

FINAL BILL REPORT

SHB 1397

C 85 L 13

Synopsis as Enacted

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: House Committee on Education (originally sponsored by Representatives Orcutt, Santos, Dahlquist, Pike, Vick, Haler, Hargrove, Buys, Magendanz and Bergquist).

House Committee on Education
Senate Committee on Early Learning & K-12 Education

Background:

Guidelines for Sexual Health Information and Diseases Prevention.

The January 2005 Guidelines for Sexual Health Information and Diseases Prevention (Guidelines) were developed by the Office of the Superintendent of Public Instruction (OSPI) and the Department of Health in response to a bipartisan request from 41 state legislators. They provide a framework for medically and scientifically accurate sexual health education for Washington youth. The Guidelines list components of evidence-based and effective education programs. For younger youth, the Guidelines suggest developing healthy self-esteem, positive body image, good self-care, effective communication skills, respect for others, caring for family and friends, and a responsibility to communicate. As youth mature, the guidelines suggest awareness of health exams, abstinence, and contraception.

Sexual Health Education.

Public schools are not required to provide 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;
- inclusive of information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases, though abstinence may not be taught to the exclusion of instruction on contraceptives and disease prevention; and
- consistent with the Guidelines.

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 OSPI is required to develop and annually update a list of sexual health education curricula consistent with the Guidelines. Public schools that offer sexual health education are encouraged to choose curriculum listed by the OSPI, but may develop their own curriculum if it complies with the Guidelines.

The OSPI is required to identify sexual health curricula used and report the results of their inquiry to the Legislature every two years.

Sex Offenses.

The criminal code includes sexual offenses which are crimes whether or not the victim is a minor, and some which are crimes because the victim is a minor. An example of a sexual offense that is a crime whether or not the victim is a minor is Rape in the third degree, which involves sexual intercourse with a clear lack of consent. An example of a sexual offense that is a crime because the victim is a minor is Rape of a Child in the third degree which involves sexual intercourse with a child who is at least 14 year old but less than 16, and the perpetrator is at least 36 months older.

In addition to sentences following convictions or guilty pleas to these crimes, any adult or juvenile found to have committed a sex offense must register with the county sheriff in the county of the person's residence. There are also various other reporting requirements.

Educational Materials.

In 2006 the Legislature required that the Washington Coalition of Sexual Assault Programs (Coalition), in consultation with the Washington Association of Sheriffs and Police Chiefs (WASPC), the Washington Association of Prosecuting Attorneys (WAPA), and the OSPI develop education materials to inform parents and community members about:

- the laws related to sex offenses;
- how to recognize behaviors characteristic of sex offenses and sex offenders;
- how to prevent victimization, particularly of young children;
- how to take advantage of community resources for victims of sexual assault; and
- other appropriate information.

Summary:

Information related to the legal elements of sex offenses where a minor is a victim, the consequences upon conviction, and sex offender registration must be added to the educational materials prepared by the Coalition, the WASPC, the WAPA, and the OSPI. By September 1, 2014, and biennially thereafter, the Coalition and the others must review and update the educational materials to make sure that they remain current, accurate, and age appropriate.

Every public school that offers sexual health education must assure that sexual health education complies with the Guidelines. This sexual health education must attempt to teach students to take responsibility for and understand the consequences of behavior, and avoid exploitive or manipulative relationships. This education should include age appropriate

information about the legal elements of sex offenses where a minor is a victim and the consequences of conviction. It is also encouraged to include the materials developed by the Coalition and others.

Votes on Final Passage:

House	94	4
Senate	41	6

Effective: July 28, 2013