

# SENATE BILL REPORT

## SHB 1845

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As Reported By Senate Committee On:  
Education, April 4, 1997

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

**Brief Description:** Strengthening parents' rights in education.

**Sponsors:** House Committee on Education (originally sponsored by Representatives Smith, Sump, Talcott, Hickel, Koster, Mulliken, Mielke, Sheahan, Johnson, L. Thomas and Backlund).

**Brief History:**

**Committee Activity:** Education: 3/28/97, 4/4/97 [DP].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** Do pass.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson and Rasmussen.

**Staff:** Karen Carter (786-7424)

**Background:** Parents of children in public schools have a number of rights and responsibilities. These provisions are scattered throughout the code, making it difficult for parents to ascertain the full scope of their rights and responsibilities with respect to children enrolled in the public schools. Federal and state laws, together with administrative rules set parameters and guide school boards as each local district adopts policy on matters like access to student records, classroom and school-sponsored activities, instructional materials and programs where teachers discuss human sexuality and AIDS with children.

Student Records. The federal Family Educational and Privacy Rights Act of 1974 (FERPA) provides for access to educational records by the parent or student. The act also limits the transfer and disclosure of certain personally identifiable information in education records without prior written consent, except in limited circumstances. FERPA applies to information in records maintained by any educational agency or institution that is directly related to a student. FERPA does not make any action unlawful, but allows federal funding to be discontinued if the act is violated.

State law does not address parent and student access to school records. It does grant public schools permission to disclose student immunization records to the Department of Health and share student information at the request of law enforcement agents and juvenile court officials. A student's permanent education record must also be sent to the new school or district when a student transfers.

Parents in the Classroom. Every school board must adopt policies to assure parents access to their child's classroom and school-sponsored activities to observe classroom procedure,

teaching material, and class conduct (Chapter 28A.605 RCW). The parent's presence may not disrupt the class.

Instruction and Parental Consent Subject Matters. School boards decide whether to adopt a program about sex education or human sexuality. Districts must involve parents and community groups in the planning, development, evaluation and revision of any instruction in sex education or human sexuality offered as part of a school program (Chapter 180.50.140 WAC). Any parent who does not want his or her child to attend may file a written request with the board.

AIDS Prevention Education. AIDS prevention education must be taught in the public schools at least once each year beginning no later than the fifth grade (Chapter 28A.230.070 RCW). The AIDS education program is developed by each school district in consultation with teachers, administrators, parents, health care organizations, and other community members. If a district does not choose a model curriculum available from the Department of Health, the Office on AIDS must review the proposed program for medical accuracy. School districts must conduct a presentation of the AIDS education program curriculum and materials for parents during weekend or evening hours at least one month prior to teaching the course. The district must notify parents of the presentation and that material will be available for inspection. A student may not be required to participate in the AIDS education program if the student's parent attended a presentation of the program and objects in writing to the student's participation.

School Policy on Instructional Materials. Every school district must have an instructional materials committee (Chapter 28A.320.230 RCW). The committee reports to the school board and serves a variety of functions related to the review and selection of instruction materials. It also acts as a sounding board for complaints about instruction materials used by the school district. Parents serve as members at the discretion of the local school board, however, if appointed, parent members must comprise less than one half of the committee. Districts must provide reasonable notice to parents of their opportunity to serve, and the term of the office.

**Summary of 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 new sections for ease of reference from the new chapter. A parent's right is established in state law to access their child's school records and excuse their child from objectionable classes or activities. Those subjects requiring parents' consent to teach are expanded and codified. The AIDS prevention education statute is amended. School boards are directed to establish grievance procedures, and new criteria for parents serving on the instructional materials committee for a district are set. Further, it is clarified that this new chapter is not intended to reflect all of the rights and responsibilities of parents.

Student Records. A parent is entitled to receive copies of all records maintained on the parent's child by the school or educational service district, the Superintendent of Public Instruction, the State Board of Education, and anyone under contract with those entities. This provision does not apply if release is specifically prohibited by state or federal law. Language clarifies that counseling records are deemed confidential and exempt from disclosure as provided by statute and rule. Records must be given to the student's parent, upon request, 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.

Parents in the Classroom. A provision that duplicates current law governing parental access to classrooms is codified in the new chapter.

Instruction and Parental Consent (1) *Subject Matter.* At the start of the school year, parents must be notified, in writing, of any school-sponsored class concerning sex education, sexually transmitted diseases, contraception, sexual orientation, suicide, or euthanasia. Schools must provide parents the opportunity to excuse their child from the class. If such a class is added later in the school year, parents must have 20 days advance notice and be given the same opportunity to excuse their child from the class. This provision does not apply to efforts of schools to respond to emergency situations or student-initiated discussions of these topics.

(2) *Classes or Activities.* School district employees may not withhold from the parent information about the child's school activities. A parent also may remove a child temporarily from a class or school activity if it conflicts with the parent's religious or moral beliefs. The parent must deliver 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 their child is excused. The child must continue to meet grade level and graduation curriculum requirements in a manner acceptable to the school district.

AIDS Prevention Education. The AIDS prevention education statute is amended to clarify that (1) the course must be an independent unit within a course offering; (2) the class itself should not inhibit discussion of AIDS in context for other studies like history or geography, or when appropriate because of medical necessity; and (3) parents do not have to attend a district presentation to excuse their child from AIDS education. Language is added to require that AIDS courses taught in the public schools stress the dangers of sexual intercourse outside a monogamous marriage. Language is struck that required students to receive AIDS prevention education at least once each year beginning no later than fifth grade. Provisions related to consultations about the curricula, model curricula from the office of AIDS and medical accuracy remain unchanged.

School Policy on Instructional Materials. District instructional materials committees must include parents who are not school employees, and whose children are enrolled in the district. One-third of the members on the committee must be parents meeting that criteria. Language referring to "experimentation" with instructional material is struck; however, districts may still "use" instructional materials for a period of time before adoption is formalized. Districts must seek parental involvement in advisory groups that are considering major policy decisions affecting the education of children in the district's schools.

Grievance Procedure for Chapter Violations. District school boards must adopt a grievance procedure to resolve written complaints from parents that their right was violated under this chapter.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Parents who are not also part of the established education system should play a larger role in local policy decisions affecting public school classrooms. This bill makes it easier for parents to know what rights they have and invites their participation on school instructional materials committees. Opponents are asking schools to take on additional paperwork simply to address concerns expressed by parents who already can excuse their child from classes they find objectionable. Parents have a responsibility to find out what's going to be taught that school year and to convey their concerns to teachers, principals and school boards where appropriate. It is not necessary to legislate "opt in" actions.

**Testimony Against:** This bill is a parents' rights measure in name only; it simply reinforces the status quo. The act implies that government has the authority to grant parents certain rights rather than the opposite: that parents grant and expect schools and government to support them in educating their child. The act does not go far enough to require parental permission before children receive instruction about human sexuality, alcohol and drugs, suicide, and euthanasia. The integration of subjects by teachers in designing class programs makes the current system of "opting out" unworkable for parents who prefer their child be excused from certain discussions. A system of "opting in" for subjects beyond basic academics is preferred.

**Testified:** Representative Smith, sponsor (pro); Jean Ameluxen OSPI (pro); Marda Kirkwood, Citizens United for Responsible Education (reservations); Muriel Tingley, WA Parents Coalition for Academic Excellence (reservations); Barbara Casey, WSPTA (pro); Melinda Lincicome, Washington Family Council (concerns); Barbara Mertens, WASA (pro).