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HOUSE BILL 2184

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Stonier and Santos

Prefiled 04/28/19.

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, and  
19 appropriate for students regardless of gender, race, disability  
20 status, or sexual orientation, and must include((s)) information  
21 about abstinence and other methods of preventing unintended pregnancy

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

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

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

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

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

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

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

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

15 (4) The office of the superintendent of public instruction, in  
16 consultation with the department of health, shall develop a list of  
17 comprehensive sexual health education curricula that are consistent  
18 with the 2005 guidelines for sexual health information and disease  
19 prevention, the Washington state health and physical education K-12  
20 learning standards, and this section. This list (~~((shall be intended~~  
21 ~~to))~~), which may serve as a resource for schools, teachers, or any  
22 other organization or community group, (~~((and shall))~~) must be updated  
23 (~~((no less frequently than))~~) at least annually, and must be made  
24 available on the web sites of the office of the superintendent of  
25 public instruction and the department of health.

26 (5) Public schools that (~~((offer))~~) provide comprehensive sexual  
27 health education are encouraged to review their (~~((sexual health))~~)  
28 curricula and choose a curriculum from the list developed under  
29 subsection (4) of this section. Any public school that (~~((offers))~~)  
30 provides comprehensive sexual health education may identify, choose,  
31 or develop any other curriculum(~~((7))~~) if (~~((the curriculum chosen or~~  
32 ~~developed))~~) it complies with the requirements of this section.

33 (6) Any parent or legal guardian who wishes to have his or her  
34 child excused from any planned instruction in comprehensive sexual  
35 health education may do so upon filing a written request with the  
36 school district board of directors or its designee, or the principal  
37 of the school his or her child attends, or the principal's designee.  
38 The person or entity to whom the request is directed must grant the  
39 written request to have the student excused from this instruction in  
40 accordance with this subsection. In addition, any parent or legal

1 guardian may review the comprehensive sexual health education  
2 curriculum (~~offered~~) provided in his or her child's school by  
3 filing a written request with the school district board of directors,  
4 the principal of the school his or her child attends, or the  
5 principal's designee.

6 (7) The office of the superintendent of public instruction  
7 (~~shall~~), through its Washington state school health profiles survey  
8 or other existing reporting mechanism, (~~ask~~) shall request public  
9 schools to (~~identify any~~) submit the curricula used to provide  
10 comprehensive sexual health education(~~r~~). School districts shall  
11 submit the requested information in a timely manner and the office of  
12 the superintendent of public instruction shall report the results of  
13 (~~this inquiry~~) the submissions to the legislature on a biennial  
14 basis, beginning with the 2008-09 school year.

15 (8) The requirement to report harassment, intimidation, or  
16 bullying under RCW 28A.600.480(2) applies to this section.

17 (9) For the purposes of this section:

18 (a) "Affirmative consent" means a conscious and voluntary  
19 agreement to engage in sexual activity as a requirement before sexual  
20 activity; and

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

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