

Appendix B. Revised Codes of Washington (RCWs) and Washington Administrative Codes (WACs) for Health and Physical Education (Fitness)

RCW 28A.150.210

Basic education act — Goal.

The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

1. Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences.
2. Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and **health and fitness**.
3. Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems.
4. Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

RCW 28A.230.040 Physical education in grades one through eight.

Every pupil attending grades one through eight of the public schools shall receive instruction in physical education as prescribed by rule of the superintendent of public instruction: PROVIDED, That individual pupils or students may be excused on account of physical disability, religious belief, or participation in directed athletics.

WAC 392-410-135 Physical education -- Grade school and high school requirement.

- (1) Grades 1-8. Pursuant to RCW 28A.230.040, an average of at least one hundred instructional minutes per week per year in physical education shall be required of all pupils in the common schools in the grade school program (grades 1-8) unless waived pursuant to RCW 28A.230.040.
- (2) Grades 9-12. Pursuant to RCW 28A.230.050, a one credit course or its equivalent shall be offered in physical education for each grade in the high school program (grades 9-12).

Recess, as normally provided, cannot be used to meet the requirement of an average of 100 minutes per week of instruction in physical education. Recess provides unstructured play opportunities that allow children to engage in physical activity.

According to the National Association for Sport and Physical Education (NASPE), recess is not viewed as a reward but as a necessary educational support component for all children. Therefore, students should not be denied recess so they can complete class work or as a means of punishment.

RCW 28A.230.050 Physical education in high schools.

All high schools of the state shall emphasize the work of physical education, and carry into effect all physical education requirements established by rule of the superintendent of public instruction: PROVIDED, That individual students may be excused from participating in physical education otherwise required under this section on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics or for other good cause.

RCW 28A.230.095 Essential academic learning requirements and assessments.

By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness, including mental health and suicide prevention. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of superintendent of public instruction.

WAC 180-51-068 State subject and credit requirements for high school graduation—Students entering the ninth grade on or after July 1, 2015.

The statewide subject areas and credits required for high school graduation, beginning July 1, 2015, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall total twenty-four as required in this section, except as otherwise provided in subsections (11) and (12) of this section. All credits are to be aligned with the state's essential academic learning requirements developed under RCW [28A.655.070](#) for the subject. The content of any course shall be determined by the local school district.

(5) Two **health and fitness** credits (.5 credit health; 1.5 credits fitness). Students may be excused from the fitness requirement under RCW [28A.230.050](#). Such excused students shall be required to demonstrate proficiency/competency in the knowledge portion of the fitness requirement, in accordance with written district policy.

[Statutory Authority: 2014 c 217 and RCW [28A.230.090](#). WSR 14-19-032, § 180-51-068, filed 9/8/14, effective 10/9/14.]

WAC 180-51-066 Minimum requirement for high school graduation – Students entering the ninth grade on or after July 1, 2009.

(1) The statewide minimum subject areas and credits required for high school graduation, beginning July 1, 2009, for students who enter the ninth grade or begin the equivalent of a four-year high school program, shall total 20 as listed below.

(e) Two health and fitness credits that at minimum align with current essential academic learning requirements at grade ten and/or above plus content that is determined by the local school district. The assessment of achieved competence in this subject area is to be determined by the local district although state law requires districts to have "assessments or other strategies" in health and fitness at the high school level by 2008-09. The state superintendent's office has developed classroom-based assessment models for districts to use (RCW 28A.230.095).

(i) The fitness portion of the requirement shall be met by course work in fitness education. The content of fitness courses shall be determined locally under WAC 180-51-025. Suggested fitness course outlines shall be developed by the office of the superintendent of public instruction. Students may be excused from the physical portion of the fitness requirement under RCW 28A.230.050. Such excused students shall be required to substitute equivalency credits in accordance with policies of boards of directors of districts, including demonstration of the knowledge portion of the fitness requirement.

(ii) "Directed athletics" shall be interpreted to include community-based organized athletics.

(i) Each student shall complete a culminating project for graduation. The project shall consist of the student demonstrating both their learning competencies and preparations related to learning goals three and four. Each district shall define the process to implement this graduation requirement, including assessment criteria, in written district policy.

