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HOUSE BILL 2422

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Mulliken, Smith, Johnson, Talcott, Sump, Sterk, Thompson, Koster, McCune, Boldt and Backlund

Read first time 01/13/98. Referred to Committee on Education.

1 AN ACT Relating to parents' rights and responsibilities; amending  
2 RCW 28A.320.230, 28A.210.300, and 28A.230.070; and adding a new chapter  
3 to Title 28A RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** DEFINITION. Unless specifically provided by  
6 law, for purposes of this chapter, "parent" means a parent or legal  
7 guardian having legal custody of a child enrolled in public school.  
8 For purposes of this chapter, "parent" does not mean parents of  
9 children in private school or of children receiving home-based  
10 instruction. If a person has a child enrolled in a public school and  
11 has another child enrolled in a private school or receiving home-based  
12 instruction, this chapter applies to the parent with regard to the  
13 parent's rights and responsibilities concerning the child enrolled in  
14 the public school.

15 NEW SECTION. **Sec. 2.** PARENTS' RIGHTS AND RESPONSIBILITIES. In  
16 accordance with law existing on the effective date of this section,  
17 parents shall:

- 1 (1) Comply with immunization requirements for their child, unless  
2 exempted, in accordance with RCW 28A.210.090;
- 3 (2) Provide information regarding their child's prior educational  
4 history if the child transfers from another school, in accordance with  
5 RCW 28A.225.330;
- 6 (3) Be responsible for property damaged by their child, in  
7 accordance with RCW 28A.635.060;
- 8 (4) Comply with compulsory attendance requirements, in accordance  
9 with RCW 28A.225.010;
- 10 (5) Be notified when their child has an unexcused absence, in  
11 accordance with RCW 28A.225.020;
- 12 (6) Determine whether their child participates in AIDS instruction,  
13 in accordance with RCW 28A.230.070 and this chapter;
- 14 (7) Be notified of their parent involvement opportunities, in  
15 accordance with RCW 28A.225.300;
- 16 (8) Receive an annual report from their school district, in  
17 accordance with RCW 28A.320.205;
- 18 (9) Be consulted in the development of the district's AIDS  
19 curriculum, in accordance with RCW 28A.230.070;
- 20 (10) Receive periodic reports on the academic progress of their  
21 child, in accordance with RCW 28A.150.240;
- 22 (11) Receive the results of their child's performance on state-wide  
23 assessments, in accordance with RCW 28A.230.190, 28A.230.195,  
24 28A.230.230, 28A.230.240, 28A.230.250, and 28A.630.886;
- 25 (12) Be notified if their child has a hearing or visual loss, in  
26 accordance with RCW 28A.210.030;
- 27 (13) Be notified of their child's choice options, in accordance  
28 with RCW 28A.225.300;
- 29 (14) Be notified about the running start program, in accordance  
30 with RCW 28A.600.320;
- 31 (15) Be notified of their child's conduct, emergent discipline  
32 problems, and rights, in accordance with RCW 28A.600.010; and
- 33 (16) Be notified if a court order or subpoena has been issued for  
34 access to the records of their child, in accordance with RCW  
35 28A.600.475.

36 NEW SECTION. **Sec. 3.** PARENTS' RIGHTS. In accordance with law  
37 existing on the effective date of this section, parents may:

- 1 (1) Make a complaint to the school board and have the complaint  
2 heard at a public hearing regarding instructional and library materials  
3 the parent deems objectionable, in accordance with RCW 28A.150.230;  
4 (2) Exclude their child from sex education classes and be involved  
5 in evaluation and revision of sex education programs, in accordance  
6 with rules adopted by the state board of education;  
7 (3) Exclude their child from scoliosis screening, in accordance  
8 with RCW 28A.210.190 through 28A.210.240; and  
9 (4) Be involved in instructional materials committees in accordance  
10 with RCW 28A.320.230 and this chapter.

11 NEW SECTION. **Sec. 4.** ACCESS TO ACADEMIC PROGRAMS AND TEACHING  
12 MATERIALS. (1) A parent shall have access to his or her child's  
13 classroom. Every school district board of directors shall, after  
14 following established procedures, adopt a policy assuring parents  
15 access to their child's classrooms and school-sponsored activities for  
16 purposes of observing class procedure, teaching material, and class  
17 conduct. Observation under this section may not disrupt the classroom  
18 procedure or learning activity.

19 (2) School district employees may not withhold information  
20 pertaining to the school activities of a child from the child's  
21 parents.

