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**SUBSTITUTE SENATE BILL 5555**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** Senate Committee on Education (originally sponsored by Senators Stevens, Hochstatter, Schow, Zarelli, Roach, Morton, Benton, McCaslin and Oke)

Read first time 03/05/97.

1 AN ACT Relating to parents' rights in education; and adding a new  
2 chapter to Title 28A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the inherent  
5 and unalienable right and responsibility of the parents to provide for  
6 and ensure the health, education, and general well-being of their  
7 children. This chapter is intended to recognize that responsibility  
8 and to affirm the right of the parents to decide what their children  
9 learn and how they are taught in the common schools.

10 (2) This chapter defines the roles and obligations of school  
11 officials, administrators, staff, and teachers, in order to provide for  
12 better cooperation between the school district and the parents, to  
13 encourage mutual understanding and confidence, to secure a better  
14 education for all children enrolled in the public schools of this  
15 state, to otherwise assist the parents in the discharge of their  
16 parental responsibility to their children, and to assist the school  
17 system in the discharge of its responsibility to the parents.

1 (3) This act is not meant to be inclusive of all rights and  
2 responsibilities of parents with regard to education, only to address  
3 those issues where known conflict exists.

4 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7 (1) "Emergency situation" means a situation where the student may  
8 cause physical harm to himself, herself, or to others.

9 (2) "Experimental," "special," or "pilot" class or program means  
10 any class or program designed to explore or develop new or unproven  
11 teaching methods or techniques or a class or program of limited  
12 application to a selected group of students.

13 (3) "Group therapy" and "sensitivity training" mean group processes  
14 where the student's intimate and personal feelings, emotions, values,  
15 habits, or beliefs are openly exposed to the group or where emotions,  
16 feelings, or attitudes are directed by one or more members of the group  
17 toward another member of the group, or where roles are assigned to  
18 pupils for the purpose of classifying, controlling, or predicting  
19 behavior.

20 (4) "Neglect" means the intentional failure of a parent to supply  
21 the student with necessary food, clothing, shelter, or medical care  
22 when reasonably able to do so, or the intentional failure of a parent  
23 or school district employee to protect a child from conditions or  
24 actions that imminently and seriously endanger the student's physical  
25 health when reasonably able to do so.

26 (5) "Parent" means a biological, adoptive or foster parent, or  
27 legal guardian.

28 (6) "Physical abuse" means any physical injury that is  
29 intentionally inflicted on the student by a parent and that is  
30 medically significant as determined by a physician.

31 (7) "Sexual abuse" means any offense involving sexual contact or  
32 sexual intercourse as defined in RCW 9A.44.010 that is committed  
33 against the student by a parent.

34 NEW SECTION. **Sec. 3.** Parents have the right to know what their  
35 children are being taught.

36 (1) Upon request by the parent of a student, the board of directors  
37 of a school district shall make available for inspection to the parent

1 any educational or other program of the district and all instructional  
2 or other materials related to or used therein, including teacher  
3 manuals, textbooks, films, tapes, supplementary materials, or computer  
4 programs.

5 Before any school district makes available to a student a course,  
6 program, or materials relating to education regarding alcoholic  
7 stimulants or controlled substances, human sexuality education,  
8 education regarding sexually transmitted diseases including HIV or AIDS  
9 education, suicide education, or death education, the district shall  
10 notify the parent of the student that all instructional materials or  
11 other materials relating to or used therein are available for public  
12 inspection and upon written consent by a parent the district may make  
13 such materials available to the student.

14 (2) A student may not be placed in an experimental, special, or  
15 pilot class or program without prior consultation by school personnel  
16 with and written consent of a parent. All instructional or other  
17 materials related to or used therein, including teacher manuals,  
18 textbooks, films, tapes, supplementary materials, or computer programs  
19 shall be available for review by a parent upon request before the  
20 student is enrolled in such program.

21 (3) Classes shall be held on school property, except for field  
22 trips that are necessarily and reasonably beneficial, that are related  
23 to the educational program of the student, that are afforded to all  
24 members of the class equally, and that are undertaken with the  
25 knowledge and written consent of a parent.

