

HOUSE BILL REPORT

HB 2216

As Reported By House Committee On:
Education

Title: An act relating to parents' rights and responsibilities in education.

Brief Description: Establishing parental rights and responsibilities in education.

Sponsors: Representatives Brumsickle, Mastin, Radcliff, Carlson, Thompson, Hankins and Backlund.

Brief History:

Committee Activity:

Education: 1/11/96, 2/2/96 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Clements; Fuhrman; McMahan; Pelesky; Smith; Talcott and Thompson.

Minority Report: Do not pass. Signed by 9 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Hatfield; Linville; Poulsen; Quall; Radcliff; B. Thomas and Veloria.

Staff: Cheri Keller (786-7093).

Background: Although parents have voiced interest in being more involved in their children's education, school districts do not always involve parents in school and district-level decisions. The district level instructional material review committee set in statute, for example, suggests but does not require, districts to include parents on this committee.

Currently, the rights and responsibilities of parents with regard to the education of their children are scattered throughout many sections of the education statutes. This leads to confusion and a belief by some parents that they do not have adequate rights with regard to their children's education.

Schools have increased the availability of non-academic curriculum components that may interfere with a parent's right to determine the appropriateness of such activities for his or her child.

Other confusion exists because federal law provides for parents' access to their children's educational records, but state law is silent in this area.

Summary of Substitute Bill:

Legislative Intent. The Legislature affirms that families are the fundamental unit of society and that parents have a right to direct the upbringing of their children. Parents are the primary educators of their children and have a right to direct the educational decisions that concern their children. Public schools must take every reasonable step to provide access and discretion to parents regarding their children's education.

Opting Into Activities and Classes. A parent must give prior written consent before a school includes a student in any of the following:

- (1) Any test, survey, analysis, questionnaire, or evaluation that requests the student disclose information about the student's or parents' political or religious affiliations; mental or psychological problems; sexual behavior or attitudes; illegal, self-incriminating or demeaning behavior; critical appraisals of other individuals with whom the student has a family relationship; or legally privileged information. Schools must give parents advance written notice before conducting any test described above and make such materials readily available for inspection.
- (2) Counseling activities that include hypnosis, psychoanalysis, or other psychotherapeutic techniques. Schools must maintain a register of counseling services and make it available to parents. This register must be available for parent review and must not be maintained with student academic records.
- (3) Any school-sponsored curriculum component, program, or activity that contains information regarding sex education, sexually transmitted disease, contraception, sexual orientation, suicide, or euthanasia. Schools must give parents advance written notice prior to presenting in any school-sponsored curriculum component, program or activity, information regarding sex education, sexually transmitted disease, contraception, sexual orientation, suicide, or euthanasia.

Access to Student Records. Each district must make available a list of all records routinely kept on all students and establish procedures to ensure that parents can

access the records of their children. The list should include, but not be limited to, academic, vocational, counseling, disciplinary, and attendance records. Except as specifically exempted by other state or federal law, all records maintained on a student by a school, school district, educational service district, the Superintendent of Public Instruction, the State Board of Education, or anyone under contract with the above, must be provided to a parent for observation upon request. If a record is deemed exempt from parental disclosure, the appropriate legal reference allowing such exemption must be provided to the parent upon request. A parent is entitled to one set of records per year free of charge upon request.

Parental Involvement. Districts must seek parental involvement in advisory groups that are considering major policy decisions. The district school board must provide reasonable opportunity for public oral and written comments on proposals before the board.

Review of Teaching Materials and Tests. Schools must make available for inspection, upon the written request or personal appearance of a parent, any classroom instructional materials associated with the education or instruction of students by the school. A parent has the right to review all tests and assessments given to his or her children after such test or assessment is administered.

Access to Classroom. Every school district board of directors must adopt a policy ensuring parents access to their children's classrooms and school-sponsored activities for the purposes of observing class procedure, teaching material, and class conduct. Observation must not disrupt the classroom procedure or learning activity.

Substitute Bill Compared to Original Bill: The original bill allowed a parent to remove his or her child temporarily from a class or school activity that conflicts with the parent's religious or moral beliefs, if the parent sends a written statement authorizing the removal ("opt out"). The substitute bill creates a list of school components that a child must not take part in unless the child's parent gives prior written consent ("opt in"). Parents may choose to opt their children into counseling; school curriculum, programs, or activities that contain information regarding sex education, sexually transmitted diseases, contraception, sexual orientation, suicide, or euthanasia; or tests and surveys that request that a student disclose information about political or religious affiliations, mental or psychological problems, sexual behavior or attitudes, illegal, self-incriminating or demeaning behavior, critical appraisals of other individuals, or legally privileged information. The substitute bill gives a parent the right to review all tests and assessments given to his or her child after such test or assessment is administered.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (original bill) We support and encourage parental involvement. Parents have rights as well as responsibilities. This bill provides that balance. Parents are partners with educators in the education of children. School districts currently work well with parents to empower them and make sure they're effective advocates for their children. Giving a parent the right to opt a child into most classes is unworkable for schools. This bill gives everyone a fair shot.

Testimony Against: (original bill) This bill doesn't establish parental rights. Parents have historically had the right to opt children out of school components that they object to. This bill removes that authority. We want a parents' rights bill that allows parents to opt their children into everything but the basics. When parents can't have complete access to their children during school hours, children are more likely to be abused by school staff. Parents should be able to access all records on their children that are held by a school district. Parents should direct the growth of their children, not simply "be involved." Throughout the bill parents "shall" do things and school districts "may." This is unfair. Parents and families in Washington are under siege. Our institutions have failed us.

Testified: (Pro) Cecil Escalante, private citizen and United We Stand; Barbara Casey, Washington State Parent Teacher Association; Virginia DeForest, American Association of University Women of Washington State; Dwayne Slate, Washington State School Directors Association; Dorene Mykol, State Board of Education; and Janice Skinner, Active Disabilities of Grays Harbor. (Con) Becky Icenogle, student; Dr. Deborah Icenogle, Washington Parents Coalition for Academic Excellence; Sandy Vanderburg; Lynn Stuter; Tiloura Lund; Marda Kirkwood, Citizens United for Responsible Education; Jim McGatlin, Kathy Meyer, and Alan England, Kent Citizens for Responsible Education; Sue Trout; Chris Shardelman; Roberta Berg; Pari Johnson; Elain Witt; Carolyn Finl; and Lloyd Gardner, Concerned About Schools. (No Position) Sandy Elliott; Lyna Harsh, Evergreen Freedom Foundation. (With Concerns) Bob Maier, Washington Education Association; and Edsel Hammond, Concerned About Schools.