
ENGROSSED SUBSTITUTE HOUSE BILL 2216

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Education (originally sponsored by Representatives Brumsickle, Mastin, Radcliff, Carlson, Thompson, Hankins and Backlund)

Read first time 02/02/96.

1 AN ACT Relating to parents' rights and responsibilities in
2 education; amending RCW 28A.315.510, 28A.320.230, and 28A.230.070;
3 adding a new section to chapter 28A.600 RCW; adding a new section to
4 chapter 28A.320 RCW; adding a new chapter to Title 28A RCW; and
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes families as the
8 fundamental unit of society and affirms parents' rights to direct the
9 upbringing of their children. The legislature further supports parents
10 as the primary educators of their children and recognizes parents'
11 rights to further direct the educational decisions which concern their
12 children.

13 The legislature believes that public schools derive their authority
14 from parents of the attending students and must therefor take every
15 reasonable step to provide parents with access and discretion regarding
16 their child's education. Parents' rights regarding what their children
17 are provided by public schools is paramount in protecting the proper
18 and fundamental role of the family.

1 NEW SECTION. **Sec. 2.** DEFINITION. Unless specifically provided by
2 law, for purposes of this chapter, "parent" means a parent or legal
3 guardian having legal custody of a child enrolled in public school.
4 For purposes of this chapter, "parent" does not mean parents of
5 children in private schools or of children receiving home-based
6 instruction.

7 NEW SECTION. **Sec. 3.** PARENTS' RIGHTS AND RESPONSIBILITIES
8 EXISTING IN CURRENT LAW. (1) Parents shall immunize their children,
9 unless exempted, in accordance with RCW 28A.210.030.

10 (2) Parents shall provide information about the child's prior
11 educational programs when the child transfers to another school, in
12 accordance with RCW 28A.225.330.

13 (3) Parents shall be responsible for property damaged by their
14 children, in accordance with RCW 28A.635.060.

15 (4) Parents shall ensure that their children attend school every
16 day, unless excused, in accordance with RCW 28A.225.010.

17 (5) Parents may decide whether their children participate in AIDS
18 instruction, in accordance with RCW 28A.230.070 and this chapter.

19 (6) Parents may make a complaint to the school board and have the
20 complaint heard at a public hearing on instructional and library
21 materials that a parent thinks is objectionable, in accordance with RCW
22 28A.150.230.

23 (7) Parents may be members of instructional materials committees in
24 accordance with RCW 28A.320.230 and this chapter.

25 (8) Parents shall be consulted in the development of the district's
26 AIDS curriculum, in accordance with RCW 28A.230.070.

27 (9) Parents may exclude their children from scoliosis screening, in
28 accordance with RCW 28A.210.090, 28A.210.210, and 28A.210.240.

29 (10) Parents shall receive periodic reports on the progress of
30 their children, in accordance with RCW 28A.150.240.

31 (11) Parents shall be notified if their child has a hearing or
32 visual loss, in accordance with RCW 28A.210.030.

33 (12) Parents shall be notified when their child has an unexcused
34 absence, in accordance with RCW 28A.225.020.

35 (13) Parents shall be notified of their child's choice options in
36 accordance with RCW 28A.225.300.

37 (14) Parents shall be notified of their parent involvement
38 opportunities, in accordance with RCW 28A.225.300.

1 (15) Parents shall receive the results of their child's performance
2 on state-wide assessments, in accordance with RCW 28A.230.190,
3 28A.230.195, 28A.230.230, 28A.230.240, and 28A.230.250.

4 (16) Parents shall receive an annual report from their school
5 district, in accordance with RCW 28A.320.205.

6 (17) Parents shall be notified of pupil conduct, discipline, and
7 rights, in accordance with RCW 28A.600.010.

8 (18) Parents shall be notified about the running start program, in
9 accordance with RCW 28A.600.320.

10 (19) Parents shall be notified if a court order or subpoena has
11 been issued for access to the records of their children, in accordance
12 with RCW 28A.600.475.

13 NEW SECTION. **Sec. 4.** ACCESS TO ACADEMIC PROGRAMS AND TEACHING
14 MATERIALS. (1) A parent shall have access to his or her child's
15 classroom. Every school district board of directors shall, after
16 following established procedures, adopt a policy ensuring parents
17 access to their children's classrooms and school-sponsored activities
18 for purposes of observing class procedure, teaching material, and class
19 conduct. The policy shall provide that observation shall not disrupt
20 the classroom procedure or learning activity.

21 (2) School district employees shall not withhold information
22 pertaining to the school activities of a child from the child's
23 parents.

