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**SUBSTITUTE HOUSE BILL 2184**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Education (originally sponsored by Representatives Stonier and Santos)

READ FIRST TIME 02/05/20.

1 AN ACT Relating to requiring comprehensive sexual health  
2 education, which includes affirmative consent curriculum, in all  
3 public schools by the 2022-23 school year in accordance with the  
4 recommendations of the sexual health education work group established  
5 in section 503(3) of the 2019-2021 omnibus operating appropriations  
6 act; and amending RCW 28A.300.475.

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

8 **Sec. 1.** RCW 28A.300.475 and 2007 c 265 s 2 are each amended to  
9 read as follows:

10 (1) (~~By September 1, 2008,~~) (a)(i) In accordance with the  
11 requirements in this section and any recommendations of the sexual  
12 health education work group established in the 2019-2021 omnibus  
13 operating appropriations act that are enacted by the legislature,  
14 every public school ((that offers)) shall provide comprehensive  
15 sexual health education ((must assure that)) to each student by the  
16 2022-23 school year. The curriculum, instruction, and materials used  
17 to provide the comprehensive sexual health education ((is)) must be  
18 medically and scientifically accurate, age-appropriate, ((appropriate  
19 for students regardless of gender, race, disability status, or sexual  
20 orientation)) and inclusive of all students, regardless of their  
21 protected class status under chapter 49.60 RCW, and must include((s))

1 information about abstinence and other methods of preventing  
2 unintended pregnancy and sexually transmitted diseases. (~~All sexual~~  
3 ~~health information, instruction, and materials must be medically and~~  
4 ~~scientifically accurate.~~) Abstinence may not be taught to the  
5 exclusion of other materials and instruction on contraceptives and  
6 disease prevention.

7 (ii)(A) Beginning in the 2020-21 school year, any public school  
8 that provides comprehensive sexual health education must ensure that  
9 the curriculum, instruction, and materials include information about  
10 affirmative consent and bystander training.

11 (B) The school district boards of directors of one or more public  
12 schools that are not providing comprehensive sexual health education  
13 in either the 2019-20 school year, the 2020-21 school year, or both,  
14 must prepare for incorporating information about affirmative consent  
15 and bystander training into the comprehensive sexual health education  
16 curriculum, instruction, and materials required by this section. In  
17 satisfying the requirements of this subsection (1)(a)(ii)(B), school  
18 district boards of directors must also, no later than the 2020-21  
19 school year, consult with parents and guardians of students, local  
20 communities, and the Washington state school directors' association.

21 (b) A public school may choose to use separate, outside speakers  
22 or prepared curriculum to teach different content areas or units  
23 within ((the)) its comprehensive sexual health education program ((as  
24 long as)) if all speakers, curriculum, and materials used are in  
25 compliance with this section.

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

31 ~~((As used in chapter 265, Laws of 2007, "medically and~~  
32 ~~scientifically accurate" means information that is verified or~~  
33 ~~supported by research in compliance with scientific methods, is~~  
34 ~~published in peer-review journals, where appropriate, and is~~  
35 ~~recognized as accurate and objective by professional organizations~~  
36 ~~and agencies with expertise in the field of sexual health including~~  
37 ~~but not limited to the American college of obstetricians and~~  
38 ~~gynecologists, the Washington state department of health, and the~~  
39 ~~federal centers for disease control and prevention.)) (a) Beginning  
40 in the 2021-22 school year, comprehensive sexual health education~~

1 must be provided to all public school students in grades six through  
2 twelve.

3 (b) Beginning in the 2022-23 school year, comprehensive sexual  
4 health education must be provided to all public school students that  
5 are not receiving comprehensive sexual health education under (a) of  
6 this subsection.

7 (c) The provision of comprehensive sexual health education to  
8 public school students as required by (a) and (b) of this subsection  
9 (2) must be provided no less than:

10 (i) Once to students in kindergarten through grade three.  
11 Instruction provided in accordance with this subsection (2)(c)(i)  
12 must be instruction in social-emotional learning that is consistent  
13 with learning standards and benchmarks adopted by the office of the  
14 superintendent of public instruction under RCW 28A.300.478;

15 (ii) Once to students in grades four through five;

16 (iii) Twice to students in grades six through eight; and

17 (iv) Twice to students in grades nine through twelve.

18 (3) The office of the superintendent of public instruction and  
19 the department of health shall make the Washington state health and  
20 physical education K-12 learning standards and the January 2005  
21 guidelines for sexual health information and disease prevention  
22 available to public schools (~~((districts))~~), teachers, and guest  
23 speakers on their web sites. Within available resources, the office  
24 of the superintendent of public instruction and the department of  
25 health shall also, and to the extent permitted by applicable federal  
26 law, make any related information, model policies, curricula, or  
27 other resources available (~~((as well))~~) on their web sites.

28 (4) The office of the superintendent of public instruction, in  
29 consultation with the department of health, shall develop a list of  
30 comprehensive sexual health education curricula that are consistent  
31 with the 2005 guidelines for sexual health information and disease  
32 prevention, the Washington state health and physical education K-12  
33 learning standards, and this section. This list (~~((shall be intended~~  
34 ~~to))~~), which may serve as a resource for schools, teachers, or any  
35 other organization or community group, (~~((and shall))~~) must be updated  
36 (~~((no less frequently than))~~) at least annually, and must be made  
37 available on the web sites of the office of the superintendent of  
38 public instruction and the department of health.