22 NEW SECTION. **Sec. 5.** STUDENT EXCLUSION FROM CLASS OR OTHER  
23 ACTIVITIES. In addition to other provisions in law, parents may excuse  
24 their child temporarily from a class or other school activity that  
25 conflicts with a parent's religious or moral beliefs if the parent  
26 presents or delivers to the teacher of the parent's child a written  
27 statement authorizing the exemption of the child from the class or  
28 other activity. A parent may not excuse the child from the class or  
29 other activity specifically to avoid a test on academic subject matter.  
30 The parent is responsible for identifying alternative educational  
31 opportunities at the school that the student may participate in during  
32 the time the student is excused from his or her regular class or  
33 scheduled activity.

34 This section does not exempt a child from satisfying grade level or  
35 graduation curriculum requirements in a manner acceptable to the school  
36 district.

1       **Sec. 6.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to  
2 read as follows:

3       Every board of directors, unless otherwise specifically provided by  
4 law, shall:

5       (1) Prepare, negotiate, set forth in writing and adopt, policy  
6 relative to the selection or deletion of instructional materials. Such  
7 policy shall:

8       (a) State the school district's goals and principles relative to  
9 instructional materials;

10       (b) Delegate responsibility for the preparation and recommendation  
11 of teachers' reading lists and specify the procedures to be followed in  
12 the selection of all instructional materials including text books;

13       (c) Establish an instructional materials committee to be appointed,  
14 with the approval of the school board, by the school district's chief  
15 administrative officer. This committee shall consist of parents,  
16 representative members of the district's professional staff, including  
17 representation from the district's curriculum development committees,  
18 and, in the case of districts which operate elementary school(s) only,  
19 the educational service district superintendent, one of whose  
20 responsibilities shall be to assure the correlation of those elementary  
21 district adoptions with those of the high school district(s) which  
22 serve their children. ~~((The committee may include parents at the  
23 school board's discretion: PROVIDED, That parent members shall make up  
24 less than one-half of the total membership of the committee))~~ At least  
25 one-third of the committee must be comprised of parents who are not  
26 school district employees and who have children enrolled in the  
27 district. In addition to these parents, other parents who live in the  
28 district may also serve on the committee at the school board's  
29 discretion;

30       (d) Provide for reasonable notice to parents of the opportunity to  
31 serve on the committee and for terms of office for members of the  
32 instructional materials committee;

33       (e) Provide a system for receiving, considering and acting upon  
34 written complaints regarding instructional materials used by the school  
35 district;

36       (f) Provide free text books, supplies and other instructional  
37 materials to be loaned to the pupils of the school, when, in its  
38 judgment, the best interests of the district will be subserved thereby

1 and prescribe rules and regulations to preserve such books, supplies  
2 and other instructional materials from unnecessary damage.

3 Recommendation of instructional materials shall be by the  
4 district's instructional materials committee in accordance with  
5 district policy. Approval or disapproval shall be by the local school  
6 district's board of directors.

7 Districts may pay the necessary travel and subsistence expenses for  
8 expert counsel from outside the district. In addition, the committee's  
9 expenses incidental to visits to observe other districts' selection  
10 procedures may be reimbursed by the school district.

11 Districts may, within limitations stated in board policy, use (~~and~~  
12 ~~experiment with~~) instructional materials for a period of time before  
13 general adoption is formalized.

14 Within the limitations of board policy, a school district's chief  
15 administrator may purchase instructional materials to meet (~~deviant~~  
16 ~~needs or rapidly changing circumstances~~) needs as defined by the  
17 school board.

18 (2) Establish a depreciation scale for determining the value of  
19 texts which students wish to purchase.

20 **Sec. 7.** RCW 28A.210.300 and 1975 c 43 s 20 are each amended to  
21 read as follows:

22 (1) The board of directors of any school district of the second  
23 class may employ a regularly licensed physician or a licensed public  
24 health nurse for the purpose of protecting the health of the children  
25 in said district.

26 (2) Parents shall annually receive an itemization of the health-  
27 related services made available to students at each school within the  
28 district.

29 **Sec. 8.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to  
30 read as follows:

31 (1) (~~The life threatening dangers of~~) Acquired immunodeficiency  
32 syndrome (AIDS) (~~and its prevention shall be taught in the public~~  
33 schools of this state. AIDS) prevention education shall be limited to  
34 the discussion of the life-threatening dangers of the disease, its  
35 spread, and prevention. (~~Students shall receive such education at~~  
36 ~~least once each school year beginning no later than the fifth grade.~~)

