

## **Fiscal Impact Statement for Referendum 90 (repeal of ESSB 5395)**

### **FISCAL IMPACT SUMMARY**

Engrossed Substitute Senate Bill 5395 was enacted in the 2020 legislative session, but has not gone into effect because the voters submitted petitions to refer the measure to the November 2020 general election ballot. If the voters approve the referendum, ESSB 5395 would go into effect. There would be no fiscal impact to state government in the 2019–21 biennium and ongoing. There would be a fiscal impact to local government (school districts), but the impact is indeterminate. There are no known state or local revenue impacts that would result from the passage of this measure.

### **SUMMARY**

Referendum 90 places Engrossed Substitute Senate Bill 5395 (ESSB 5395) onto the 2020 general election ballot for approval or rejection by the voters.

Beginning September 1, 2021, ESSB 5395 would require every public school district to offer comprehensive sexual health education from a list of curricula provided on the Office of Superintendent of Public Instruction's (OSPI) website, or choose their own curricula using a tool provided by OSPI. Additionally, OSPI would be required to report to the Legislature data collected from school districts about the curricula they used to provide comprehensive sexual health education. Section 1(5)(a) of ESSB 5395 requires the Department of Health (DOH) to consult with OSPI on the development of a list of comprehensive sexual health education curricula that are consistent with the 2005 guidelines for sexual health information and disease prevention and the Washington state health and physical education K–12 learning standards.

### **GENERAL ASSUMPTIONS**

- If approved, the effective date of the referendum is December 3, 2020.
- The fiscal estimates use the state's fiscal year of July 1 through June 30. Fiscal year 2021 is July 1, 2020 to June 30, 2021.

### **REVENUE**

The referendum has no known state or local revenue impact.

### **EXPENDITURES**

A vote to approve the referendum would result in no costs for state government, specifically OSPI and DOH. School districts may incur costs, but those costs are indeterminate and are dependent upon local decisions regarding the adoption process and training for any new curriculum adopted.

#### **State expenditures**

Curricula. OSPI currently offers a list of curricula as part of its open education resources. There is no additional cost associated with maintaining sexual health education curricula.

Review Tools. OSPI currently offers a review tool for districts to use when selecting comprehensive sexual health education. The tool would require very little modification to be used as directed in the bill. There is no additional fiscal impact related to staff time to accomplish this work.

Data Collection. OSPI currently collects district-level data related to comprehensive sexual health education. No expenditure impact is anticipated as a result of this additional data collection requirement.

Reporting: OSPI is currently required to report on sexual health education to the Legislature. The time involved in reporting the results of the data reporting is already believed to be captured; therefore, no expenditure impact is expected.

### **School district expenditures**

Curricula. School districts may use free sexual health education curricula that is available. Any curricula costs for districts not currently offering comprehensive sexual health education, or not using curricula that meets the standard in ESSB 5395, would be discretionary. Should districts choose curricula at a cost, two federally-funded grant programs are available to provide financial assistance to districts for implementation. DOH administers the Personal Responsibility Education Program (PREP), and Planned Parenthood of the Great Northwest and Hawaiian Islands administers the Teen Pregnancy Prevention Program (TPPP). Both are funded by the U.S. Department of Health and Human Services Office of Adolescent Health.

Professional Development: ESSB 5395 does not require that districts send their teachers to training or provide any other professional development opportunities in comprehensive sexual health education. Any costs incurred by districts for professional development would be discretionary. To manage discretionary costs, districts could choose to send teachers to professional development opportunities offered by OSPI at no cost. Districts could incur costs for travel and substitute teacher reimbursement.

Adoption of Curricula. Adoption costs are dependent upon local school district practices. It is assumed that districts changing their curricula will use current adoption processes and available financial resources, therefore, no additional costs will be incurred. However, districts may be impacted by changing their curriculum adoption schedule, substituting the adoption of sexual health education curricula in the place of currently planned curriculum updates. If they choose to add sexual health education curricula to their adoption process, this could result in additional costs for curriculum review, meetings, and public comment. There is no way to estimate statewide costs of the adoption processes; therefore, there is an indeterminate fiscal impact on districts.