

SENATE BILL REPORT

SHB 2422

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

Title: An act relating to parents' rights and responsibilities.

Brief Description: Clarifying parents' rights in public education.

Sponsors: House Committee on Education (originally sponsored by Representatives Mulliken, Smith, Johnson, Talcott, Sump, Sterk, Thompson, Koster, McCune, Boldt and Backlund).

Brief History:

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

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass.

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

Minority Report: Do not pass.

Signed by Senator McAuliffe.

Staff: William Bridges (786-7424)

Background: The following subjects are currently addressed in state law: (1) the rights and duties of parents with children attending public schools; (2) instructional materials committees; and (3) AIDS education classes.

Parental Rights and Duties. Parents with children in public school have many statutory and regulatory rights and duties. For example, parents have the right to access teaching materials and the right to exclude their children from sex education classes. On the other hand, parents must comply with the compulsory attendance laws and child immunization requirements, among other duties.

Instructional Materials Committees. Local school boards must establish instructional materials committees. The committees mainly recommend instructional materials to school boards. School boards may allow parents to serve on the committee so long as the parents do not make up a majority. Subject to board policy, a school district's chief administrator has the discretion to purchase instructional materials to meet "deviant needs or rapidly changing circumstances."

AIDS Education Classes. Public schools must teach AIDS prevention education classes at least once a year by the fifth grade. Local school boards must adopt an AIDS prevention education program. In developing such a program, the board must consult teachers,

administrators, parents, and other community members (including persons from medical, public health, and mental health organizations and agencies).

A local school board's AIDS prevention curricula must adopt either the model curricula offered by the Superintendent of Public Instruction or a curricula approved for medical accuracy by the office on AIDS in the Department of Social and Health Services. Any curricula must stress such matters as abstinence and the risks associated with protected and unprotected sexual intercourse.

School districts must present the curricula to interested parents at least one month before the classes begin. Parents who have attended a presentation may object in writing and excuse their children from participating in the AIDS education class.

Summary of Bill: Adding New Parental Rights and Duties. The current statutory and regulatory rights and responsibilities of parents are listed. Two new rights are added: (1) the right to temporarily exclude a child from school activities, except academic tests, for moral or religious reasons; and (2) the right to receive an annual itemization of health-related services available at each school within the district. In addition, school officials are prohibited from withholding information about school activities from parents. The list is not exclusive. Local school boards must establish a grievance procedure for violations of the specified rights, except that a violation of the right to receive an itemization of health-related services is not subject to the grievance procedure. The grievance procedure must provide for the identification of corrective measures.

Changing the Composition of Instructional Materials Committees. At least one-third of an instructional materials committee must be composed of parents who are not district employees and who have children attending school in the district. Parents may constitute more than one-third of the committee at the discretion of the school board. A district's chief administrator may purchase instructional materials to meet needs as defined by the school board.

Modifying AIDS Education Programs. Local school boards must adopt an AIDS prevention education program as an independent unit within a course offering, but discussions of AIDS in other contexts like geography, history, or when appropriate for medical necessities may not be inhibited. The curricula adopted by school boards must stress several things including abstinence and the dangers of sexual intercourse outside of a monogamous marriage. AIDS prevention education programs cannot be offered to students before the fifth grade.

School districts must present the AIDS curricula to interested parents at least one month before the classes begin. Parents need not attend the presentation before excusing their children from participating in an AIDS prevention education program.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill gives control to parents by allowing them to have a say in developing the AIDS education curricula. Communication and trust between parents and schools are fostered by this bill. The bill also emphasizes abstinence and monogamous marriages which will strengthen AIDS prevention. Parents do not have the time to attend curriculum presentations in order to opt out. A grievance procedure is a real plus.

Testimony Against: This bill makes it more difficult to ensure that AIDS education curricula will be medically accurate. Having AIDS classes before the fifth grade is a local control issue. Emphasis on monogamous marriages will alienate gays, bisexuals, and one-parent children. As written, the bill does not require any AIDS classes. Parents against the curriculum should be forced to attend curriculum presentations in order to opt out because many end up changing their minds after seeing presentations.

Testified: Representative Mulliken, prime sponsor (pro); Catherine Ahl, League of Women Voters (con); Melinda Lincicome, WA Family Council (pro); Joanne McCann, WA Parent Coalition for Academic Excellence (pro); Karl Swenson, NW Aids Foundation (con).