriculum to ensure compliance with the
33 requirements of this section using a comprehensive sexual health
34 education curriculum analysis tool of the office of the
35 superintendent of public instruction.

36 (c) The office of the superintendent of public instruction shall
37 provide technical assistance to public schools and school districts
38 that is consistent with the curricula review, selection, and
39 development provisions in (a) and (b) of this subsection (6).

1 (7) (a) Any parent or legal guardian who wishes to have his or her
2 child excused from any planned instruction in comprehensive sexual
3 health education may do so upon filing a written request with the
4 school district board of directors or its designee, or the principal
5 of the school his or her child attends, or the principal's designee.
6 The person or entity to whom the request is directed must grant the
7 written request to have the student excused from this instruction in
8 accordance with this subsection. In addition, any parent or legal
9 guardian may review the comprehensive sexual health education
10 curriculum provided in his or her child's school by filing a written
11 request with the school district board of directors, the principal of
12 the school his or her child attends, or the principal's designee.

13 (b) (~~(At the beginning of)~~) Beginning in the (~~(2021-22)~~) 2022-23
14 school year, each school providing comprehensive sexual health
15 education must notify parents and guardians, in writing or in
16 accordance with the methods the school finds most effective in
17 communicating with parents, that the school will be providing
18 comprehensive sexual health education during the school year. The
19 notice must include, or provide a means for electronic access to, all
20 course materials, by grade, that will be used at the school during
21 the instruction.

22 (8) (a) Public schools shall annually, by September 1st, identify
23 to the office of the superintendent of public instruction any
24 curricula used by the school to provide comprehensive sexual health
25 education as required by this section. Materials provided by schools
26 under this subsection (8) (a) must also describe how the provided
27 classroom instruction aligns with the requirements of this section.

28 (b) The office of the superintendent of public instruction shall
29 summarize and, in accordance with RCW 43.01.036, report the results
30 provided under (a) of this subsection (8) to the education committees
31 of the house of representatives and the senate biennially, beginning
32 after the (~~(2022-23)~~) 2023-24 school year.

33 (9) RCW 28A.600.480(2), which encourages school employees,
34 students, and volunteers to report harassment, intimidation, or
35 bullying, applies to this section.

36 (10) Nothing in this section expresses legislative intent to
37 require that comprehensive sexual health education, or components of
38 comprehensive sexual health education, be integrated into curriculum,
39 materials, or instruction in unrelated subject matters or courses.

40 (11) For the purposes of this section:

1 (a) "Affirmative consent" means a conscious and voluntary
2 agreement to engage in sexual activity as a requirement before sexual
3 activity;

4 (b) "Comprehensive sexual health education" means recurring
5 instruction in human development and reproduction that is age-
6 appropriate and inclusive of all students, regardless of their
7 protected class status under chapter 49.60 RCW. All curriculum,
8 instruction, and materials used in providing comprehensive sexual
9 health education must be medically and scientifically accurate and
10 must use language and strategies that recognize all members of
11 protected classes under chapter 49.60 RCW. Comprehensive sexual
12 health education for students in kindergarten through grade three
13 must be instruction in social-emotional learning that is consistent
14 with learning standards and benchmarks adopted by the office of the
15 superintendent of public instruction under RCW 28A.300.478.
16 Comprehensive sexual health education for students in grades four
17 through twelve must include information about:

18 (i) The physiological, psychological, and sociological
19 developmental processes experienced by an individual;

20 (ii) The development of intrapersonal and interpersonal skills to
21 communicate, respectfully and effectively, to reduce health risks,
22 and choose healthy behaviors and relationships that are based on
23 mutual respect and affection, and are free from violence, coercion,
24 and intimidation;

25 (iii) Health care and prevention resources;

26 (iv) The development of meaningful relationships and avoidance of
27 exploitative relationships;

28 (v) Understanding the influences of family, peers, community, and
29 the media throughout life on healthy sexual relationships; and

30 (vi) Affirmative consent and recognizing and responding safely
31 and effectively when violence, or a risk of violence, is or may be
32 present with strategies that include bystander training;

33 (c) "Medically and scientifically accurate" means information
34 that is verified or supported by research in compliance with
35 scientific methods, is published in peer-reviewed journals, where
36 appropriate, and is recognized as accurate and objective by
37 professional organizations and agencies with expertise in the field
38 of sexual health including but not limited to the American college of
39 obstetricians and gynecologists, the Washington state department of

1 health, and the federal centers for disease control and prevention;
2 and
3 (d) "Public schools" has the same meaning as in RCW 28A.150.010.

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