

SENATE BILL REPORT

SB 5133

As Reported By Senate Committee On:
Education, February 18, 1997

Title: An act relating to censorship by school districts.

Brief Description: Prohibiting censorship of United States and Washington history.

Sponsors: Senators Zarelli and Schow.

Brief History:

Committee Activity: Education: 2/13/97, 2/18/97 [DPS, DNP].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5133 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senators Goings and McAuliffe.

Staff: Karen Carter (786-7424)

Background: Schools are required to provide instruction in the history of the United States. Additionally, the study of the Constitution of the United States and the Constitution of the state of Washington are graduation requirements for public and private high school students.

Summary of Substitute Bill: School boards must not censor any document, writing, speech or record related to the founding of the United States or the state of Washington because of religious references contained in the document, writing, speech or record. Teachers may read or post such founding documents in a public school classroom, without interference by the district's board.

Substitute Bill Compared to Original Bill: A series of phrases and sections are stricken from the original bill, while retaining a prohibition against school board censorship of any founding U.S. or Washington State document, writing, speech or record because of religious references. Documents and founders cited are removed so as not to imply a limit on actions. Language is removed pertaining to excerpts, and the remaining language is modified, leaving a provision that districts must not interfere with teachers who read or post such founding documents in a public school classroom.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The act pertains to censorship of historical founding documents, which occurs now out of fear of violating separation of church and state. Washington educators should not feel compelled to avoid passages with religious references, as the precepts of the founding fathers are as germane to the study of history as it would be for teachers to discuss another culture's religious ceremonies and traditions in the normal course of study. Students should be afforded the opportunity to hear the full debate over the principles which now govern our nation, without leaving it to school boards to decide what is relevant and what history to leave out.

Testimony Against: Historical, founding documents have their place in K-12 instruction, but is it necessary to read or post excerpts or passages that people of different faiths, race or gender may find insulting. Use of such documents should be germane to the teacher's instruction in a classroom alone, not quotable out of context by any public school employee at will. Specific references to founders and documents should be removed as it implies a limit on actions. The act may be viewed as an attempt to bring prayer back into the public schools and, as such, is constitutionally vulnerable to challenge.

Testified: Senator Zarelli, prime sponsor (pro); Cynthia Phelps, parent (pro); Jerry Sheehan, ACLU (con).