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HOUSE BILL 1473

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Orcutt, Ericks, Johnson, and Kelley

Read first time 01/21/09. Referred to Committee on Education.

1            AN ACT Relating to adding a requirement to sexual health education  
2 to include legal elements of and consequences of conviction for sexual  
3 offenses where a minor is the victim; and amending RCW 28A.300.475.

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

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

7            (1) By September 1, 2008, every public school that offers sexual  
8 health education must assure that sexual health education is medically  
9 and scientifically accurate, age-appropriate, appropriate for students  
10 regardless of gender, race, disability status, or sexual orientation,  
11 and includes information about: (a) Abstinence and other methods of  
12 preventing unintended pregnancy and sexually transmitted diseases; and  
13 (b) the legal elements of sexual offenses under chapter 9A.44 RCW where  
14 a minor is a victim and the consequences upon conviction. All sexual  
15 health information, instruction, and materials must be medically and  
16 scientifically accurate. Abstinence may not be taught to the exclusion  
17 of other materials and instruction on contraceptives and disease  
18 prevention. A school may choose to use separate, outside speakers or  
19 prepared curriculum to teach different content areas or units within

1 the comprehensive sexual health program as long as all speakers,  
2 curriculum, and materials used are in compliance with this section.  
3 Sexual health education must be consistent with the January 2005  
4 guidelines for sexual health information and disease prevention  
5 developed by the department of health and the office of the  
6 superintendent of public instruction.

7 (2) As used in (~~chapter 265, Laws of 2007~~) this section,  
8 "medically and scientifically accurate" means information that is  
9 verified or supported by research in compliance with scientific  
10 methods, is published in peer-review journals, where appropriate, and  
11 is recognized as accurate and objective by professional organizations  
12 and agencies with expertise in the field of sexual health including but  
13 not limited to the American college of obstetricians and gynecologists,  
14 the Washington state department of health, and the federal centers for  
15 disease control and prevention.

16 (3) The superintendent of public instruction and the department of  
17 health shall make the January 2005 guidelines for sexual health  
18 information and disease prevention available to school districts,  
19 teachers, and guest speakers on their web sites. Within available  
20 resources, the superintendent of public instruction and the department  
21 of health shall make any related information, model policies,  
22 curricula, or other resources available as well.

23 (4) The superintendent of public instruction, in consultation with  
24 the department of health, shall develop a list of sexual health  
25 education curricula that are consistent with the 2005 guidelines for  
26 sexual health information and disease prevention. This list shall be  
27 intended to serve as a resource for schools, teachers, or any other  
28 organization or community group, and shall be updated no less  
29 frequently than annually and made available on the web sites of the  
30 office of the superintendent of public instruction and the department  
31 of health.

32 (5) The superintendent of public instruction, in consultation with  
33 the Washington state patrol, shall develop a prepared curriculum to  
34 teach the legal elements of sexual offenses under chapter 9A.44 RCW  
35 where a minor is a victim and the consequences upon conviction. This  
36 curriculum shall be updated no less frequently than annually and be  
37 made available on the web site of the superintendent of public  
38 instruction.

1        (6) Public schools that offer sexual health education are  
2 encouraged to review their sexual health curricula and choose a  
3 curriculum from the list developed under subsection (4) of this section  
4 as well as the curriculum developed under subsection (5) of this  
5 section. Any public school that offers sexual health education may  
6 identify, choose, or develop any other curriculum, if the curriculum  
7 chosen or developed complies with the requirements of this section.

8        ~~((+6+))~~ (7) Any parent or legal guardian who wishes to have his or  
9 her child excused from any planned instruction in sexual health  
10 education may do so upon filing a written request with the school  
11 district board of directors or its designee, or the principal of the  
12 school his or her child attends, or the principal's designee. In  
13 addition, any parent or legal guardian may review the sexual health  
14 education curriculum offered in his or her child's school by filing a  
15 written request with the school district board of directors, the  
16 principal of the school his or her child attends, or the principal's  
17 designee.

18        ~~((+7+))~~ (8) The office of the superintendent of public instruction  
19 shall, through its Washington state school health profiles survey or  
20 other existing reporting mechanism, ask public schools to identify any  
21 curricula used to provide sexual health education, and shall report the  
22 results of this inquiry to the legislature on a biennial basis,  
23 beginning with the 2008-09 school year.

24        ~~((+8+))~~ (9) The requirement to report harassment, intimidation, or  
25 bullying under RCW 28A.600.480(2) applies to this section.

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