
HOUSE BILL 1604

State of Washington

62nd Legislature

2011 Regular Session

By Representative McCune

Read first time 01/26/11. Referred to Committee on Education.

1 AN ACT Relating to requiring signed parental confirmation before
2 students participate in health education; and amending RCW 28A.230.070
3 and 28A.300.475.

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

5 **Sec. 1.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to
6 read as follows:

7 (1) The life-threatening dangers of acquired immunodeficiency
8 syndrome (AIDS) and its prevention shall be taught in the public
9 schools of this state. AIDS prevention education shall be limited to
10 the discussion of the life-threatening dangers of the disease, its
11 spread, and prevention. Students shall receive such education at least
12 once each school year beginning no later than the fifth grade.

13 (2) Each district board of directors shall adopt an AIDS prevention
14 education program which is developed in consultation with teachers,
15 administrators, parents, and other community members including, but not
16 limited to, persons from medical, public health, and mental health
17 organizations and agencies so long as the curricula and materials
18 developed for use in the AIDS education program either (a) are the
19 model curricula and resources under subsection (3) of this section, or

1 (b) are developed by the school district and approved for medical
2 accuracy by the office on AIDS established in RCW 70.24.250. If a
3 district elects to use curricula developed by the school district, the
4 district shall submit to the office on AIDS a copy of its curricula and
5 an affidavit of medical accuracy stating that the material in the
6 district-developed curricula has been compared to the model curricula
7 for medical accuracy and that in the opinion of the district the
8 district-developed materials are medically accurate. Upon submission
9 of the affidavit and curricula, the district may use these materials
10 until the approval procedure to be conducted by the office of AIDS has
11 been completed.

12 (3) Model curricula and other resources available from the
13 superintendent of public instruction may be reviewed by the school
14 district board of directors, in addition to materials designed locally,
15 in developing the district's AIDS education program. The model
16 curricula shall be reviewed for medical accuracy by the office on AIDS
17 established in RCW 70.24.250 within the department of social and health
18 services.

19 (4) Each school district shall, at least one month before teaching
20 AIDS prevention education in any classroom, conduct at least one
21 presentation during weekend and evening hours for the parents and
22 guardians of students concerning the curricula and materials that will
23 be used for such education. The parents and guardians shall be
24 notified by the school district of the presentation and that the
25 curricula and materials are available for inspection. ~~((No student may
26 be required to participate in AIDS prevention education if the
27 student's parent or guardian, having attended one of the district
28 presentations, objects in writing to the participation.))~~ A public
29 school student may attend or participate in AIDS prevention education
30 only if the school or school district has on file a signed confirmation
31 from the student's parent or legal guardian that the parent or legal
32 guardian has received notification of planned instruction in AIDS
33 prevention education, has been offered the opportunity to attend a
34 presentation and inspect the curricula and materials, and approves of
35 the student's attendance or participation.

36 (5) The office of the superintendent of public instruction with the
37 assistance of the office on AIDS shall update AIDS education curriculum
38 material as newly discovered medical facts make it necessary.

1 (6) The curriculum for AIDS prevention education shall be designed
2 to teach students which behaviors place a person dangerously at risk of
3 infection with the human immunodeficiency virus (HIV) and methods to
4 avoid such risk including, at least:

5 (a) The dangers of drug abuse, especially that involving the use of
6 hypodermic needles; and

7 (b) The dangers of sexual intercourse, with or without condoms.

8 (7) The program of AIDS prevention education shall stress the life-
9 threatening dangers of contracting AIDS and shall stress that
10 abstinence from sexual activity is the only certain means for the
11 prevention of the spread or contraction of the AIDS virus through
12 sexual contact. It shall also teach that condoms and other artificial
13 means of birth control are not a certain means of preventing the spread
14 of the AIDS virus and reliance on condoms puts a person at risk for
15 exposure to the disease.

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

18 (1) By September 1, 2008, every public school that offers sexual
19 health education must assure that sexual health education is medically
20 and scientifically accurate, age-appropriate, appropriate for students
21 regardless of gender, race, disability status, or sexual orientation,
22 and includes information about abstinence and other methods of
23 preventing unintended pregnancy and sexually transmitted diseases. All
24 sexual health information, instruction, and materials must be medically
25 and scientifically accurate. Abstinence may not be taught to the
26 exclusion of other materials and instruction on contraceptives and
27 disease prevention. A school may choose to use separate, outside
28 speakers or prepared curriculum to teach different content areas or
29 units within the comprehensive sexual health program as long as all
30 speakers, curriculum, and materials used are in compliance with this
31 section. Sexual health education must be consistent with the January
32 2005 guidelines for sexual health information and disease prevention
33 developed by the department of health and the office of the
34 superintendent of public instruction.

35 (2) As used in (~~chapter 265, Laws of 2007~~) this section,
36 "medically and scientifically accurate" means information that is
37 verified or supported by research in compliance with scientific

1 methods, is published in peer-review journals, where appropriate, and
2 is recognized as accurate and objective by professional organizations
3 and agencies with expertise in the field of sexual health including but
4 not limited to the American college of obstetricians and gynecologists,
5 the Washington state department of health, and the federal centers for
6 disease control and prevention.

7 (3) The superintendent of public instruction and the department of
8 health shall make the January 2005 guidelines for sexual health
9 information and disease prevention available to school districts,
10 teachers, and guest speakers on their web sites. Within available
11 resources, the superintendent of public instruction and the department
12 of health shall make any related information, model policies,
13 curricula, or other resources available as well.

14 (4) The superintendent of public instruction, in consultation with
15 the department of health, shall develop a list of sexual health
16 education curricula that are consistent with the 2005 guidelines for
17 sexual health information and disease prevention. This list shall be
18 intended to serve as a resource for schools, teachers, or any other
19 organization or community group, and shall be updated no less
20 frequently than annually and made available on the web sites of the
21 office of the superintendent of public instruction and the department
22 of health.

23 (5) Public schools that offer sexual health education are
24 encouraged to review their sexual health curricula and choose a
25 curriculum from the list developed under subsection (4) of this
26 section. Any public school that offers sexual health education may
27 identify, choose, or develop any other curriculum, if the curriculum
28 chosen or developed complies with the requirements of this section.

29 ~~(6) ((Any parent or legal guardian who wishes to have his or her
30 child excused from any planned instruction in sexual health education
31 may do so upon filing a written request with the school district board
32 of directors or its designee, or the principal of the school his or her
33 child attends, or the principal's designee.))~~ A public school student
34 may attend or participate in sexual health education only if the school
35 or school district has on file a signed confirmation from the student's
36 parent or legal guardian that the parent or legal guardian has received
37 notification of planned instruction in sexual health education and
38 approves of the student's attendance or participation. A school or

1 school district may comply with the notification requirement in this
2 section by providing written notice of planned instruction in sexual
3 health education to parents and legal guardians at least once per
4 school year. In addition, any parent or legal guardian may review the
5 sexual health education curriculum offered in his or her child's school
6 by filing a written request with the school district board of
7 directors, the principal of the school his or her child attends, or the
8 principal's designee.

9 (7) The office of the superintendent of public instruction shall,
10 through its Washington state school health profiles survey or other
11 existing reporting mechanism, ask public schools to identify any
12 curricula used to provide sexual health education, and shall report the
13 results of this inquiry to the legislature on a biennial basis,
14 beginning with the 2008-09 school year.

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

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