39 (5) Subject to the availability of amounts appropriated for this  
40 specific purpose, the office of the superintendent of public

1 instruction shall periodically review and revise, as necessary,  
2 training materials, which may be in an electronic format, for  
3 classroom teachers and principals to implement the applicable  
4 requirements of this section. The initial review required by this  
5 subsection (5) must be completed by March 1, 2021.

6 (6)(a) Public schools that (~~offer~~) provide comprehensive sexual  
7 health education are encouraged to review their (~~sexual health~~)  
8 curricula and choose a curriculum from the list developed under  
9 subsection (4) of this section. Any public school that (~~offers~~)  
10 provides comprehensive sexual health education may identify, choose,  
11 or develop any other curriculum(~~(7)~~) if (~~the curriculum chosen or~~  
12 developed) it complies with the requirements of this section.

13 (b) The office of the superintendent of public instruction shall  
14 provide technical assistance to schools and school districts that is  
15 consistent with the curricula review, selection, and development  
16 provisions in (a) of this subsection (6).

17 (~~(6)~~) (7) Any parent or legal guardian who wishes to have his  
18 or her child excused from any planned instruction in comprehensive  
19 sexual health education may do so upon filing a written request with  
20 the school district board of directors or its designee, or the  
21 principal of the school his or her child attends, or the principal's  
22 designee. The person or entity to whom the request is directed must  
23 grant the written request to have the student excused from this  
24 instruction in accordance with this subsection. In addition, any  
25 parent or legal guardian may review the comprehensive sexual health  
26 education curriculum (~~offered~~) provided in his or her child's  
27 school by filing a written request with the school district board of  
28 directors, the principal of the school his or her child attends, or  
29 the principal's designee.

30 (~~(7)~~ The office of the superintendent of public instruction  
31 shall, through its Washington state school health profiles survey or  
32 other existing reporting mechanism, ask public) (8)(a) Public  
33 schools (~~(7)~~) shall annually, by September 1st, identify to the  
34 office of the superintendent of public instruction any curricula used  
35 by the school to provide comprehensive sexual health education(~~(7) and~~  
36 shall report the results of this inquiry to the legislature on a  
37 biennial basis, beginning with the 2008-09 school year) as required  
38 by this section. Materials provided by schools under this subsection  
39 (8)(a) must also describe how the provided classroom instruction  
40 aligns with the requirements of this section.

1 (b) The office of the superintendent of public instruction shall  
2 summarize and, in accordance with RCW 43.01.036, report the results  
3 provided under (a) of this subsection (8) to the education committees  
4 of the house of representatives and the senate biennially, beginning  
5 after the 2022-23 school year.

6 ~~((+8))~~ (9) The requirement to report harassment, intimidation,  
7 or bullying under RCW 28A.600.480(2) applies to this section.

8 (10) Nothing in this section expresses legislative intent to  
9 require that comprehensive sexual health education, or components of  
10 comprehensive sexual health education, be integrated into curriculum,  
11 materials, or instruction in unrelated subject matters or courses.

12 (11) For the purposes of this section:

13 (a) "Affirmative consent" means a conscious and voluntary  
14 agreement to engage in sexual activity as a requirement before sexual  
15 activity;

16 (b) "Comprehensive sexual health education" means recurring  
17 instruction in human development and reproduction that is age-  
18 appropriate and inclusive of all students, regardless of their  
19 protected class status under chapter 49.60 RCW. All information,  
20 instruction, and materials used in providing comprehensive sexual  
21 health education must be medically and scientifically accurate.  
22 Comprehensive sexual health education for students in grades four  
23 through twelve is consistent with the January 2005 guidelines for  
24 sexual health information and disease prevention developed by the  
25 department of health and the office of the superintendent of public  
26 instruction and must include information about:

27 (i) The physiological, psychological, and sociological  
28 developmental processes experienced by an individual;

29 (ii) The development of intrapersonal and interpersonal skills to  
30 communicate, respectfully and effectively, to reduce health risks and  
31 choose healthy behaviors;

32 (iii) Health care and prevention resources;

33 (iv) The development of meaningful relationships and avoidance of  
34 exploitative relationships;

35 (v) Understanding the influences of family, peers, community, and  
36 the media throughout life on healthy sexual relationships; and

37 (vi) Affirmative consent and recognizing and responding safely  
38 and effectively when violence, or a risk of violence, is or may be  
39 present with strategies that include bystander training;

1       (c) "Medically and scientifically accurate" means information  
2 that is verified or supported by research in compliance with  
3 scientific methods, is published in peer-reviewed journals, where  
4 appropriate, and is recognized as accurate and objective by  
5 professional organizations and agencies with expertise in the field  
6 of sexual health including but not limited to the American college of  
7 obstetricians and gynecologists, the Washington state department of  
8 health, and the federal centers for disease control and prevention;  
9 and  
10       (d) "Public schools" has the same meaning as in RCW 28A.150.010.

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