

HOUSE BILL REPORT

HB 1845

As Reported By House Committee On:
Education

Title: An act relating to parents' rights.

Brief Description: Strengthening parents' rights in education.

Sponsors: Representatives Smith, Sump, Talcott, Hickel, Koster, Mulliken, Mielke, Sheahan, Johnson, L. Thomas and Backlund.

Brief History:

Committee Activity:

Education: 2/21/97, 2/28/97 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Parents of children in public schools have a number of rights and responsibilities. These provisions are scattered throughout the code so it may be difficult for parents to ascertain what rights and responsibilities apply to them.

A parent may have access to his or her child's classroom and school-sponsored activities to observe classroom procedure, teaching material, and class conduct. The parent may not disrupt the class.

Local school district board of directors have the discretion whether to adopt a program about sex education or human sexuality. School districts must involve parents and school district community groups in developing the program. Any parent who does not want his or her child to attend a course in human sexuality may file a written request with the board.

Public schools must teach a course on the life threatening dangers of acquired immunodeficiency syndrome (AIDS) and its prevention. The school district must

conduct at least one presentation for the students' parents about the course at least one month before teaching the course in any classroom. The school must notify the parents that the materials are available for inspection. The school may not require a child to attend if the child's parent objects in writing after the parent attends the presentation.

Every school district must have an instructional materials committee. The committee has a variety of functions regarding the selection and review of instructional materials including acting upon complaints about the materials used by the school district. The committee may include parents at the school board's discretion. Parents must consist of less than one half of the total membership of the committee.

Summary of Substitute Bill: A new chapter concerning parents' rights and responsibilities is added to the education code. A list of existing laws governing parents' rights and responsibilities are gathered into a couple of new sections in this new chapter. These provisions are not intended to reflect all of the rights and responsibilities of parents.

A provision that duplicates current law governing parental access to classrooms is codified in the new chapter. In addition, a new provision is added to provide that school district employees may not withhold from the parent information about the child's school activities.

A parent is entitled to receive copies of all records maintained on the parent's child by the school district, educational service district, the Superintendent of Public Instruction, the State Board of Education, and anyone under contract with those entities. The provision does not apply if release is specifically prohibited by other state or federal law. The records must be given to the parent within 14 working days. If the entity holding the records claims that the records are exempt from disclosure, the entity must cite the legal authority for the exemption. Parents are entitled to one set of records annually at no charge. Thereafter, districts may charge a reasonable copying fee.

At the beginning of the school year, all schools must notify parents in writing of any school sponsored class concerning sex education, sexually transmitted diseases, contraception, sexual orientation, suicide, or euthanasia. Schools must provide the parents with the opportunity to exempt the child from the class. If the school adds a class later in the school year, the school must give parents 20 days advance written notice before presenting such a class and must provide parents an opportunity to excuse the child from the class. This provision does not apply to efforts of the school to respond to emergency situations or student initiated discussions of the topics.

A parent may remove a child temporarily from a class or school activity if the class or activity conflicts with the parent's religious or moral beliefs if the parent delivers

to the teacher a statement authorizing the removal of the child. The parent may not remove the child to avoid a test on academic subject matter. The parent is responsible for identifying educational opportunities if the child is excused. The child must continue to meet grade level and graduation curriculum.

School districts must seek parental involvement in advisory groups that are considering major policy decisions affecting the education of children in the school district. Instructional materials committees must include parents who are not school districts employees and whose children are enrolled the district. One-third of the members on the committee must be parents meeting that criteria.

The AIDS course must be an independent unit within a course offering. The class may not be offered to students until they are in fifth grade. Parents do not have to attend a district presentation on the course. The AIDS curriculum must include information about the dangers of sexual intercourse outside of a monogamous marriage.

School district board of directors must have a grievance procedure to resolve written complaints violating a parent's rights.

Substitute Bill Compared to Original Bill: A provision is added acknowledging that the chapter is not the exclusive list of parental rights and responsibilities. Provisions regarding access to students' records is modified to add a provision that school counseling records are confidential and exempt from disclosure as provided in statute. The provision regarding notification to parents of school sponsored activities that may include subject matter relating to certain topics is modified to provide that a school is not prohibited from discussing those topics in response to an emergency or student initiated discussions. The provision regarding the composition of the instructional materials committee is clarified to provide that at least one-third of the committee must be parents who are not school district employees and who have children enrolled in the school district. The section governing AIDS classes is modified to restore current law that a child must attend the class unless a parent removes the child from the class. Current law is also restored providing the office on AIDS must approve the program material. A provision is added that the class itself is not intended to inhibit discussion of AIDS in the context of other classes or when appropriate for medical necessities. A provision is added that the course must stress the dangers of sexual intercourse outside a monogamous marriage.

Appropriation: None.

Fiscal Note: Requested on February 12, 1997. Requested on the Substitute on March 3, 1997.

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

Testimony For: The laws governing parental rights and responsibilities are spread all over the code and parents have a difficult time knowing their rights. The bill combines a number of those rights and responsibilities into one chapter. Parents should be included more in the activities and programs affecting their children.

Testimony Against: Although it is very important to recognize parent rights, it is also important to remain cognizant that responsibilities should accompany rights. The provisions governing the classes on AIDS education create concern. AIDS is a major health issue, and teenagers are at very high risk of exposure. The presumption should remain that children will attend the course unless the parent takes the child out of the course. Advising children that they do not have to worry about contracting AIDS when they get married is misleading and may create a false sense of security. Schools should be able to hold school sponsored activities that respond to emergencies. For example, one school was faced with three deaths in one year; two of the deaths were student suicides. The bill would prohibit the school from responding to a crisis such as that in any formal way for 20 days because the school would have to give the parents 20 days notice. Several of the topics that are listed in the section prohibiting discussion are topics involving history, civics, and current events. A prohibition on discussing those topic will stifle student initiated discussions of these issues.

Testified: Representative Smith, prime sponsor; Joe Pope, Association of Washington School Principals (supports); Mariella Cummings, Department of Health (supports with concerns); Martin McCoombs, Northwest Aids Foundation (con); Mike Ryherd, Hands Off Washington (con); Beth Reis, Seattle-King Co. Department of Health (con); Mary Farrington, Olympia School Board (con); Barbara McClung, Childrens Hospital Teen Health Clinic (con); Barbara Casey, Washington State PTA (supports substitute); Pam Tollefsen, Superintendent of Public Instruction (supports substitute); Barbara Mertens, Washington Association of School Administrators (supports substitute); and Bob Maier, Washington Education Association (supports substitute).