

# HOUSE BILL REPORT

## ESHB 1085

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### As Passed Legislature

**Title:** An act relating to notification of student testing or survey.

**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).

**Brief History:**

**Committee Activity:**

Education: 1/21/97, 2/4/97 [DPS].

**Floor Activity:**

Passed House: 3/10/97, 57-39.

Senate Amended.

House Concurred.

Passed Legislature.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Smith; Sterk; Sump and Talcott.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall and Veloria.

**Staff:** Pat Shelledy (786-7149).

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

**Summary of Bill:** 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 prior to administering certain tests or questionnaires to students. Those tests, questionnaires, surveys, analysis, or evaluation 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 pertinent questions.

School board members must be notified before a test or questionnaire meeting the specified criteria is administered. Notification must be given prior to a regularly scheduled school board meeting. Prior to administering the test or questionnaire, the school board must be given an opportunity to hear a presentation about the test or questionnaire.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Schools should not be questioning students about private and personal information. Parents must have more control of the dissemination of these types of surveys. Some of these surveys ask questions about sexual behavior and illegal behavior of students and their parents and constitute an invasion of privacy.

These surveys are dangerous and are being used as a way of getting children to report on their parents.

**Testimony Against:** The administrative costs associated with sending notices, following up with parents who do not respond, and maintaining permission slips, are real and need to be considered.

**Testified:** Representative Mulliken, prime sponsor; Charlotte Johnson, Edmonds Educational Assistant Association (con); Marta Kirkwood, Citizens United for Responsible Education (pro); Steve Johnson, Northwest AIDS Foundation (con); Rita Drohman, citizen (pro); Sandra Swanson, citizen (pro); Priscilla Martins, Washington Evangelicals for Responsible Government (pro); Virginia DeForest, American Association of University Women (concerns); Melinda Lincicome, Washington Family Council (pro); Julie Whitson, citizen (pro); and Lois McMahan, citizen (pro).