
HOUSE BILL 3201

State of Washington

59th Legislature

2006 Regular Session

By Representatives Nixon, Dunn, Schindler, Talcott, Hinkle, McCune and Ahern

Read first time 01/25/2006. Referred to Committee on Health Care.

1 AN ACT Relating to sexual education in public common schools;
2 adding new sections to chapter 28A.230 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout sections 2 through 6 of this act unless the context clearly
6 requires otherwise.

7 (1) "Parent" means a parent, guardian, or other person having legal
8 custody of a child.

9 (2) "Sex education curriculum" means any audio or visual
10 presentation, curriculum, handout, illustration, literature, poster,
11 survey, test, or text to be used in the instruction of human sexuality.

12 (3) "Instruction" means an assignment, demonstration, depiction,
13 discussion, dissemination, display, explanation, posting, presentation,
14 question, survey, or test.

15 (4) "Human sexuality" means the anatomy and physiology of human
16 reproduction and the characteristics or qualities that distinguish
17 between human maleness and femaleness, including the physiological,
18 psychological, and sociological processes experienced by an individual
19 with regard to sexual development.

1 (5) "Separate written notice" means a separate written advisory
2 that instruction regarding human sexuality will be provided.

3 (6) "Public school setting" includes any school-sponsored activity
4 involving an employee, contractor, volunteer, or agent of a school
5 district, regardless of its location.

6 NEW SECTION. **Sec. 2.** (1) A school district shall not provide
7 instruction relating to human sexuality to students in grades five
8 through twelve, inclusive, without first providing notice to the
9 students' parents as required by section 3 of this act.

10 (2) Instruction relating to human sexuality shall not be provided
11 to, or in the presence of, students in kindergarten or grades one to
12 four, inclusive, in a public school setting.

13 NEW SECTION. **Sec. 3.** (1) If a school district intends to provide
14 or permit instruction in a public school setting to, or in the presence
15 of, a student in grades five to twelve, inclusive, relating to human
16 sexuality the school district shall provide separate written notice as
17 described in section 3 of this act to the parent or guardian of the
18 student no less than thirty days in advance of the instruction, and
19 shall obtain the prior written approval of the student's parent or
20 guardian consenting to the instruction.

21 (2) The notice required by this section shall be titled "Request
22 for Parental Approval of Sexual Instruction." The title shall be
23 printed at the top of the page, in boldface and no less than 16-point
24 type, and shall be immediately followed by the text of sections 2 and
25 5 of this act in no less than 14-point type. The notice shall include
26 all of the following information printed in no less than 12-point type:

27 (a) The date, time, and location of the instruction; (b) the name of
28 the teacher or administrator in charge of the instruction, and the name
29 and affiliation of any presenters; (c) the telephone number at which
30 the teacher or administrator in charge may be reached during regular
31 school hours; (d) a reminder that parents and guardians may attend the
32 class or assembly; and (e) a detailed and accurate description of the
33 instruction to be provided, including, but not limited to, the scope
34 and content of any activity, counseling, instruction, program, or
35 testimonial.

1 NEW SECTION. **Sec. 4.** (1) The school district shall keep its sex
2 education curriculum in the following locations:

3 (a) The school district's office, out-of-sight of students; and

4 (b) The school district's web site, if the school district
5 maintains a web site.

6 (2) The sex education curriculum shall be available for inspection
7 and copying by any parent, guardian, or agent of the parent or guardian
8 of a student beginning at least thirty days in advance of, and for at
9 least thirty days after, the instruction. The school district shall
10 retain the original written approval required pursuant to section 3 of
11 this act for at least ninety days and shall allow a parent, guardian,
12 or agent of the parent or guardian to inspect and copy the written
13 approval submitted by that parent or guardian upon request. A school
14 district may charge a reasonable fee to cover costs associated with
15 copying.

16 (3) The school district shall submit any sex education curriculum
17 to the office of the superintendent of public instruction within thirty
18 days of offering such instruction. The office of the superintendent of
19 public instruction shall maintain such materials submitted to it for no
20 less than two calendar years, and shall make such materials available
21 for public inspection and copying upon request.

22 NEW SECTION. **Sec. 5.** If a parent or guardian of a student does
23 not provide written approval pursuant to section 3 of this act, the
24 student shall be excused from the instruction, and offered other
25 activities worth equal credit. No act or procedure may be required of
26 a parent or guardian to excuse a student from that portion of the
27 planned curriculum that concerns human sexuality. A student may not be
28 academically penalized if his or her parent or guardian does not
29 provide written approval pursuant to section 3 of this act.

30 NEW SECTION. **Sec. 6.** A school district found to be in violation
31 of section 2, 3, 4, or 5 of this act by a court of competent
32 jurisdiction is liable to the student or the parent or guardian of the
33 student for damages in the amount of one hundred dollars per incident,
34 for actions filed before December 31, 2008. Beginning January 1, 2008,
35 the amount of damages shall be adjusted annually by an inflation factor
36 based on the change in the Seattle-Tacoma-Bremerton consumer price

1 index for all urban consumers. In any action brought under this
2 section, the school district has the burden of proving by a
3 preponderance of the evidence that it complied with the notice and
4 written approval required by section 3 of this act. A prevailing
5 plaintiff is entitled to reasonable attorneys' fees and court costs.

6 NEW SECTION. **Sec. 7.** If any provision of this act or its
7 application to any person or circumstance is held invalid, the
8 remainder of the act or the application of the provision to other
9 persons or circumstances is not affected.

10 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act are each
11 added to chapter 28A.230 RCW.

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