
SENATE BILL 5498

State of Washington

54th Legislature

1995 Regular Session

By Senators Hochstatter, Hargrove, Oke, Roach, Cantu, Schow, Owen and Deccio

Read first time 01/25/95. Referred to Committee on Education.

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) It is the right and the responsibility
5 of the parents to provide for and ensure the health, education, and
6 general well-being of their children. This chapter is intended to
7 recognize that responsibility and to affirm the right of the parents to
8 decide what their children learn and how they are taught in the common
9 schools.

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

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

4 (1) "Experimental," "special," or "pilot" class or program means
5 any class or program designed to explore or develop new or unproven
6 teaching methods or techniques or a class or program of limited
7 application to a selected group of students.

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

15 (3) "Parent" means one or both parents, and includes a legal
16 guardian.

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

19 (1) Upon request by the parent of a student, the board of directors
20 of a school district shall make available for inspection to the parent
21 any educational or other program of the district and all instructional
22 or other materials related to or used therein, including teacher
23 manuals, textbooks, films, tapes, supplementary materials, or computer
24 programs.

25 Before any school district makes available to a student a course,
26 program, or materials relating to education regarding alcoholic
27 stimulants or controlled substances, human sexuality education,
28 education regarding sexually transmitted diseases including HIV or AIDS
29 education, suicide education, or death education, the district shall
30 notify the parent of the student that all instructional materials or
31 other materials relating to or used therein are available for public
32 inspection and upon written consent by a parent the district may make
33 such materials available to the student.

34 (2) A student may not be placed in an experimental, special, or
35 pilot class or program without prior consultation by school personnel
36 with and written consent of a parent. All instructional or other
37 materials related to or used therein, including teacher manuals,
38 textbooks, films, tapes, supplementary materials, or computer programs

1 shall be available for review by a parent upon request before the
2 student is enrolled in such program.

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

8 (4) Employees or guests of a school district shall not subvert the
9 duty of teachers as set forth in RCW 28A.405.030 to impress on the
10 minds of their students the principles of morality, truth, justice,
11 temperance, humanity, and patriotism; to teach them to avoid idleness,
12 profanity, and falsehood; to instruct them in the principles of free
13 government; and to train them in the true comprehension of the rights,
14 duty, and dignity of American citizenship.

15 (5) Employees of a school district shall not direct, instruct, or
16 encourage a student to withhold instructional materials or other
17 information concerning classroom activities, tests, discussions, or
18 programs from their parent.

19 (6) Employees of a school district shall not use school grounds,
20 facilities, equipment, or supplies to endorse, support, or oppose a
21 candidate for public elective office. Employees of a school district
22 shall not distribute or circulate materials or solicit signatures for
23 or against a candidate or ballot issue in school facilities or on
24 school grounds.

25 (7)(a) Employees of a school district may not be required to
26 provide instruction or participate in a course or program relating to
27 education regarding alcoholic stimulants or controlled substances,
28 human sexuality education, education regarding sexually transmitted
29 diseases including HIV or AIDS education, suicide education, or death
30 education unless the employee has consented to provide such instruction
31 or participate in such a course or program.

32 (b) Employees of a school district may not be required to provide
33 instruction or participate in a course or program relating to an
34 experimental, special, or pilot class or program unless the employee
35 has consented to provide such instruction or participate in such a
36 course or program.

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

1 (1) A student may only be tested for intelligence quotient or
2 proficiency in basic skills and academic subject matter. Any testing
3 or inquiry pertaining to a student's attitudes, habits, or values, the
4 student's parent's attitudes, habits, or values, or other personal
5 information pertaining to the student and the student's family,
6 including personality inventories, value appraisals, psychological
7 inventories, or diagnostic tests may be given only after consultation
8 by school personnel with the parent and with the parent's written
9 permission.

10 Any such tests shall be made available to a parent upon request,
11 and the results of any test or inquiry and any notes, records, or
12 written or taped memoranda regarding the test or inquiry shall be made
13 available to the parents upon request.

14 (2) All records kept on a student must be provided to the parent
15 upon request for the parent's observation, and copies thereof provided
16 to the parent upon request at cost at the expense of the parent.
17 Records may not be maintained on a student that are not relevant to
18 academic achievement, except that records regarding disciplinary action
19 shall be separately maintained.

20 (3) Employees of a school district may not be required to provide
21 instruction or participate in a course or program relating to any
22 testing or inquiry pertaining to a student's attitudes, habits, or
23 values, the student's parent's attitudes, habits, or values, or other
24 personal information pertaining to the student and the student's
25 family, including personality inventories, value appraisals,
26 psychological inventories, or diagnostic tests unless the employee has
27 consented to provide such instruction or participate in such a course
28 or program.

29 NEW SECTION. **Sec. 5.** A parent shall have the right to ensure that
30 education is academically oriented.

31 (1) A parent has the right to expect his or her children will
32 receive a basic education including, but not limited to, reading,
33 writing, United States history, Washington state history, world
34 history, geography, mathematics, science, and economics. This basic
35 education shall have priority over other and additional courses.