RCW 28A.230.179 Cardiopulmonary resuscitation instruction

Beginning with the 2013-14 school year, instruction in cardiopulmonary resuscitation (CPR), including the use of automated external defibrillators (AED), must be included in at least one health class necessary for graduation.

Washington State HIV/AIDS Prevention Education Requirements

In 1988, the Washington State Legislature passed the [AIDS Omnibus Act](#). This act mandates HIV/AIDS prevention education beginning in Grade 5 and continuing through Grade 12. Districts must adhere to the following criteria when developing an HIV/AIDS prevention education curriculum:

Beginning **no later than Grade 5**, students shall receive **yearly** instruction in the life-threatening dangers of HIV/AIDS, its transmission, and its prevention.

- Each school district board of directors **will adopt** an HIV/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.
- The materials developed for use in the HIV/AIDS education program must be either:
 - Model curricula and resources available from OSPI **or**
 - Developed (or purchased) by the school district and **approved for medical accuracy** by the Department of Health Office on HIV/AIDS.

If a district develops (or purchases) its own HIV/AIDS prevention curricula, the district **must submit** to the DOH office on HIV/AIDS a copy of its curricula and an affidavit of medical accuracy stating that the material has been compared to the model curricula for medical accuracy and that in the opinion of the district, the materials are medically accurate. After submission of these materials to the DOH Office on HIV/AIDS, the district may use the materials until the approval procedure by the DOH Office on HIV/AIDS has been completed.

- At least **one month before** teaching HIV/AIDS prevention education in any classroom, each district **must notify parents and guardians** that instruction will take place AND must conduct **at least one presentation**, during weekend or evening hours, for parents and guardians of students concerning the curriculum and materials that will be used for HIV/AIDS education.
- A student may be removed from HIV/AIDS prevention education if the student's parent or guardian, **having attended** one of the district presentations, objects in writing to such participation.

NOTE: As with all school district curricula, HIV/AIDS prevention instructional materials must also be reviewed by the school district instructional materials committee for bias as provided in the [Basic Education Law \(RCW 28A.150.240\)](#), the [Instructional Materials Law \(RCW 28A.320.230\)](#), and the [Sex Equity Law \(RCW 28A.640.010\)](#).

Sexual Health Education Requirements - Healthy Youth Act ([RCW 28A.300.475](#))

Washington law on sexual health education states that “the decision as to whether or not a program about sexual health education is to be introduced into the common schools is a matter for determination at the district level by the local school board.” Any district that chooses to provide sexual health education must follow the requirements outlined in the Healthy Youth Act.

All instruction and materials used must be:

- medically and scientifically accurate;
- age appropriate;
- appropriate for students regardless of gender, race, sexual orientation, and disability status; and
- consistent with the Guidelines for Sexual Health and Disease Prevention.

Abstinence may not be taught to the exclusion of instruction and materials on FDA approved contraceptives and other disease prevention methods. In other words, the instruction must be comprehensive.

[WAC 392-410-140](#) defines sexual health education as including development (physiological, psychological, and sociological), communication skills (intra- and interpersonal), health care and prevention resources, healthy relationships, and family/peer/community/media influences on healthy sexual relationships.

Parents or legal guardians may review the sexual health education curriculum offered in his or her child's school by filing a written request with the school district board of directors, the principal of the school his or her child attends, or the principal's designee. If parents want to excuse their child from sexual health education, they may do so by submitting a written request and should contact their school or district for the specific procedure. Schools must provide at least one month's notice to parents before teaching sexual health education ([WAC 392-410-140](#)).

Two other state laws apply to the provision of sexual health education:

- [RCW 28A.230.020](#) (Common School Curriculum) requires that “all teachers shall stress the importance of...methods to prevent exposure to and transmission of sexually transmitted diseases...”
- [RCW 28A.300.145](#) was amended by the legislature in 2013 to require that schools offering sexual health education must include “age-appropriate information about the legal elements of sexual [sex] offenses (under chapter [9A.44](#) RCW) where a minor is a victim and the consequences upon conviction.”