

# HOUSE BILL REPORT

## HB 2422

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**As Reported By House Committee On:**  
Education

**Title:** An act relating to parents' rights and responsibilities.

**Brief Description:** Clarifying parents' rights in public education.

**Sponsors:** Representatives Mulliken, Smith, Johnson, Talcott, Sump, Sterk, Thompson, Koster, McCune, Boldt and Backlund.

**Brief History:**

**Committee Activity:**

Education: 1/30/98, 2/4/98 [DPS].

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Smith; Sterk; Sump; Talcott and Veloria.

**Staff:** Jim Morishima (786-7191).

**Background:** HB 2422 makes changes in three areas of Washington's common school provisions: parental rights and responsibilities, the instructional materials committee, and AIDS prevention education classes.

#### I. Parental Rights and Responsibilities

Under Washington law, parents have many rights and responsibilities regarding the education of their children in public schools; e.g., the right to access teaching materials, the right to exclude a child from sex education classes.

#### II. The Instructional Materials Committee

The board of directors of a school district must establish an instructional materials committee whose main responsibility is to recommend instructional materials to the board of directors. The board of directors may allow parents to serve on the committee as long as the parents do not make up a majority of the committee. Subject to board policy, a

school district's chief administrator has the discretion to purchase instructional materials to meet deviant needs or rapidly changing circumstances.

#### IV. AIDS Prevention Education Classes

Students must receive AIDS prevention education classes once a year beginning no later than the fifth grade. The board of directors of each district must adopt an AIDS prevention education program. In developing such a program, the board must consult teachers, administrators, parents, and other community members (including persons from medical, public health, and mental health organizations and agencies).

The curricula adopted by the board must be either the model curricula available from the Superintendent of Public Instruction or any other curricula approved for medical accuracy by the office on AIDS in the Department of Social and Health Services. If the board adopts its own curricula, it must send its curricula to the office of AIDS along with an affidavit stating that the curricula have been compared to the model curricula and are medically accurate. The curricula adopted by the board must stress several things including the dangers of sexual intercourse with or without condoms.

The district must make a presentation to interested parents at least one month before teaching an AIDS prevention class. A parent who has attended one of these presentations can object in writing and excuse their child from participation in AIDS prevention education classes.

#### **Summary of Substitute Bill:**

##### I. Parental Rights and Responsibilities

Many parental rights and responsibilities are specified. Two rights are added that have not previously appeared in the common school provisions: the right to obtain information pertaining to the child's school activities and the right to exclude a child from class or other activities. These rights are not intended to reflect the exclusive rights and obligations of parents of students in public schools. The board of directors of each school district must establish a grievance procedure for violations of these specified rights. The grievance procedure must provide for the identification of corrective measures.

Parents are also entitled to an itemization of the health-related services made available at each school within the district. Violations of this right are not subject to the grievance procedure described above.

##### II. The Instructional Materials Committee

At least one-third of the instructional materials committee must be parents of students going to school in the district. Parents may constitute more than one-third of the committee at the discretion of the school board. In order to respond to deviant needs or rapidly changing circumstances, the chief administrator cannot purchase instructional materials unless the board has first defined the need for such materials.

### III. AIDS Prevention Education Programs

The board of directors of a school district must adopt an AIDS prevention education program as an independent unit within a curriculum offering. The program cannot be offered to students before the fifth grade. Although the program must be an independent unit within a course offering, discussions of AIDS in other contexts like geography, history, or when appropriate for medical necessities shall not be inhibited. The curricula adopted by the board must stress several things including the dangers of sexual intercourse with or without condoms.

The district must make a presentation to interested parents at least one month before teaching an AIDS prevention class. A parent need not attend a district presentation before excusing his or her child from participation from an AIDS prevention education program.

**Substitute Bill Compared to Original Bill:** The substitute bill clarifies that parents shall annually receive an itemization of the health-related services available to all students in general, not the health-related services of any student in particular. The substitute bill changes a school district's responsibility to develop an AIDS prevention education program from voluntary to mandatory. The substitute bill reinstates the current law regarding the approval of AIDS education program curricula. Finally, the substitute bill allows parents to opt out- of an AIDS education program as opposed to opting in.-

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill gives control to the parents by allowing them to have a say in developing the AIDS education curricula and by requiring that parents opt in- to an AIDS education program. Also, communication and trust between parents and a school are fostered by this bill. The bill also emphasizes abstinence which will strengthen AIDS prevention.

**Testimony Against:** This bill makes it more difficult to ensure that AIDS education curricula will be medically accurate. The opt in- language in the bill will prevent students from obtaining accurate and complete medical information about AIDS. Permission slips can be withheld for reasons other than actual denial of permission; e.g., lost permission slips, illiterate parents. Furthermore, the opt in- language of the bill will increase the bureaucracy in the schools. Finally, many parents do not want to have to opt in- to a program that they voted for and consider a public health issue.

**Testified:** Representative Mulliken, prime sponsor; Judith Billings, citizen (con); Roxane Sitler, parent (pro); Muriel Tingley, Washington Parent Coalition for Academic Excellence (pro); Barbara Casey, Washington State PTA (con); and Karl Swenson, NW Aids Foundation.