

FINAL BILL REPORT

HB 1288

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Synopsis as Enacted

Brief Description: Exempting the annual parental declaration of intent to home school from the public disclosure act.

Sponsors: Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen.

House Committee on State Government & Tribal Affairs
Senate Committee on Early Learning & K-12 Education

Background:

The Public Records Act.

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless the records fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally and the exemptions interpreted narrowly in order to effectuate a general policy favoring disclosure.

The PRA requires agencies to respond to public records requests within five business days. The agency must either provide the records, provide a reasonable estimate of the time the agency will take to respond to this request, or deny the request. Additional time may be required to respond to a request where the agency needs to notify third parties or agencies affected by the request or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. For practical purposes, the law treats a failure to properly respond as denial. A denial of a public records request must be accompanied by a written statement of the specific reasons for denial.

An agency or its representative, or a person who is named in the record or to whom the record specifically pertains, may file a motion or affidavit asking the superior court to enjoin disclosure of the public record. The court may issue an injunction if it finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital government functions.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Home-based Instruction.

A child may receive home-based instruction instead of attending a public school, an approved private school, or an education center. Home-based instruction consists of planned and supervised instructional and related activities, including curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music provided for a number of hours per grade level established for approved private schools and if such activities are provided by a qualified parent.

Each parent whose child is receiving home-based instruction has the duty to: ensure that a standardized achievement test approved by the State Board of Education is administered annually to the child by a qualified individual or that an annual assessment of the student's academic progress is written by a certificated person who is currently working in the field of education; and file annually a signed declaration of intent that he or she is planning to cause his or her child to receive home-based education. The annual declaration of intent must include the name and age of the child, must specify whether a certificated person will be supervising the instruction and must be in the written format prescribed by the Office of the Superintendent of Public Instruction. The declaration of intent, which is printed on the local school district's form, stationery or letterhead, must be filed with the local school district superintendent by September 15 of the school year or within two weeks of the beginning of any public school quarter, trimester, or semester.

Summary:

The annual declaration of intent to provide home-based instruction filed by a parent is not subject to public disclosure.

A statutory reference to the definition of public records is corrected.

Votes on Final Passage:

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| House | 96 | 1 |
| Senate | 45 | 0 |

Effective: July 26, 2009