26 NEW SECTION. **Sec. 4.** The parents and the child shall have the  
27 right to privacy.

28 (1) A student may only be tested for intelligence quotient or  
29 proficiency in basic skills and academic subject matter. Any testing  
30 or inquiry pertaining to a student's attitudes, habits, or values, the  
31 student's parent's attitudes, habits, or values, or other personal  
32 information pertaining to the student and the student's family,  
33 including personality inventories, value appraisals, psychological  
34 inventories, or diagnostic tests may be given only after consultation  
35 by school personnel with the parent and with the parent's written  
36 permission.

37 Any such tests shall be made available to a parent upon request,  
38 and the results of any test or inquiry and any notes, records, or

1 written or taped memoranda regarding the test or inquiry shall be made  
2 available to the parents upon request.

3 (2) All records kept on a student must be provided to the parent  
4 upon request for the parent's observation, and copies thereof provided  
5 to the parent upon request at cost at the expense of the parent.  
6 Records may not be maintained on a student that are not relevant to  
7 academic achievement, except that records regarding disciplinary action  
8 shall be separately maintained.

9 (3) Employees and guests of a school district may not use  
10 psychotherapeutic techniques such as group therapy or sensitivity  
11 training without prior consultation with a parent and obtaining written  
12 permission of the parent.

13 (4) Except in an emergency situation, a school may not use guidance  
14 counseling regarding a student's social, emotional, mental, or personal  
15 problems without prior consultation with a parent and obtaining written  
16 permission of the parent. Parental consent is not to be construed as  
17 continuing beyond the specific subject of discussion during  
18 consultation, unless the parent gives written permission to expand the  
19 scope of counseling. A school district may allow a student to  
20 participate in limited guidance counseling without the prior written  
21 consent of the parent if the student declares in a signed written  
22 statement that he or she is a victim of sexual abuse, physical abuse,  
23 or neglect by either of his or her parents or by his or her guardian,  
24 and the school district determines that there is evidence of such  
25 sexual abuse, physical abuse, or neglect.

26 The school district shall maintain the student's signed written  
27 statement alleging sexual abuse, physical abuse, or neglect.

28 The school district shall make a written report explaining the  
29 evidence supporting its decision to allow a student to participate in  
30 guidance counseling without the prior written consent of a parent and  
31 shall maintain the report with the student's signed written statement.

32 The student's signed written statement and the school district's  
33 written report shall be confidential and shall not be available to a  
34 parent or the public unless a parent is charged with sexual abuse,  
35 physical abuse, or neglect.

36 Any school district relying in good faith on a student's signed  
37 written statement shall not be liable for failure to obtain the prior  
38 written consent of a parent for the student to participate in guidance  
39 counseling.

1        NEW SECTION.    **Sec. 5.**    A parent has the right to be informed of  
2 student progress. A parent shall be apprised no less than three times  
3 during each school year, in writing, by the teacher or principal, of a  
4 student's progress in the basic skills. A parent shall be apprised at  
5 least annually of the student's progress in such basic skills as  
6 measured against standard grade level norms. Such information as  
7 standing in the class and standing in relation to national norms shall  
8 also be provided to a parent upon request if available.

9        NEW SECTION.    **Sec. 6.**    (1) This chapter shall be liberally  
10 construed to protect and enforce the rights this chapter creates and  
11 reaffirms.

12        (2) This chapter has precedence over any now existing law to the  
13 contrary. State board of education rules as well as the rules of the  
14 superintendent of public instruction shall be deemed amended by chapter  
15 ..., Laws of 1997 (this act).

16        NEW SECTION.    **Sec. 7.**    Sections 1 through 6 of this act constitute  
17 a new chapter in Title 28A RCW.

18        NEW SECTION.    **Sec. 8.**    If any provision of this act or its  
19 application to any person or circumstance is held invalid, the  
20 remainder of the act or the application of the provision to other  
21 persons or circumstances is not affected.

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