Comprehensive Sexual Health Education Legislation: Frequently Asked Questions

Does new legislation (Senate Bill 5395) take away local flexibility?
No. Most districts are already providing sexual health education and will be able to continue using the same curriculum. School districts will still work with parents, families, and the community to select or create a curriculum that best meets the needs of their students and communities.

Will the legislation require one curriculum for the whole state to use?
No. The new legislation maintains districts’ ability to choose from several curricula that meet requirements or to create their own.

Can parents opt their child out of sexual health instruction?
Yes, parents and guardians will still be able to opt their children out of sexual health instruction.

How will parents be involved and informed about the sexual health education being provided by their child’s school?
Parents and guardians will be notified by the district of planned instruction and what curriculum will be used. They will still be allowed to review their district’s curriculum at any time. In addition, parents and guardians are critical partners in their children’s sexual health education, and several comprehensive curricula include family homework assignments for every lesson to encourage and foster family-based values discussions as they pertain to sexual health.

What is meant by “comprehensive” sexual health education?
Comprehensive sexual health education, as defined in legislation, is recurring instruction in human development and reproduction. It is medically and scientifically accurate, age-appropriate, and appropriate for all students, regardless of protected class.

What will be required in Kindergarten?
Social and emotional learning (SEL) is the new requirement for grades K-3. Social and emotional learning is a process of building awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and in life. Most districts are already addressing SEL. No sexuality content or curriculum is required for grades K-3.
Isn’t Rights, Respect, Responsibility the only curriculum reviewed by OSPI that includes K-3? Won’t districts be forced to use it?

Districts will not need to use Rights, Respect, Responsibility (3Rs). Districts are required to provide only social and emotional learning in K-3, with or without a curriculum. 3Rs contains lessons on friendship and personal boundaries that address social and emotional learning skills, but it is not a social emotional learning curriculum and it is not required for district use.

At what grade level does instruction on sexual health education begin?

Currently required HIV prevention instruction must begin no later than 5th grade. Beginning in the 2020-21 school year, sexual health education must be offered to students in grades 6-12. Starting in the 2022-23 school year, sexual health instruction will begin in 4th or 5th grade, depending on district decisions. Instruction must be consistent with Washington’s Health & Physical Education K–12 Learning Standards, but grade level outcomes will continue to be optional for districts. Required instruction for grades 4–5 focuses on helping students understand and respect personal boundaries, develop healthy friendships, and gain a basic understanding of human growth and development.

What topics are required to be taught in grades 4-12?

Legislation requires the following topics, at developmentally appropriate times:

- The physiological, psychological, and sociological developmental process experienced by an individual;
- The development of intrapersonal and interpersonal skills to communicate, respectfully and effective, 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;
- 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;
- 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.

Students are never provided “how-to” instruction related to sex.

Isn’t sexual abuse prevention education already required in schools?

No. The Washington State Legislature passed “Erin’s Law” (House Bill 1539) in 2018. It directed OSPI to review sexual abuse curricula and to develop recommendations for schools wishing to provide sexual abuse prevention instruction, but did not require schools to provide such instruction.
What is “affirmative consent” and “bystander training” and why are they included in this legislation?
Affirmative consent is an approach to giving and receiving consent that includes clear and voluntary permission to engage in sexual activity. It is not just the absence of “no.” In earlier grades it might focus on hugs or horseplay, and in older grades on hugs or sexual contact. Bystander training teaches students how to safely intervene when they see sexual harassment or unwanted sexual activity. They are included in this legislation as a way for schools to combat the high rates of unwanted sexual contact experienced by youth in our state. For more information, please see the results from the 2018 Healthy Youth Survey.

How does comprehensive sexual health education improve the safety of students?
Research on sexual abuse shows comprehensive sexual health education is an important and effective prevention strategy.¹ When students learn about and develop skills related to affirmative consent, they are more able to set personal boundaries and respect the boundaries of others.

Where did the graphic illustrations come from that I saw on social media?
Several social media posts inserted illustrations from a book intended for parents into a lesson plan for 4th graders. The book was one of several optional books on a handout for parents and guardians wishing to continue talking with their child about puberty and reproduction, and not part of a lesson, curriculum or instruction.