

# Washington State Laws and Guidelines Related to Sexuality Education

## **RCW 28A.230.020**

### **Common school curriculum -- Fundamentals in conduct.**

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, the history of the United States, English grammar, physiology and hygiene with special reference to the effects of alcohol and drug abuse on the human system, science with special reference to the environment, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise and methods to prevent exposure to and transmission of sexually transmitted diseases, and the worth of kindness to all living creatures and the land. The prevention of child abuse may be offered as part of the curriculum in the common schools.

[1991 c1166; 1988c206403; 1987c2321; 1986c1494; 1969c71 §3; 1969ex.s.c 22328A.05.010. Prior: 1909p2622; RRS4681; prior: 1897c11865; 1895c5 1; 1890 p 372 § 45; 1886 p 19 § 52. Formerly RCW 28A.05.010, 28.05.010, and 28.05.020.]

## **WAC 180-50-140**

### **Sex education -- Definition -- Optional course or subject matter -- Excusal of students.**

- (1) Local option. The decision as to whether or not a program about sex education or human sexuality is to be introduced into the common schools is a matter for determination at the district level by the local school board, the duly elected representatives of the people of the community.
- (2) Definition(s).
  - (a) Sex education for the purpose of this regulation is defined as the study of the anatomy and the physiology of human reproduction.
  - (b) Human sexuality for the purpose of this regulation is defined as the characteristics or qualities that distinguish between maleness and femaleness. It includes the physiological, psychological, and sociological processes experienced by an individual.
- (3) Development of instruction in sex education and human sexuality. School districts shall involve parents and school district community groups in the planning, development, evaluation, and revision of any instruction in sex education and human sexuality offered as a part of the school program.

- (4) Excusal of students — Alternative studies. Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in sex education or human sexuality may do so upon filing a written request with the school district board of directors or its designee and the board of directors shall make available the appropriate forms for such requests. Alternative educational opportunities shall be provided for those excused.

[Statutory Authority: RCW 28A.04.120 (6) and (8). 84-21-004 (Order 12-84), § 180-50-140, filed 10/4/84.] The rule immediately above cites RCW 28A.04.120 as its statutory basis. That statute has been recodified as the following section: RCW 28A.305.130.

**RCW 28A.640.020(1)(d)**

**Reference to sex education in sexual harassment statute.**

Specifically with respect to course offerings, all classes shall be required to be available to all students without regard to sex: PROVIDED, That separation is permitted [by the legislature, at a district's discretion] within any class during sessions on sex education or gym classes.

**RCW 28A.230.070 (AIDS Omnibus Act)**

**AIDS education in public schools -- Limitations -- Program adoption -- Model curricula -- Student's exclusion from participation.**

- (1) The life-threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention shall be taught in the public schools of this state. AIDS prevention education shall be limited to the discussion of the life-threatening dangers of the disease, its spread, and prevention. Students shall receive such education at least once each school year beginning no later than the fifth grade.
- (2) Each district board of directors shall adopt an AIDS prevention education program which is developed in consultation with teachers, administrators, parents, and other community members including, but not limited to, persons from medical, public health, and mental health organizations and agencies so long as the curricula and materials developed for use in the AIDS education program either
- (a) are the model curricula and resources under subsection (3) of this section, or
- (b) are developed by the school district and approved for medical accuracy by the office on AIDS established in RCW 70.24.250. If a district elects to use curricula developed by the school district, the district shall submit to the office on AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material in the district-developed curricula has been compared to the model curricula for medical accuracy and that in the opinion of the district the district-developed materials are medically accurate. Upon submission of the affidavit and curricula, the district may use these materials until the approval procedure to be conducted by the office of AIDS has been completed.
- (3) Model curricula and other resources available from the superintendent of public instruction may be reviewed by the school district board of directors, in addition to materials designed locally, in developing the district's AIDS education program. The model curricula shall be

reviewed for medical accuracy by the office on AIDS established in RCW 70.24.250 within the department of social and health services.

- (4) Each school district shall, at least one month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education: The parents and guardians shall be notified by the school district of the presentation and that the curricula and materials are available for inspection. No student may be required to participate in AIDS prevention education if the student's parent or guardian, having attended one of the district presentations, objects in writing to the participation.
- (5) The office of the superintendent of public instruction with the assistance of the office on AIDS shall update AIDS education curriculum material as newly discovered medical facts make it necessary.
- (6) The curriculum for AIDS prevention education shall be designed to teach students which behaviors place a person dangerously at risk of infection with the human immunodeficiency virus (HIV) and methods to avoid such risk including, at least:
  - (a) The dangers of drug abuse, especially that involving the use of hypodermic needles; and
  - (b) The dangers of sexual intercourse, with or without condoms.
- (7) The program of AIDS prevention education shall stress the life-threatening dangers of contracting AIDS and shall stress that abstinence from sexual activity is the only certain means for the prevention of the spread or contraction of the AIDS virus through sexual contact. It shall also teach that condoms and other artificial means of birth control are not a certain means of preventing the spread of the AIDS virus and reliance on condoms puts a person at risk for exposure to the disease.

[1994 c 245 7; 1988 c 206 § 402. Formerly RCW28A.05.055.]

### **Washington State Guidance on Sexuality Education for Schools**

Beginning in January, 2005, check the website of the WA State Office of the Superintendent of Public Instruction (OSPI) for a new publication offering guidance on sexuality education to WA State schools. The publication is being co-authored by OSPI and WA State Department of Health. [www.k12.wa.us/curriculuminstruct/healthfitness](http://www.k12.wa.us/curriculuminstruct/healthfitness)

Additionally, you can visit the WA OSPI website to order the OSPI model curriculum "Know HIV/STD" and to view a list of approved HIV/AIDS curricula, videos and materials that meet the basic requirements of the AIDS Omnibus Act. They are not necessarily medically accurate in other respects, nor do they have the specific endorsement of Public Health — Seattle & King County or OSPI. Some may be pedagogically sound, age-appropriate resources and others, not.