

SENATE BILL REPORT

SB 5297

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 26, 2007

Title: An act relating to providing medically and scientifically accurate sexual health education in schools.

Brief Description: Regarding providing medically and scientifically accurate sexual health education in schools.

Sponsors: Senators Haugen, Tom, Prentice, Keiser, Pridemore, Murray, Regala, Fraser, Kilmer, Rockefeller, McAuliffe, Shin, Weinstein, Kline, Marr, Kohl-Welles and Oemig.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/14/07, 2/26/07 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5297 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Brandland, Eide, Hewitt, Hobbs, Kauffman, Oemig and Weinstein.

Minority Report: Do not pass.

Signed by Senators Holmquist, Ranking Minority Member and Zarelli.

Minority Report: That it be referred without recommendation.

Signed by Senator Clements.

Staff: Kimberly Cushing (786-7421)

Background: By statute, public schools must stress the minimum requisites for good health, including methods to prevent exposure to and transmission of sexually transmitted diseases. Beginning in the fifth grade, public schools must annually teach about the life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention. However, under the State Board of Education rules, local school boards may decide whether or not to have sex education or human sexuality courses in their districts and to permit parents to excuse their children from such classes.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The No Child Left Behind Act of 2001 permits the use of federal funds to provide sex education or HIV prevention education in schools as long as the instruction is age appropriate and the health benefits of abstinence are part of the curriculum.

In January 2005, the Washington State Department of Health (DOH) and the Office of the Superintendent of Public Instruction (OSPI) released Guidelines for Sexual Health Information and Disease Prevention. The purpose of the guidelines is to describe effective sex education and its outcomes; provide a tool for evaluating programs, curricula, or policies; enhance and strengthen sex education programs; and educate organizations involved in educating youth.

Summary of Bill: By September 1, 2008, every school that offers sexual health education must assure that it is medically and scientifically accurate; age appropriate; appropriate for students regardless of gender, race, disability status, or sexual orientation; and includes information about abstinence; however, abstinence may not be taught to the exclusion of instruction on other methods of preventing unintended pregnancy and sexually transmitted disease prevention. "Medically accurate" is defined. Sexual health education must be consistent with the Guidelines for Sexual Health Information and Disease Prevention (Guidelines). OSPI and DOH must make the Guidelines and any model policies or curricula related to sexual health education available on their web sites.

The Superintendent of Public Instruction (SPI), in consultation with DOH, must develop a list of sexual health education curricula, consistent with the Guidelines, to serve as resources for schools, teachers, or other organizations. The list must be updated annually and posted on the agencies' web sites. Schools are encouraged to review their sexual health curricula and choose from the list, or they may choose or develop other curriculum if it complies with the requirements of this legislation. DOH may adopt rules to determine whether or not a sexual health education curriculum is consistent with the Guidelines.

Any parent or guardian may have his or her child excused from planned instruction in sexual health education by filing a written request with the school board. In addition, any parent may review the sexual health curriculum offered by filing a written request with the school board or the principal.

OSPI, through an existing reporting mechanism, must ask schools to identify any curricula used to provide sexual health education and report the results to the Legislature annually, beginning with the 2008-09 school year.

This act may be known as the "Healthy Youth Act."

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Early Learning & K-12 Education): Technical edits are made; "religious organizations" is stricken from the intent section, it is clarified that the provisions apply to public schools, and the reference to the rules of SPI and a discretionary provision for DOH to adopt rules to determine curriculum consistent with the Guidelines is deleted. Schools must offer both abstinence education and comprehensive sexual health education programs; the programs may be taught as separate units and in separate blocks of time. A parent or guardian who wishes to have his or her child excused from planned instruction in sexual health education may do so by filing a written request with the principal or principal's designee in

addition to the school board or its designee. OSPI must make a biennial, not annual, report to the Legislature on the curricula used in public schools for sexual health education. RCW 28A.600.480 is amended to specify that employees, students, and volunteers with reliable information that a student has been subjected to harassment, intimidation, or bullying, which may be as a result of a student being excused from planned instruction in sexual health education, must report the incident to an appropriate school official. The requirement to report harassment, intimidation or bullying under the amended statute applies to this bill.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is not about abstinence. Although abstinence is important and included in the legislation, teens are practicing unsafe sex. Students are getting their information from peers. Medically accurate information must be taught so that children can make informed and healthy decisions throughout life. Sex education is as basic as reading and writing and other life skills learned in high school. Sex education is an issue of public health, not one of morality. Teaching responsible public behavior will reduce abortions and sexually transmitted diseases. While parents are primarily responsible for providing their children sex education, it is a difficult issue and most parents are in favor of schools teaching comprehensive sex education. OSPI's Guidelines will provide consistent information to students. The bill does not mandate which curriculum is to be used; rather it sets standards and guidelines, as is the case for all subjects. Current harassment laws should cover students who are harassed for being excused from sex education courses.

CON: The bill imposes a standard of accuracy that is not imposed anywhere else in the Code. The policies should be a starting point, but curricula should not be mandated. Parents and local school districts need to have control over curriculum. Districts should be able to choose abstinence-only programs. Sex education may impose values contrary to families' values. Abstinence must be taught and should also be taught as the best option. Comprehensive sex education sends students mixed messages and does not prevent students from having sex. The Guidelines should be voluntary; they do not mention marriage or define "abstinence" or "age-appropriate," and they will eliminate existing programs. Abstinence educators did not participate in their development. Private schools should be exempted from the bill. DOH is getting unlimited power to set rules regarding curriculum.

Persons Testifying: PRO: Senator Haugen, prime sponsor; Reverend Dr. Dennis Magnuson, the United Methodist Church; Sherry S. Marlin, Washington State Parent Teacher Association; Lucinda Young, Washington Education Association; Ashley Thomas, student; Mary Meyers, School Nurses of Washington; Jessica Weiss, parent; Karen Cooper, NARAL Pro-Choice; Erika M. Johnson, citizen.

CON: Senator Kastama; Lois Gibson, Jim Grenfell, AWARE; Lisa Merrifield, Life Choices SHARE Program; Barbara Henning, Life Resources; Joyce Fiess, Citizens United for Responsible Education; Judy Jennings, Washington Federation of Independent Schools; Sharon Hanek, Mary Carskadon, Gloria Mayoh, citizens.