24 (3) A parent has the right to review all tests and assessments
25 given to his or her child after such test or assessment is
26 administered.

27 NEW SECTION. **Sec. 5.** INFORMATION CONCERNING STUDENTS. (1) Each
28 school district shall make available a list of all records that the
29 district routinely keeps on a student and shall establish procedures
30 whereby parents shall have access to their child's records. The list
31 shall include, but not be limited to, academic, vocational, counseling,
32 disciplinary, and attendance records.

33 (2) Except as specifically exempted by other state or federal law,
34 a parent shall have the right to obtain a copy of any record maintained
35 on his or her child by a school, school district, educational service
36 district, the superintendent of public instruction, the state board of
37 education, or anyone under contract with the entitites named in this

1 subsection. Upon the written request of a parent, copies of records
2 shall be provided within fourteen working days. Upon request, parents
3 shall be provided with the appropriate legal reference for all
4 individual records that the school, school district, educational
5 service district, the superintendent of public instruction, the state
6 board of education, or any contractor, claim are exempt from parent
7 disclosure by state or federal law.

8 (3) Upon request, parents shall annually be entitled to one set of
9 student records at no charge but districts may establish a fee pursuant
10 to RCW 42.17.300 for each subsequent request made during the year.

11 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.600
12 RCW to read as follows:

13 (1) Except when generated by a student as a part of course work, a
14 public school shall give parents or legal guardians twenty days advance
15 written notice before the school, or before any person or organization
16 under contract with the school, conducts any student test,
17 questionnaire, survey, analysis, or evaluation that requests disclosure
18 by the student of information about either the student or the student's
19 parent's or legal guardian's personal: Political or religious
20 affiliations, mental or psychological problems, sexual behavior or
21 attitudes, illegal, self-incriminating, or demeaning behavior, critical
22 appraisals of any other individual with whom the student has a family
23 relationship, legally privileged information arising out of
24 confidential relationships with persons such as lawyers, physicians, or
25 ministers, or religious issues. The notice shall provide disclosure to
26 the student's parent or legal guardian regarding the subject matter,
27 intended use of the results, and educational merit of the test,
28 questionnaire, survey, analysis, or evaluation.

29 (2) No student may participate in any test, questionnaire, survey,
30 analysis, or evaluation listed in subsection (1) of this section
31 without prior written consent from the student's parent or legal
32 guardian.

33 (3) All materials that a school uses in conducting any student
34 test, questionnaire, survey, analysis, or evaluation that involves
35 disclosure of information described in this section shall be readily
36 available for inspection by the parent or legal guardian of a student,
37 at least ten days before their administration, at the school during

1 normal school hours. School personnel must also be readily available
2 to answer questions relative to the materials.

3 NEW SECTION. **Sec. 7.** PROHIBITION ON REMOVAL OF CHILD. The board
4 of directors of each school district shall adopt rules establishing
5 procedures to ensure that each school within its district is carrying
6 out district policy prohibiting a child in grades kindergarten through
7 eight from being removed from any school grounds or building during
8 school hours except by a person authorized by a parent or legal
9 guardian having legal custody of the child, pursuant to RCW
10 28A.605.010.

11 **Sec. 8.** RCW 28A.315.510 and 1990 c 33 s 315 are each amended to
12 read as follows:

13 Regular meetings of the board of directors of any school district
14 shall be held monthly or more often at such a time as the board of
15 directors by resolution shall determine or the bylaws of the board may
16 prescribe. Special or deferred meetings may be held from time to time
17 as circumstances may demand, at the call of the president, if a first
18 class district, or the chair of the board, if a second class district,
19 or on petition of a majority of the members of the board. All meetings
20 shall be open to the public unless the board shall otherwise order an
21 executive session as provided in RCW 42.30.110. The board of directors
22 shall provide a reasonable opportunity for public oral and written
23 comments on proposals before the board.

24 NEW SECTION. **Sec. 9.** GUIDANCE AND COUNSELING SERVICES. (1) All
25 schools shall maintain a written register regarding counseling services
26 provided by a school counselor or other paraprofessional employed by
27 the district to provide counseling services to students in the public
28 schools. This register shall maintain the dates on which the student
29 received counseling services and shall be maintained on a quarterly
30 schedule. This register shall be available for parent review and shall
31 not be maintained with student academic records. This register shall
32 not be released to anyone other than the parent or student without the
33 parent's consent. For purposes of this section a register means a list
34 of dates and times a school counselor met with the student but does not
35 include the subject of discussion.

1 (2) Counseling records maintained from counseling sessions
2 involving social and emotional issues shall be destroyed upon the
3 student's high school graduation or permanent transfer from the school.