1       (2) Each district board of directors (~~((shall))~~) may adopt an AIDS  
2 prevention education program (~~((which is))~~) as an independent unit within  
3 a curriculum offering. The program may not be offered to students  
4 before the fifth grade. The program shall be developed in consultation  
5 with teachers, administrators, parents, and other community members  
6 including, but not limited to, persons from medical, public health, and  
7 mental health organizations and agencies (~~((so long as the curricula and~~  
8 ~~materials developed for use in the AIDS education program either (a)~~  
9 ~~are the model curricula and resources under subsection (3) of this~~  
10 ~~section, or (b) are developed by the school district))~~) and approved for  
11 medical accuracy by (~~((the office on AIDS established in RCW 70.24.250.~~  
12 ~~If a district elects to use curricula developed))~~) a local health  
13 advisory committee appointed by the school district(~~((7))~~). The district  
14 shall submit to the office on AIDS a copy of its curricula and an  
15 affidavit of medical accuracy stating that the material in the  
16 district-developed curricula has been (~~((compared to the model curricula~~  
17 ~~for medical accuracy))~~) reviewed by the local health advisory committee  
18 and that in the opinion of the (~~((district))~~) committee the district-  
19 developed materials are medically accurate. (~~((Upon submission of the~~  
20 ~~affidavit and curricula, the district may use these materials until the~~  
21 ~~approval procedure to be conducted by the office of AIDS has been~~  
22 ~~completed.~~

23       ~~((3))~~ Model curricula and other resources available from the  
24 superintendent of public instruction may be reviewed by the school  
25 district board of directors, in addition to materials designed locally,  
26 in developing the district's AIDS education program. The model  
27 curricula shall be reviewed for medical accuracy by the office on AIDS  
28 established in RCW 70.24.250 within the department of social and health  
29 services.

30       ~~((4))~~ (3) Each school district shall, at least one month before  
31 teaching AIDS prevention education in any classroom, conduct at least  
32 one presentation during weekend and evening hours for the parents and  
33 guardians of students concerning the curricula and materials that will  
34 be used for such education. The parents and guardians shall be  
35 notified by the school district of the presentation and that the  
36 curricula and materials are available for inspection. Absent the  
37 written permission of a student's parent or legal guardian, no student  
38 may be required to participate in AIDS prevention education (~~((if the~~

1 ~~student's parent or guardian, having attended one of the district~~  
2 ~~presentations, objects in writing to the participation)).~~

3 ~~((5))~~ (4) The office of the superintendent of public instruction  
4 with the assistance of the office on AIDS shall update AIDS education  
5 curriculum material as newly discovered medical facts make it  
6 necessary.

7 ~~((6))~~ (5) The curriculum for AIDS prevention education shall  
8 stress the life-threatening dangers of contracting AIDS and be designed  
9 to teach students which behaviors place a person dangerously at risk of  
10 infection with the human immunodeficiency virus (HIV) and methods to  
11 avoid such risk including, at least:

12 (a) That abstinence from sexual activity is the only certain means  
13 for the prevention of the spread or contraction of the AIDS virus  
14 through sexual contact. It shall also teach that condoms and other  
15 artificial means of birth control are not a certain means of preventing  
16 the spread of the AIDS virus and reliance on condoms puts a person at  
17 risk for exposure to the disease;

18 (b) The dangers of drug abuse, especially that involving the use of  
19 hypodermic needles; and

20 ~~((b))~~ (c) The dangers of sexual intercourse(~~, with or without~~  
21 condoms.

22 ~~(7) The program of AIDS prevention education shall stress the life-~~  
23 ~~threatening dangers of contracting AIDS and shall stress that~~  
24 ~~abstinence from sexual activity is the only certain means for the~~  
25 ~~prevention of the spread or contraction of the AIDS virus through~~  
26 ~~sexual contact. It shall also teach that condoms and other artificial~~  
27 ~~means of birth control are not a certain means of preventing the spread~~  
28 ~~of the AIDS virus and reliance on condoms puts a person at risk for~~  
29 ~~exposure to the disease))~~ outside of monogamous marriage.

30 NEW SECTION. Sec. 9. COMPLAINTS. The board of directors of each  
31 school district shall have a grievance procedure under which the school  
32 district shall address and attempt to resolve each written complaint  
33 that the district receives concerning violation of a right guaranteed  
34 by this chapter. The grievance procedure shall identify correctional  
35 actions to be taken for violations of this chapter.

1        NEW SECTION.    **Sec. 10.**    RCW 28A.320.230 and 28A.230.070 and this  
2 chapter are not intended to reflect the exclusive rights and  
3 obligations of parents of students in public schools.

4        NEW SECTION.    **Sec. 11.**    CAPTIONS NOT LAW.    Captions used in this  
5 chapter are not any part of the law.

6        NEW SECTION.    **Sec. 12.**    Sections 1 through 5 and 9 through 11 of  
7 this act constitute a new chapter in Title 28A RCW.

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