36 Reading and writing shall include a synthetic, explicit phonetic
37 approach with intensive, structured sequential training in letter-sound

1 associations and blending drills, with an emphasis on correct spelling,
2 punctuation, sentence structure, and good handwriting.

3 The teaching of history shall include as a minimum the study of the
4 declaration of independence, the United States Constitution, the
5 federalist papers, and the Washington state Constitution.

6 Mathematics shall be based on an ongoing systematic and sequential
7 memorization and practice of the basic arithmetic principles of
8 addition, subtraction, multiplication, and division necessary as a
9 foundation for fractions, algebra, geometry, trigonometry, and other
10 higher mathematics.

11 Science shall include physics and chemistry and shall be presented
12 consistent with traditional scientific methods. Any assertion claiming
13 to be scientific must be capable of test by observation and
14 experimentation and is to be considered scientific only after repeated
15 testing has determined it accounts satisfactorily for the phenomenon to
16 which it is applied. Matters of political, philosophical or scientific
17 opinion shall not be presented as fact.

18 The teaching of economics shall include as a priority item, a
19 thorough and sympathetic explanation of the free enterprise system and
20 its indispensability to the success and prosperity we have enjoyed as
21 a nation.

22 The basic education courses as prescribed in this subsection shall
23 be deemed the courses of primary importance in the education of the
24 children of this state, and other required courses shall be in addition
25 to these courses as prescribed.

26 (2) Material that is outside a prescribed curriculum subject matter
27 may not be offered under any guise.

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

32 (4) A school may not use guidance counseling regarding a student's
33 social, emotional, mental, or personal problems without prior
34 consultation with a parent and obtaining written permission of the
35 parent. Parental consent is not to be construed as continuing beyond
36 the specific subject of discussion during consultation, unless the
37 parent gives written permission to expand the scope of counseling.

38 (5)(a) Employees of a school district may not be required to
39 provide instruction or participate in a course or program relating to

1 psychotherapeutic techniques such as group therapy or sensitivity
2 training unless the employee has consented to provide such instruction
3 or participate in such a course or program.

4 (b) Employees of a school district may not be required to provide
5 guidance counseling or participate in a course or program involving
6 guidance counseling regarding a student's social, emotional, mental, or
7 personal problems unless the employee has consented to provide such
8 counseling or participate in such a course or program.

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

17 NEW SECTION. **Sec. 7.** A parent has the right to redress.

18 (1) Parental allegations of a violation of this chapter shall first
19 be presented in writing to the school principal and to the school
20 district superintendent for corrective action.

21 (2) Any parental allegations not resolved to the satisfaction of
22 the parent by the school principal or the school district
23 superintendent within ten days, shall be presented by the
24 superintendent to the board of directors of the school district for
25 consideration and action at the next regularly scheduled board meeting
26 or at a special meeting of the directors called to consider the
27 charges. These meetings shall take place not more than thirty days
28 after the allegation is presented to the school principal and
29 superintendent.

30 (3) Continued neglect or intentional failure on the part of any
31 public school officer or employee to observe and comply with this
32 chapter is sufficient cause for dismissal or removal of the person from
33 his or her position and for civil action.

34 After exhausting the remedies provided in subsections (1) and (2)
35 of this section, jurisdiction is in the superior court of the county in
36 which the school district is located, or any part thereof, against the
37 parties involved, including school administrators and members of the

1 district board of directors. The recovery allowed includes all costs
2 and expenses, including reasonable attorneys' fees, incurred by the
3 parent. Available relief includes, but is not limited to, both
4 equitable and legal remedies, including extraordinary writs, or
5 decertification of the violator.

6 Recovery of an award of judgment shall be from the offending party
7 or parties and shall not be the responsibility of the taxpayers. An
8 administrator or member of a school board in his or her personal
9 capacity shall not be liable for any judgment if the administrator or
10 board member had no knowledge of a violation of this chapter or if the
11 administrator or board member had such knowledge and the administrator
12 or board member attempted in good faith to resolve the violation.

13 (4) Any right set forth by this chapter that applies to a student
14 may be asserted by the parent for and on behalf of the student.

15 NEW SECTION. **Sec. 8.** (1) This chapter shall be liberally
16 construed to protect and enforce the rights this chapter creates and
17 reaffirms.

18 (2) This chapter has precedence over any now existing law to the
19 contrary. State board of education rules as well as the rules of the
20 superintendent of public instruction shall be deemed amended by chapter
21 ..., Laws of 1995 (this act).

22 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act shall
23 constitute a new chapter in Title 28A RCW.

24 NEW SECTION. **Sec. 10.** If any provision of this act or its
25 application to any person or circumstance is held invalid, the
26 remainder of the act or the application of the provision to other
27 persons or circumstances is not affected.

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