

SENATE BILL REPORT

SHB 2308

As Reported By Senate Committee On:
Education, February 27, 1998

Title: An act relating to school tests, questionnaires, surveys, analyses, and evaluations.

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

Sponsors: House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, McCune, Backlund, Carrell, Boldt, Sheahan, Smith and Talcott).

Brief History:

Committee Activity: Education: 2/26/98, 2/27/98 [DP].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

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

Staff: William Bridges (786-7424)

Background: Under federal law, educational agencies or institutions that receive federal funds must permit parents the right to inspect their children's instructional materials. In addition, these agencies and institutions may not require students to submit to surveys, analyses, or evaluations that reveal the following information:

1. political affiliations;
2. mental or psychological problems potentially embarrassing to the student or the student's family;
3. sex behavior and attitudes;
4. illegal, antisocial, self-incriminating and demeaning behavior;
5. critical comments about close family members;
6. legally privileged communications (such as with doctors, lawyers, or ministers); or
7. income level except as required by law to determine eligibility for participation in a program or to receive financial assistance under a program.

Educational agencies must give parents and students effective notice of their rights under federal law.

State law requires school districts to adopt policies to ensure that parents have access to the their children's teaching materials. In addition, the State Board of Education prohibits the following activities without written parental consent: (1) the use of questionnaires to obtain the personal beliefs or practices of students or their parents about sex or religion; and (2) the administering of any diagnostic personality test to children.

Summary of Bill: A school may not use oral or written tests, questionnaires, surveys, examinations, or evaluations to elicit a student's personal beliefs, or the personal beliefs of their family regarding sex or religion without the written consent of a parent or legal guardian. The school must make available all material that will be used in connection with any test, questionnaire, survey, analysis or evaluation to any member of the school board or a parent or legal guardian of a student.

Unless the student is an adult or an emancipated minor, prior consent of the parent or legal guardian is required before a school administers tests, questionnaires, surveys, analyses, or evaluations that reveal the following information concerning the student, the student's parents, or the student's siblings:

1. personal beliefs or practices regarding political affiliations;
2. mental or psychological history or problems of the student or the student's family;
3. sexual behavior and attitudes;
4. illegal, antisocial, and self-incriminating behavior;
5. critical comments about close family members;
6. legally privileged communications (such as with doctors, lawyers, or ministers); or
7. income level except as required by law to determine eligibility for participation in a program or to receive financial assistance under a program.

Educational agencies must give parents and students effective notice of their rights prior to administering any test, questionnaire, survey, analysis, or evaluation that asks any of the pertinent questions described above. The school board must be given an opportunity to hear a presentation about such a test, questionnaire, survey, analysis, or evaluation. This presentation must be given at an open public meeting of the board.

Certain research studies that identify individual students and are approved by an institutional review board under United States Department of Health and Human Services regulations are exempt from the provisions of this act, except that the studies must still be presented at an open public meeting of the board.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The privacy interests of students and parents are protected. Irresponsible survey administration could encourage students to try dangerous activities they otherwise would not think about. Exemption for certain types of research studies brings Washington law in line with federal statutes and regulations.

Testimony Against: Requiring parental permission will increase the time and cost associated with collecting data used to help youth. Current regulations in Washington are unnecessarily duplicated.

Testified: Representative Mulliken, prime sponsor (pro); Karen McGrouther, citizen (pro); Karl Swenson, N.W. Aids Foundation (con).