4 (3) No school employee may knowingly use formal counseling
5 techniques that are beyond the scope of the employee's certification.

6 NEW SECTION. **Sec. 10.** PARTICIPATION IN ADVISORY GROUPS. School
7 districts shall seek parental involvement in advisory groups that are
8 considering major policy decisions affecting the education of children
9 in the school district.

10 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.320
11 RCW to read as follows:

12 Upon the written request or personal appearance of a parent or
13 legal guardian of a student, a public school shall make available for
14 inspection by the parent or legal guardian, during school hours, any
15 classroom instructional materials, including textbooks, teacher's
16 manuals, library books, films, video tapes, audio tapes, computer
17 programs, supplementary materials, or any other materials, associated
18 with the education or instruction of the student by the school.
19 Materials physically located in the school shall be made available
20 within five working days of the request. Materials within the school
21 district shall be made available within fourteen working days of the
22 request.

23 NEW SECTION. **Sec. 12.** (1) A student may attend or participate in
24 any public school-sponsored class, program, or activity that concerns
25 suicide or euthanasia, or includes human sexuality issues dealing with
26 sex education, sexually transmitted diseases, contraception, or sexual
27 orientation, provided that the school has on file a signed confirmation
28 from the parent that the parent has received notification that the
29 class, program, or activity concerns suicide or euthanasia, or includes
30 human sexuality issues dealing with sex education, sexually transmitted
31 diseases, contraception, or sexual orientation and the parent approves
32 of his or her child's participation in the specific class, program, or
33 activity. A school or school district may comply with the notification
34 requirement in this section by notifying the parent at least once per
35 school year of the planned classes, programs, or activities.

1 (2) A parent may inspect all instructional materials including
2 teachers manuals, tapes, or other supplementary materials, or
3 instructional materials that may be used by any guest speaker, in
4 presenting any of the components of subsection (1) of this section.

5 (3) Employees of a school district may not encourage a student to
6 withhold materials or other information concerning classroom
7 activities, tests, discussions, or programs from his or her parents.

8 **Sec. 13.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to
9 read as follows:

10 Every board of directors, unless otherwise specifically provided by
11 law, shall:

12 (1) Prepare, negotiate, set forth in writing and adopt, policy
13 relative to the selection or deletion of instructional materials. Such
14 policy shall:

15 (a) State the school district's goals and principles relative to
16 instructional materials;

17 (b) Delegate responsibility for the preparation and recommendation
18 of teachers' reading lists and specify the procedures to be followed in
19 the selection of all instructional materials including text books;

20 (c) Establish an instructional materials committee to be appointed,
21 with the approval of the school board, by the school district's chief
22 administrative officer. This committee shall consist of representative
23 members of the district's professional staff, including representation
24 from the district's curriculum development committees, and, in the case
25 of districts which operate elementary school(s) only, the educational
26 service district superintendent, one of whose responsibilities shall be
27 to assure the correlation of those elementary district adoptions with
28 those of the high school district(s) which serve their children. The
29 committee ~~((may))~~ shall include parents ~~((at the school board's
30 discretion))~~ who are not school district employees and whose children
31 are enrolled in the district: PROVIDED, That parent members shall make
32 up ~~((less than one-half))~~ at least one-third of the total membership of
33 the committee;

34 (d) Provide for reasonable notice to parents of the opportunity to
35 serve on the committee and for terms of office for members of the
36 instructional materials committee;

1 (e) Provide a system for receiving, considering and acting upon
2 written complaints regarding instructional materials used by the school
3 district;

4 (f) Provide free text books, supplies and other instructional
5 materials to be loaned to the pupils of the school, when, in its
6 judgment, the best interests of the district will be subserved thereby
7 and prescribe rules and regulations to preserve such books, supplies
8 and other instructional materials from unnecessary damage.

9 Recommendation of instructional materials shall be by the
10 district's instructional materials committee in accordance with
11 district policy. Approval or disapproval shall be by the local school
12 district's board of directors.

13 Districts may pay the necessary travel and subsistence expenses for
14 expert counsel from outside the district. In addition, the committee's
15 expenses incidental to visits to observe other districts' selection
16 procedures may be reimbursed by the school district.

17 Districts may, within limitations stated in board policy, use (~~and~~
18 ~~experiment with~~) instructional materials for a period of time before
19 general adoption is formalized.

20 Within the limitations of board policy, a school district's chief
21 administrator may purchase instructional materials to meet deviant
22 needs or rapidly changing circumstances.

23 (2) Establish a depreciation scale for determining the value of
24 texts which students wish to purchase.

