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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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BULLETIN NO. 092-20 LEARNING AND TEACHING

TO: Educational Service District Superintendents
School District Superintendents
School Board Directors
School District Curriculum Directors
School Principals

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: New Requirements for Comprehensive Sexual Health Education
Effective December 3, 2020

CONTACT: Kathe Taylor, Assistant Superintendent of Learning and Teaching
360-725-6417, kathe.taylor@k12.wa.us

PURPOSE AND BACKGROUND

[Senate Bill 5395](#), passed by the Legislature and the voters in 2020, takes effect on December 3, 2020. It requires all Washington public schools to provide comprehensive sexual health education instruction that is medically and scientifically accurate, evidence-informed, age-appropriate, aligned with health and learning standards, and inclusive of all students regardless of their protected class status.

The bill defines comprehensive sexual health education as recurring instruction in human development and reproduction that is age-appropriate and inclusive of all students. The bill will phase in instruction on comprehensive sexual health education for grades 4–12. Beginning in the 2022–23 school year, students in grades K–3 will receive instruction on social-emotional learning. There is no sexual health content required for students in grades K–3. The bill maintains the right for parents and guardians to opt their children out of sexual health education instruction at any time.

This bulletin is intended to provide school districts with information about these new requirements as they begin the implementation process. In addition, this bulletin includes a template letter districts may use when notifying students' parents and guardians about the new law and the district's implementation plans, and other resources to support implementation.

REQUIREMENTS

Requirements of Schools

Beginning in the 2020–21 School Year

- Schools already providing comprehensive sexual health education must ensure curriculum, instruction, and materials include age-appropriate information about affirmative consent and bystander training, where individuals are taught to spot the signs of sexual violence and safely intervene if possible.
- Schools not already providing comprehensive sexual health education must begin preparing to incorporate age-appropriate instruction on affirmative consent and bystander training.
- Schools not already providing comprehensive sexual health education must also consult with parents and guardians, local communities, and the Washington State School Directors' Association about comprehensive sexual health education.
- Schools must inform the Office of Superintendent of Public Instruction (OSPI) of any curricula used to provide comprehensive sexual health education and describe how their instruction aligns with the requirements of the bill.

Beginning in the 2021–22 School Year

- Schools must begin providing comprehensive sexual health education at least twice between grades 6–8 and at least twice between grades 9–12. For example, to meet the requirements for grades 6–8, schools may choose to provide instruction once in grade 6 and once in grade 8, so long as instruction occurs twice. The instruction must also include age-appropriate information about affirmative consent and bystander training.
- Schools must inform the Office of Superintendent of Public Instruction (OSPI) of any curricula used to provide comprehensive sexual health education and describe how their instruction aligns with the requirements of the bill.

Beginning in the 2022–23 School Year

- Schools must provide [social emotional learning](#) (SEL) to students in grades K–3. There is no sexual health content required for students in grades K–3.
- Schools must begin providing comprehensive sexual health education at least once between grades 4–5. Instruction on human growth and development (puberty) generally begins in 5th grade.
- Schools must inform the Office of Superintendent of Public Instruction (OSPI) of any curricula used to provide comprehensive sexual health education and describe how their instruction aligns with the requirements of the bill.

Requirements of OSPI

- In consultation with the state Department of Health, OSPI must develop a list of comprehensive sexual health education curricula that are consistent with the law, update the list annually, and make the list available on OSPI's website.

- OSPI must provide technical assistance to schools during their curricula review, selection, and development.
- Beginning after the 2022–23 school year, OSPI must provide a report to the Legislature summarizing the curricula in use by school districts and how their instruction aligns with the requirements of the bill.

RIGHTS OF PARENTS AND GUARDIANS

- Parents and guardians have the right to opt their child out of any or all instruction in comprehensive sexual health education.
- School districts must honor the parent or guardian’s request to opt their child out.
- School districts must consult with parents and guardians in the adoption of their locally determined comprehensive sexual health education curriculum.
- School districts must notify parents and guardians at the beginning of the school year when their child’s school will be providing sexual health education instruction and make instructional materials available to parents and guardians for review.

CURRICULUM SELECTION

Schools are responsible for selecting or developing curricula and instructional materials that are:

- medically and scientifically accurate;
- age appropriate;
- inclusive of all students, regardless of their protected class (Chapter 49.60 RCW); and
- consistent with the [Washington State Health and Physical Education K–12 Learning Standards](#) and the [2005 Guidelines for Sexual Health Information and Disease Prevention](#) developed by the Washington State Department of Health and OSPI.

Consistent with current law, curriculum, instruction, and materials must include information about abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases. Abstinence may not be taught to the exclusion of other materials on contraceptives and disease prevention.

Schools are encouraged to select a curriculum from a list provided by OSPI of instructional materials that have been reviewed and found to be consistent with state requirements, or they may select or develop other materials. A thorough review of all curricula being considered is recommended. Schools choosing or developing a curriculum that is not on the list of reviewed curriculum and instructional materials must conduct a review of the curriculum using review tools that will be provided by OSPI. Please note, OSPI currently has review tools available, and these will be updated in fall/winter 2020 to reflect new requirements.

INSTRUCTION

In grades K–3, instruction must be in [social-emotional learning](#) (SEL). Instruction must be consistent with the [SEL standards and benchmarks](#). (Note: there is no sexual health content required for students in grades K–3).

In grades 4–12, instruction must be consistent with the grade-level outcomes identified in the Health & Physical Education K–12 Learning Standards and must include [age-appropriate](#) information about:

- The physiological, psychological, and sociological developmental process experienced by an individual;
- The development of intrapersonal and interpersonal skills to communicate, respectfully and effectively, to reduce health risks and choose healthy behaviors and relationships based on mutual respect and affection, and free from violence, coercion, and intimidation;
- Health care and prevention resources;
- Abstinence and other methods of preventing unintended pregnancy and sexually transmitted diseases;
- The development of meaningful relationships and avoidance of exploitative relationships;
- Understanding the influences of family, peers, community, and the media throughout life on healthy sexual relationships; and
- Affirmative consent and recognizing and responding safely and effectively when violence or a risk of violence is or may be present, with strategies that include bystander training.

This bill does not require that comprehensive sexual health education, or components of this education, be integrated into curriculum, materials, or instruction in unrelated subject areas or courses.

RESOURCES FOR SCHOOL DISTRICTS

- [Template letter to parents and guardians with information about the bill](#) (also available in [Spanish](#), [Russian](#), and [Ukrainian](#))
- [Frequently asked questions about the bill](#)
- [OSPI's Senate Bill 5395 webpage](#)
- [Final bill language](#)
- [Sexual Health Education Curriculum Analysis Tools](#) (to be updated)
- [2015–19 Reviewed HIV/Sexual Health Instructional Materials](#)

RESOURCES FOR PARENTS AND FAMILIES

- Frequently asked questions about the bill (available in [English](#), [Spanish](#), [Russian](#), [Ukrainian](#), and [Vietnamese](#))

- [OSPI's Senate Bill 5395 webpage](#)
- [Final bill language](#)
- [Sample waiver for opting out of sexual health instruction](#)

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Kathe Taylor, Assistant Superintendent of Learning and Teaching, at 360-725-6417 or email kathe.taylor@k12.wa.us. The OSPI TTY number is 360-664-3631.

Additional information can be found on [OSPI's sexual health education webpage](#).

This bulletin is also available on the [Bulletins and Memos](#) page of the OSPI website.

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