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**SUBSTITUTE SENATE BILL 5395**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Wilson, C., Randall, Keiser, Saldaña, Takko, Mullet, Wellman, Das, Nguyen, Billig, Pedersen, Rolfes, Darneille, Dhingra, Hasegawa, Hunt, and Kuderer; by request of Superintendent of Public Instruction)

AN ACT Relating to requiring comprehensive sexual health education that is consistent with the Washington state health and physical education K-12 learning standards and that requires affirmative consent curriculum; and amending RCW 28A.300.475.

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

**Sec.**  RCW 28A.300.475 and 2007 c 265 s 2 are each amended to read as follows:

(1)(a) By September 1, ((~~2008~~)) 2021, every public school ((~~that offers~~)) must provide comprehensive sexual health education ((~~must assure that sexual health education~~)) as an integral part of the curriculum that is evidence-informed, medically and scientifically accurate, age‑appropriate, ((~~appropriate~~)) and inclusive for all students regardless of ((~~gender, race, disability status, or sexual orientation,~~)) their protected class status under chapter 49.60 RCW and includes information ((~~about~~)) and skills-based instruction that:

(i) Includes both abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases;

(ii) Encourages healthy relationships that are based on mutual respect and affection and are free from violence, coercion, and intimidation;

(iii) Teaches how to identify and respond to attitudes and behaviors that contribute to sexual violence; and

(iv) Emphasizes the importance of affirmative consent, meaning conscious and voluntary agreement to engage in sexual activity, as a requirement before sexual activity.

(b) In addition:

(i) All sexual health information, instruction, and materials must be medically and scientifically accurate((~~.~~));

(ii) Abstinence may not be taught to the exclusion of other materials and instruction on contraceptives and disease prevention((~~.~~));

(iii) Instruction and materials must be inclusive and use language and strategies that recognize all members of a protected class under chapter 49.60 RCW;

(iv) A public school may choose to use separate, outside speakers or prepared curriculum to teach different content areas or units within the comprehensive sexual health education program as long as all speakers, curriculum, and materials used are in compliance with this section((~~.~~)); and

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

(2) By September 1, 2020, comprehensive sexual health education must be phased in beginning with students in grades six through twelve. By September 1, 2021, comprehensive sexual health education must be phased in for students in grades kindergarten through five. Full statewide implementation for all public schools and all grade levels must be achieved by September 1, 2021.

(3) As used in ((~~chapter 265, Laws of 2007,~~)) this section:

(a) "Evidence-informed" means a program that is informed by scientific research and effective practice and replicates evidence-based programs or substantially incorporates elements of effective programs.

(b) "Medically and scientifically accurate" means information that is verified or supported by research in compliance with scientific methods, is published in ((~~peer-review~~)) peer-reviewed journals, where appropriate, and is recognized as accurate and objective by professional organizations and agencies with expertise in the field of sexual health including but not limited to the American college of obstetricians and gynecologists, the ((~~Washington state~~)) department of health, and the federal centers for disease control and prevention.

((~~(3)~~)) (4) The superintendent of public instruction((~~and the department of health~~)) shall make the Washington state health and physical education K-12 learning standards and the January 2005 guidelines for sexual health information and disease prevention available to public schools ((~~districts~~)), teachers, and guest speakers on ((~~their~~)) the office of the superintendent of public instruction's web sites. Within available resources, the superintendent of public instruction ((~~and the department of health~~)) shall make any related information, model policies, curricula, or other resources available as well.

((~~(4)~~)) (5)(a) The superintendent of public instruction, in consultation with the department of health, shall develop a list of comprehensive sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention, the Washington state health and physical education K–12 learning standards, and this section. This list shall ((~~be intended to~~)) serve as a resource for school((~~s~~)) districts, teachers, or any other organization or community group, and shall be updated ((~~no less frequently than annually~~)) at least biannually and made available on the web site((~~s~~)) of the office of the superintendent of public instruction ((~~and the department of health~~)).

((~~(5)~~)) (b) By September 1, 2019, the superintendent of public instruction must develop comprehensive sexual health education instructional materials review tools and make them available on the office of the superintendent of public instruction's web site.

(6) Public schools ((~~that offer sexual health education are encouraged to review their sexual health curricula and~~)) must choose a curriculum from the list developed under subsection ((~~(4)~~)) (5) of this section((~~. Any public school that offers sexual health education may~~)) or use the review tools developed under subsection (5)(b) of this section to identify, choose, or develop any other curriculum((~~, if the curriculum chosen or developed~~)) that complies with the requirements of this section. Public schools must use the review tools when choosing curricula other than those from the list developed under subsection (5) of this section.

((~~(6)~~)) (7) ((~~Any~~)) Parents or legal guardians who ((~~wishes~~)) wish to have ((~~his or her child~~)) their children excused from any planned instruction in comprehensive sexual health education may do so upon filing a written request with the school district board of directors or its designee, or the principal of the school ((~~his or her~~)) their child attends, or the principal's designee. In addition, ((~~any~~)) parents or legal guardians may review the comprehensive sexual health education curriculum offered in ((~~his or her~~)) their child's school by filing a written request with the school district board of directors, the principal of the school ((~~his or her~~)) their child attends, or the principal's designee.

((~~(7)~~)) (8) The office of the superintendent of public instruction ((~~shall, through its Washington state school health profiles survey or other existing reporting mechanism, ask~~)) must require public school((~~s~~)) districts to ((~~identify any~~)) report, on an annual basis, curricula used to provide comprehensive sexual health education((~~, and shall~~)). The superintendent of public instruction must report the results of this inquiry to the education committees of the legislature ((~~on a biennial basis, beginning with the 2008-09 school year~~ by November 1, 2021, and biennially thereafter.

((~~(8) The requirement~~)) (9) RCW 28A.600.480(2), which encourages school employees, students, and volunteers to report harassment, intimidation, or bullying ((~~under RCW 28A.600.480(2)~~)), applies to this section.

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