25 **Sec. 14.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to
26 read as follows:

27 (1) (~~The life threatening dangers of~~) Acquired immunodeficiency
28 syndrome (AIDS) (and its prevention shall be taught in the public
29 schools of this state. AIDS) prevention education shall be limited to
30 the discussion of the life-threatening dangers of the disease, its
31 spread, and prevention. (~~Students shall receive such education at~~
32 ~~least once each school year beginning no later than the fifth grade.~~)

33 (2) Each district board of directors (~~shall~~) may adopt an AIDS
34 prevention education program (which is). If a board of directors
35 adopts an AIDS prevention education program, the program shall be
36 developed in consultation with teachers, administrators, parents, and
37 other community members including, but not limited to, persons from
38 medical, public health, and mental health organizations and agencies

1 ~~((so long as))~~. The curricula and materials developed for use in the
2 AIDS education program shall either be: (a) ~~((are))~~ The model
3 curricula and resources under subsection (3) of this section, or (b)
4 ~~((are))~~ developed by the school district ~~((and approved for medical
5 accuracy by the office on AIDS established in RCW 70.24.250))~~. If a
6 district elects to use curricula developed by the school district, the
7 district shall submit to the office on AIDS a copy of its curricula and
8 an affidavit of medical accuracy ~~((stating that the material in the
9 district developed curricula has been compared to the model curricula
10 for medical accuracy and that in the opinion of the district the
11 district developed materials are medically accurate. Upon submission
12 of the affidavit and curricula, the district may use these materials
13 until the approval procedure to be conducted by the office of AIDS has
14 been completed))~~.

15 (3) Model curricula and other resources available from the
16 superintendent of public instruction may be reviewed by the school
17 district board of directors, in addition to materials designed locally,
18 in developing the district's AIDS education program. The model
19 curricula shall be reviewed for medical accuracy by the office on AIDS
20 established in RCW 70.24.250 within the department of social and health
21 services.

22 (4) Each school district shall, at least one month before teaching
23 AIDS prevention education in any classroom, conduct at least one
24 presentation during weekend and evening hours for the parents and
25 guardians of students concerning the curricula and materials that will
26 be used for such education. The parents and guardians shall be
27 notified by the school district of the presentation and that the
28 curricula and materials are available for inspection. No student may
29 ~~((be required to))~~ participate in AIDS prevention education ~~((if))~~
30 unless the student's parent or guardian ~~((, having attended one of the
31 district presentations, objects in writing to the participation))~~
32 provides prior written permission for the student to participate.

33 (5) The office of the superintendent of public instruction with the
34 assistance of the office on AIDS shall update AIDS education curriculum
35 material as newly discovered medical facts make it necessary.

36 (6) The curriculum for AIDS prevention education shall stress the
37 life-threatening dangers of contracting AIDS and be designed to teach
38 students which behaviors place a person dangerously at risk of

1 infection with the human immunodeficiency virus (HIV) and methods to
2 avoid such risk including, at least:

3 (a) That abstinence from sexual activity is the only certain means
4 for the prevention of the spread or contraction of the AIDS virus
5 through sexual contact. It shall also teach that condoms and other
6 artificial means of birth control are not a certain means of preventing
7 the spread of the AIDS virus and reliance on condoms puts a person at
8 risk for exposure to the disease; and

9 (b) The dangers of drug abuse, especially that involving the use of
10 hypodermic needles(~~(; and~~

11 ~~(b) The dangers of sexual intercourse, with or without condoms)).~~

12 ~~((7) The program of AIDS prevention education shall stress the~~
13 ~~life-threatening dangers of contracting AIDS and shall stress that~~
14 ~~abstinence from sexual activity is the only certain means for the~~
15 ~~prevention of the spread or contraction of the AIDS virus through~~
16 ~~sexual contact. It shall also teach that condoms and other artificial~~
17 ~~means of birth control are not a certain means of preventing the spread~~
18 ~~of the AIDS virus and reliance on condoms puts a person at risk for~~
19 ~~exposure to the disease.))~~

20 NEW SECTION. Sec. 15. COMPLAINTS. The board of directors of each
21 school district shall have a grievance procedure under which the school
22 district shall address and attempt to resolve each written complaint
23 that the district receives concerning violation of a right guaranteed
24 by this chapter.

25 NEW SECTION. Sec. 16. CAPTIONS NOT LAW. Captions used in this
26 chapter do not constitute any part of the law.

27 NEW SECTION. Sec. 17. Sections 2 through 5, 7, 9, 10, 12, 15, and
28 16 of this act shall constitute a new chapter in Title 28A RCW.

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