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**HOUSE BILL 2928**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Representatives Klippert, Graham, Griffey, McCaslin, Kretz, DeBolt, Goehner, Chambers, Shea, Barkis, Boehnke, Eslick, Corry, Walsh, and Van Werven

AN ACT Relating to parental rights; adding a new chapter to Title 26 RCW; and prescribing penalties.

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

NEW SECTION. **Sec.**  This chapter may be known and cited as the parents' bill of rights.

NEW SECTION. **Sec.**  (1) The legislature finds that important information relating to a child should not be withheld, either inadvertently or purposefully, from his or her parent, including information relating to the child's health, well-being, and education, while the child is in the custody of the school district. The legislature further finds it is necessary to establish a consistent mechanism for parents to be notified of information relating to the health and well-being of their children and that it is a fundamental right of parents to direct the upbringing, education, and care of their children.

(2) For purposes of this chapter, the term "parent" means a person who has legal custody of a minor child as a natural or adoptive parent or a legal guardian.

NEW SECTION. **Sec.**  The state, any of its political subdivisions, any other governmental entity, or any other institution may not infringe on the fundamental rights of a parent to direct the upbringing, education, health care, and mental health of his or her minor child without demonstrating that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.

NEW SECTION. **Sec.**  (1) All parental rights are reserved to the parent of a minor child in this state without obstruction or interference from the state, any of its political subdivisions, any other governmental entity, or any other institution including, but not limited to, all of the following rights of a parent of a minor child in this state:

(a) The right to direct the education and care of his or her minor child;

(b) The right to direct the upbringing and the moral or religious training of the minor child;

(c) The right to enroll his or her child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available options;

(d) The right, pursuant to RCW 28A.605.030, to access and review all school records relating to the minor child;

(e) The right to make health care decisions for his or her minor child, unless otherwise prohibited by law;

(f) The right to access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released;

(g) The right to consent in writing before a biometric scan of the minor child is made, shared, or stored;

(h) The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by law or authorized pursuant to a court order;

(i) The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child unless such recording is made during or as part of a court proceeding, is made by law enforcement or during a law enforcement investigation, is made as part of a forensic interview in a criminal or department of children, youth, and families investigation, or to be used solely for the following purposes:

(i) A safety demonstration, including the maintenance of order and discipline in the common areas of a school or on student transportation vehicles;

(ii) A purpose related to a legitimate academic or extracurricular activity;

(iii) A purpose related to regular classroom instructions;

(iv) Security or surveillance of buildings or grounds; or

(v) A photo identification card;

(j) The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child, unless the incident has first been reported to law enforcement or the department of children, youth, and families and notifying the parent would impede the investigation.

(2) This section does not:

(a) Authorize a parent of a minor child in this state to engage in conduct that is unlawful or to abuse or neglect his or her minor child in violation of law;

(b) Condone, authorize, approve, or apply to a parental action or decision that would end life;

(c) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or

(d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law.

(3) An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action. This subsection does not apply to law enforcement personnel and the department of children, youth, and families personnel acting within their official capacities.

(4) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter may not be construed to apply to a parental action or decision that would end life.

NEW SECTION. **Sec.**  (1) Each school district board of directors shall, in consultation with parents, teachers, and administrators, develop and adopt a policy to promote parental involvement in the public school system. Such policy must include:

(a) A plan for parental participation in schools to improve parent and teacher cooperation in such areas as homework, school attendance, and discipline;

(b) A procedure for a parent to learn about his or her child's course of study, including the source of any supplemental education materials;

(c) Procedures for a parent to object to classroom materials and activities and a process for withdrawing his or her student from the activity, class, or program in which such materials or activities are used. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials or activities are harmful;

(d) Procedures, pursuant to RCW 28A.300.475, for a parent to withdraw his or her student from any portion of the school district's comprehensive health education that relates to sex education or instruction in acquired immunodeficiency syndrome education or any instruction regarding sexuality if the parent provides a written objection to his or her child's participation. Such procedures must provide for a parent to be notified in advance of such course content so that he or she may withdraw his or her student from those portions of the course;

(e) Procedures for a parent to learn about the nature and purpose of clubs and activities offered at his or her child's school, including those that are extracurricular or part of the school curriculum;

(f) Procedures for a parent to learn about parental rights and responsibilities under law, including all of the following:

(i) Pursuant to RCW 28A.300.475, the right to opt his or her minor child out of any portion of the school district's comprehensive health education that relates to sex education instruction in acquired immunodeficiency syndrome education or any instruction regarding sexuality;

(ii) A plan to disseminate information about school choice options, including open enrollment;

(iii) In accordance with RCW 28A.210.090, the right of a parent to exempt his or her student from immunizations;

(iv) The right of a parent to review statewide, standardized assessment results;

(v) The right of a parent to enroll his or her student in gifted or special education programs;

(vi) The right of a parent to inspect school district instructional materials;

(vii) The right of a parent to access information relating to the school district's policies for promotion or retention, including high school graduation requirements;

(viii) The right of a parent to receive a school report card and be informed of his or her child's attendance requirements;

(ix) The right of a parent to access information relating to the state public education system, state standards, report card requirements, attendance requirements, and instructional materials requirements;

(x) The right of a parent to participate in parent teacher associations and organizations that are sanctioned by a district school board or the department of education;

(xi) The right of a parent to opt out of any district-level data collection relating to his or her minor child not required by law.

(2) A school district board of directors may provide the information required in this section electronically or post such information on its web site.

(3) A parent may request, in writing, from the superintendent of the school district the information required under this section. Within ten days, the superintendent of the school district must provide such information to the parent. If the superintendent of the school district denies a parent's request for information or does not respond to the parent's request within ten days, the parent may appeal the denial to the school district board of directors. The board must place a parent's appeal on the agenda for its next public meeting. If it is too late for a parent's appeal to appear on the next agenda, the appeal must be included on the agenda for the subsequent meeting.

NEW SECTION. **Sec.**  (1)(a) Except as otherwise provided by law, a health care provider may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(b) Except as otherwise provided by law, a person or an individual employed by such person may not provide or solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent.

(2) Except as otherwise provided by law or a court order, a health care provider may not allow a medical procedure to be performed on a minor child in its facility without first obtaining written parental consent.

(3) This section does not apply to an abortion, which is governed under chapter 9.02 RCW.

(4) A health care provider or other person who violates this section is subject to disciplinary action pursuant to chapter 18.130 RCW including imposition of civil penalties, and commits a gross misdemeanor.

NEW SECTION. **Sec.**  Sections 1 through 6 of this act constitute a new chapter in Title 26 RCW.

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