

SENATE BILL REPORT

ESSB 5555

As of Third Reading, March 17, 1997

Title: An act relating to parents' rights in education.

Brief Description: Establishing parents' rights in common school education.

Sponsors: Senate Committee on Education (originally sponsored by Senators Stevens, Hochstatter, Schow, Zarelli, Roach, Morton, Benton, McCaslin and Oke).

Brief History:

Committee Activity: Education: 2/20/97, 3/4/97 [DPS, DNPS].
Failed Senate, 3/17/97, 22-27.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5555 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass substitute.

Signed by Senator McAuliffe.

Staff: Karen Carter (786-7424)

Background: Federal law places limits on surveys, analysis or evaluations of pupils. The Hatch Amendment (Title 20, section 1232h U.S.C.) requires parental consent to ask a student for personal information about (1) political affiliations; (2) mental and psychological problems potentially embarrassing to the student or the student's family; (3) sex behavior and attitudes; (4) illegal, anti-social, self-incriminating and demeaning behavior; (5) critical appraisals of other individuals with whom respondents have close family relationships; (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or (7) income other than that required by law to determine eligibility for services or financial assistance.

This same federal law grants parents the right to inspect all instructional material including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation of programs supported by federal dollars.

State laws and administrative rules provide guidance to local school districts on curriculum, AIDS education and parental access to gain knowledge of classroom activity.

- There are minimum total program hours by grade and subject, as well as work skill requirements. The State Board of Education sets academic standards for high school graduation, and through the Basic Education Act (Chapter 28A.150.200 RCW)

Washington has defined essential academic learning goals for its public school K-12 students and will shortly begin to assess student performance against those objectives.

- Every district must, at least once a month before teaching AIDS prevention education in any classroom, conduct at least one presentation during weekend and evening hours for the parents and guardians of students concerning the curricula and materials that will be used for such education (Chapter 28A.230.070 RCW).
- Every school board must adopt policies to assure parents access to their child's classroom and school-sponsored activities to observe class procedure, teaching material and class conduct (Chapter 28A.605 RCW).

Nothing in the common school code limits guidance counseling for K-12 students, or requires prior parental consent for such counsel.

Summary of Substitute Bill: A new chapter is created in the common schools code to establish parental rights with respect to their children's education.

Intent. The Legislature declares it the inherent and unalienable right and responsibility of parents to provide for and ensure the health, education, and general well-being of their children. The act defines the roles and obligations of school officials, administrators, staff and teachers in order to:

- Protect and promote parents' involvement in the education of their children;
- Affirm parents' interests in overseeing what their children learn and how they are taught in the common schools; and to
- Ensure better understanding, confidence, and cooperation between the parents and the school district.

Instruction and Parental Consent. (1) *Educational Materials.* Districts must adopt policies and inform parents about their right to inspect their child's educational records, test results as well as school or district educational programs and related instruction materials. Specifically included are teacher manuals, textbooks, films, tapes, supplementary materials or computer programs.

(2) *Subject Matter.* School boards must adopt policies that require parents be notified of their right to excuse children from any course or unit of study about alcohol and drugs, human sexuality, sexually transmitted diseases including HIV or AIDS, suicide or death. The notice must be distributed and returned by the parent before the course or unit of study is taught. A form signed by the parent must be kept in each student's file. The Superintendent of Public Instruction is directed to develop model forms to excuse children from programs on these subjects.

(3) *Courses.* Experimental, special or pilot classes for public school students require prior parental consent.

(4) *Field Trips.* Classes must be held on school property, except for field trips that are "necessary and reasonably beneficial" so long as: (a) parents have advance knowledge of a field trip; (b) the student's parent provides written consent for his or her child to participate; (c) the planned field trip is related to the student's educational program; and (d) the field trip is afforded to all members of a student's class equally.

Privacy and Testing. Students may only be tested for intelligence quotient or proficiency in basic skills and academic subject matter.

Tests or inquiries about a student's attitudes, habits, and values or that of the student's parents or family are prohibited without prior consent of a student's parent.

Student test results must be made available to their parent(s) upon request, including any notes, records, written or taped memoranda. The parent of a student must be allowed to view records kept by districts and, upon request, copies of a student's records must be provided to the parent(s) at cost.

Student Counseling. District employees or their guests may not use psycho-therapeutic techniques such as group therapy or sensitivity training without prior, written parental consent. Except in the case of a relative's death, or in an emergency where physical harm may befall the student or others, schools may not provide guidance counseling regarding a student's social, emotional, mental or personal problems unless the parent is notified in writing within three working days before, or thereafter. Notification does not constitute a right to expand the scope of counseling beyond subjects discussed when consulting parents, unless the parents so approve. Limited guidance counseling is allowed, without parental consent, where the student expresses fear or distress that leads a school counselor to believe there is a possibility the child is experiencing child abuse or neglect as defined in current law.

Academic Progress Reports. Parents are entitled to written reports of their child's academic progress in basic skills no less than three times during a school year, and at least annually as measured against standard grade level norms. If available, class standing and standing in relation to national norms must be provided to the parent of a student who requests such information.

In the event of a conflict between this act and any other provision of law, the provisions of the act govern.

Appropriation: None.

Fiscal Note: Not Requested

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

Testimony For: Schools have strayed from treating parents as equal partners in the education of children. Teachers are a resource to parents, but should not substitute for the parents as the primary educator. Parents worry that schools are less focused on academics and less respectful of family privacy. Many believe it's more appropriate for parents to teach children values, and this responsibility is wrongly assumed by schools when children

enter the classroom. Schools also are failing to notify and consult with parents before sensitive issues are discussed with students, or experimental instruction is delivered. This act is necessary to restore communication and with that, trust between parents and schools.

Testimony Against: This act goes too far in restricting educators and school services. Guidance counselors need flexibility to respond immediately to emergent situations that develop on a school campus. Administrators already find it difficult to reach some working parents, and this would be aggravated by proposed limits. Changing the instruction standard from parents "opting out" to parents "opting in" for certain discussions and classes is problematic. The act creates more paperwork for schools where it may be unnecessary. Teachers go out of their way to involve parents, but unfortunately, some show little care or interest in what goes on in the classroom or the life of their child. Legislation cannot change this. Students have rights too. Adolescents ought to have unrestricted access to adults on a school campus, especially when the student feels they cannot approach their own parent and needs to talk about a personal issue of concern.

Testified: PRO: Senator Stevens, prime sponsor; Marian Hinds, President, Reading Reform Foundation; Jack Phillips, Parents and Teachers for Traditional Academics; Chris Shardelman; Nancy L. Smith; Roberta Berg; Marda Kirkwood, Citizens United for Responsible Education; Jeff Kemp, WA Family Council; Ron Taber; Kathryn M. Olf, Parents Coalition for Academic Excellence; CON: Jerry Gibbons, School Counselor/Yakima; Steve Johnson, Dr. Martin McCombs, NW AIDS Foundation; Catherine Ahl, League of Women Voters; Anna Schleuft.