

FINAL BILL REPORT

ESHB 1085

FULL VETO

Brief Description: Requiring notification before a school conducts certain student tests, questionnaires, surveys, analyses, or evaluations.

Sponsors: By House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Backlund, Sump, Talcott, Crouse, Thompson, Mielke, Bush, Sherstad, Carrell, Smith and Van Luven).

House Committee on Education **Senate Committee on Education**

Background: The State Board of Education has adopted an administrative rule that prohibits, absent written parental consent, using questionnaires to obtain information about a student's or a student's parent's personal beliefs or practices about sex or religion. Another rule adopted by the board requires school districts to obtain written consent of a parent prior to administering any diagnostic personality test to the parent's child.

The Legislature has enacted a general provision that requires school districts to adopt policies to ensure that a parent has access to teaching materials used to teach the parent's child. That provision does not require that advance notice be given to a parent before the school conducts questionnaires.

Summary: Any material that will be used to conduct a test, questionnaire, survey, analysis or evaluation must be available for inspection by parents and school board members.

Prior consent of a student who is an adult or emancipated minor or prior consent of the parent of an unemancipated minor is required before administering certain tests or questionnaires to students. This consent is required for tests, questionnaires, surveys, analyses, or evaluations that involve eliciting information about the student's or the student's parent's:

- personal beliefs or practices regarding political affiliations;
- mental problems potentially embarrassing to the student or the student's family;
- sexual behavior or attitudes;
- illegal, anti-social, self-incriminating, or demeaning behavior;
- critical comments about other family members;
- legally privileged communications (with doctors, lawyers, ministers); or

- income level, except as required by law to determine eligibility for participation in a program or to receive financial assistance under the program.

Educational agencies must give parents and students effective notice of their rights prior to administering any test or questionnaire that asks any of the enumerated questions. Prior to administering the test or questionnaire, the school board members must be given an opportunity to hear a presentation about the test or questionnaire.

Votes on Final Passage:

House 57 39

Senate 40 9 (Senate amended)

House 54 37 (House concurred)