
Education Committee

HB 1284

Brief Description: Adding a requirement to sexual health education to include elements of and consequences for conviction of sexual offenses where the victim is a minor.

Sponsors: Representatives Orcutt, Cody, Rivers, Angel, Klippert, McCune, Johnson, Haler, Kelley, Pearson and Harris.

Brief Summary of Bill

- Requires public schools that offer sexual health education to include information about the legal elements of sexual offenses against minors and the consequences upon conviction for such crimes.
- Tasks the Office of the Superintendent of Public Instruction (OSPI), in consultation with the Washington State Patrol(WSP), to develop a prepared curriculum.

Hearing Date: 2/3/11

Staff: Cece Clynch (786-7195).

Background:

Sexual Health Education.

Public schools are not required to offer sexual health education but those that do must assure that it is:

- medically and scientifically accurate;
- age appropriate;
- appropriate for students regardless of gender, race, disability status, or sexual orientation; and
- inclusive of 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.

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 Superintendent of Public Instruction (SPI), in consultation with the Department of Health (DOH), is required to and has developed a list of sexual health education curricula to serve as resources for schools, teachers, or other organizations. The list must be updated annually and posted on the agencies' web sites. Public 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.

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 or principal. In addition, any parent may review the sexual health curriculum offered by filing a written request with the school board or the principal.

Public schools must identify any curricula used to the OSPI and the OSPI, in turn, reports the results to the Legislature biennially.

Sex Offenses in the Criminal Code (chapter 9A.44 RCW).

The criminal code's chapter on sex offenses includes some offenses which are crimes whether or not the victim is a minor and some which are crimes because the victim is a minor.

Rape 1	Sexual intercourse by forcible compulsion plus deadly weapon, or kidnapping, or serious physical injury, or felony entry into a building or vehicle.
Rape 2	Sexual intercourse by forcible compulsion, under circumstances not constituting Rape 1, where the victim is incapable of consent, or the victim is a person with a developmental disability and the perpetrator has supervisory authority over the victim, etc.
Rape 3	Sexual intercourse with clear lack of consent.
Rape of a child 1	Sexual intercourse with a child less than 12 years old, and the perpetrator is at least 24 months older than the victim.
Rape of a child 2	Sexual intercourse with a child between 12 and 14 years old, and the perpetrator is at least 36 months older than the victim.
Rape of a child 3	Sexual intercourse with a child between 14 and 16 years old, and the perpetrator is at least 48 months older than the victim.
Child molestation 1	Sexual contact with a child less than 12 years old, and the perpetrator is at least 36 months older than the victim.
Child molestation 2	Sexual contact with a child between 12 and 14 years old, and the perpetrator is at least 36 months older than the victim.
Child molestation 3	Sexual contact with a child between 14 and 16 years old, and the perpetrator is at least 48 months older than the victim.
Sexual misconduct with a minor 1	Sexual intercourse with a child between 16 and 18 years old, and the perpetrator is at least 60 months older and abuses a supervisory position over the victim.
Indecent liberties	Sexual contact by forcible compulsion or when the victim is incapable of consent.

In addition to any sentence which attends conviction or a plea of guilty to these crimes, any adult

or juvenile who has been found to have committed or has been convicted of any sex offense must register with the county sheriff for the county of the person's residence. There are also various other reporting requirements as well as possibly severe career consequences.

Summary of Bill:

Any public school that offers sexual health education must assure that information is included about the legal elements of sexual offenses under chapter 9A.44 RCW where a minor is a victim, as well as the consequences of conviction for such offenses.

The OSPI, in consultation with the Washington State Patrol (WSP), is tasked with developing a prepared curriculum. This curriculum must be updated no less frequently than annually and be made available on the OSPI website. Public schools that offer sexual health education are encouraged to review their curriculum and choose the curriculum developed by the OSPI and the WSP.

Appropriation: None.

Fiscal Note: Requested on 1/25/11.

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