
SENATE BILL 5009

State of Washington

68th Legislature

2023 Regular Session

By Senators McCune, Short, and L. Wilson

Prefiled 12/05/22. Read first time 01/09/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to requiring parental or legal guardian approval
2 before a child participates in comprehensive sexual health education;
3 amending RCW 28A.300.475; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that it
6 has required every public school to provide comprehensive sexual
7 health education to each student by the 2022-23 school year. The
8 legislature further recognizes that it allows parents to excuse their
9 children from this instruction by filing a written request with the
10 school district.

11 (2) Instead of being subject to the broad discretion of school
12 districts and the state, the legislature intends to give parents more
13 control and choice over the sexual health education their child
14 receives by having parents provide written approval before any
15 planned instruction occurs.

16 **Sec. 2.** RCW 28A.300.475 and 2020 c 188 s 1 are each amended to
17 read as follows:

18 (1)(a)(i) In accordance with the requirements of this section,
19 including parental or legal guardian approval in subsection (7) of
20 this section, every public school shall provide comprehensive sexual

1 health education to each student by the 2022-23 school year. The
2 curriculum, instruction, and materials used to provide the
3 comprehensive sexual health education must be medically and
4 scientifically accurate, age-appropriate, and inclusive of all
5 students, regardless of their protected class status under chapter
6 49.60 RCW, and must include information about abstinence and other
7 methods of preventing unintended pregnancy and sexually transmitted
8 diseases. Abstinence may not be taught to the exclusion of other
9 materials and instruction on contraceptives and disease prevention.

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

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

25 (b) A public school may choose to use separate, outside speakers
26 or prepared curriculum to teach different content areas or units
27 within its comprehensive sexual health education program if all
28 speakers, curriculum, and materials used are in compliance with this
29 section.

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

35 (2)(a) Beginning in the 2021-22 school year, comprehensive sexual
36 health education must be provided to all public school students in
37 grades six through twelve.

38 (b) Beginning in the 2022-23 school year, comprehensive sexual
39 health education must be provided to all public school students.

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

- 4 (i) Once to students in kindergarten through grade three;
- 5 (ii) Once to students in grades four through five;
- 6 (iii) Twice to students in grades six through eight; and
- 7 (iv) Twice to students in grades nine through twelve.

8 (3) The office of the superintendent of public instruction and
9 the department of health shall make the Washington state health and
10 physical education K-12 learning standards and the January 2005
11 guidelines for sexual health information and disease prevention
12 available to public schools, teachers, and guest speakers on their
13 websites. Within available resources, the office of the
14 superintendent of public instruction and the department of health
15 shall also, and to the extent permitted by applicable federal law,
16 make any related information, model policies, curricula, or other
17 resources available on their websites.

18 (4) The office of the superintendent of public instruction, in
19 consultation with the department of health, shall develop a list of
20 comprehensive sexual health education curricula that are consistent
21 with the 2005 guidelines for sexual health information and disease
22 prevention, the Washington state health and physical education K-12
23 learning standards, and this section. This list, which may serve as a
24 resource for schools, teachers, or any other organization or
25 community group, must be updated at least annually, and must be made
26 available on the websites of the office of the superintendent of
27 public instruction and the department of health.

28 (5) Subject to the availability of amounts appropriated for this
29 specific purpose, the office of the superintendent of public
30 instruction shall periodically review and revise, as necessary,
31 training materials, which may be in an electronic format, for
32 classroom teachers and principals to implement the applicable
33 requirements of this section. The initial review required by this
34 subsection (5) must be completed by March 1, 2021.

35 (6) (a) Public schools are encouraged to review their
36 comprehensive sexual health education curricula and choose a
37 curriculum from the list developed under subsection (4) of this
38 section. Any public school may identify, choose, or develop any other
39 curriculum if it complies with the requirements of this section.

1 (b) If a public school chooses a curriculum that is not from the
2 list developed under subsection (4) of this section, the public
3 school or applicable school district, in consultation with the office
4 of the superintendent of public instruction, must conduct a review of
5 the selected or developed curriculum to ensure compliance with the
6 requirements of this section using a comprehensive sexual health
7 education curriculum analysis tool of the office of the
8 superintendent of public instruction.

9 (c) The office of the superintendent of public instruction shall
10 provide technical assistance to public schools and school districts
11 that is consistent with the curricula review, selection, and
12 development provisions in (a) and (b) of this subsection (6).

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

28 (b) (~~(At the beginning of)~~) Beginning in the (~~(2021-22)~~) 2023-24
29 school year and each year thereafter, each school providing
30 comprehensive sexual health education must notify parents and legal
31 guardians, in writing or in accordance with the methods the school
32 finds most effective in communicating with parents and legal
33 guardians, that the school will be providing comprehensive sexual
34 health education during the school year and that parents and legal
35 guardians must provide written approval before any planned
36 instruction in comprehensive sexual health education occurs. The
37 notice must include, or provide a means for electronic access to, all
38 course materials, by grade, that will be used at the school during
39 the instruction.

1 (8) (a) Public schools shall annually, by September 1st, identify
2 to the office of the superintendent of public instruction any
3 curricula used by the school to provide comprehensive sexual health
4 education as required by this section. Materials provided by schools
5 under this subsection (8) (a) must also describe how the provided
6 classroom instruction aligns with the requirements of this section.

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

12 (9) RCW 28A.600.480(2), which encourages school employees,
13 students, and volunteers to report harassment, intimidation, or
14 bullying, applies to this section.

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

19 (11) For the purposes of this section:

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

23 (b) "Comprehensive sexual health education" means recurring
24 instruction in human development and reproduction that is age-
25 appropriate and inclusive of all students, regardless of their
26 protected class status under chapter 49.60 RCW. All curriculum,
27 instruction, and materials used in providing comprehensive sexual
28 health education must be medically and scientifically accurate and
29 must use language and strategies that recognize all members of
30 protected classes under chapter 49.60 RCW. Comprehensive sexual
31 health education for students in kindergarten through grade three
32 must be instruction in social-emotional learning that is consistent
33 with learning standards and benchmarks adopted by the office of the
34 superintendent of public instruction under RCW 28A.300.478.
35 Comprehensive sexual health education for students in grades four
36 through twelve must include information about:

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

39 (ii) The development of intrapersonal and interpersonal skills to
40 communicate, respectfully and effectively, to reduce health risks,

1 and choose healthy behaviors and relationships that are based on
2 mutual respect and affection, and are free from violence, coercion,
3 and intimidation;

4 (iii) Health care and prevention resources;

5 (iv) The development of meaningful relationships and avoidance of
6 exploitative relationships;

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

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

12 (c) "Medically and scientifically accurate" means information
13 that is verified or supported by research in compliance with
14 scientific methods, is published in peer-reviewed journals, where
15 appropriate, and is recognized as accurate and objective by
16 professional organizations and agencies with expertise in the field
17 of sexual health including but not limited to the American college of
18 obstetricians and gynecologists, the Washington state department of
19 health, and the federal centers for disease control and prevention;
20 and

21 (d) "Public schools" has the same meaning as in RCW 28A.150.010.

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