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## Education Committee

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### HI 2081

**Brief Description:** Concerning parental rights relating to their children's public school education.

**Sponsors:** People of the State of Washington.

**Brief Summary of Bill**

- Declares 15 rights that parents and guardians of public school children have, including rights to receive or be notified of academic, medical, safety, and law enforcement matters, rights to examine and inspect certain materials and records, and rights to opt their children out of certain activities.

**Hearing Date:** 2/28/24

**Staff:** Ethan Moreno (786-7386).

**Background:**

Public School Governance.

The governance of Washington's public school system is a shared responsibility between the state and 295 school districts. The Legislature and state agencies, including the Office of the Superintendent of Public Instruction and the State Board of Education, establish requirements for school districts, but the operation of school districts is the responsibility of locally elected school district boards of directors, often through adopted policies and procedures.

Washington's public school system also includes charter schools and state-tribal education compact schools. Charter schools and state-tribal education compact schools have separate laws for their governance and operation and are subject to requirements made applicable to them by

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the Legislature and state agencies.

The Washington State School Directors' Association (WSSDA) is a state agency that provides advice and assistance to school directors and also develops model policies and procedures addressing a broad range of administrative and education issues that school district boards of directors may choose to adopt. Additionally, state law requires school districts to adopt some of the WSSDA model policies and procedures.

Examples of issues addressed in WSSDA model policies and procedures include:

- making student records available in an orderly and timely manner to students and parents;
- course design and the selection and adoption of instructional materials;
- nondiscrimination; and
- responses to student injury or illness.

#### Parental Involvement and Notification.

State and federal laws establish numerous provisions for involving and notifying the parents and guardians of children enrolled in public schools. Examples of parental involvement and notification provisions in state law include:

- receiving notice that their child failed to attend school and the steps to be taken to reduce the child's absence;
- accessing their child's classroom and school sponsored activities to observe class procedures, teaching materials, and class conduct;
- requiring certain parental notifications and involvement regarding students' medical issues;
- receiving annual notifications about state required assessments and graduation requirements;
- being notified that their child is alleged to be the victim, target, or recipient of a reported allegation of sexual misconduct by a school employee;
- receiving, annually, a handbook that includes information about policies and complaint procedures related to discrimination, harassment, intimidation, and bullying; and
- receiving parental notice that the school will be providing comprehensive sexual health education during the school year and about the option to review the curriculum and opt their child out of the instruction.

#### Student Education Records—Privacy and Parental Access Rights.

Federal laws protect the privacy of children's education records in public schools and provide parental access to those records. State laws either follow or are more protective of children's privacy than federal laws.

The federal Family Educational Rights and Privacy Act (FERPA) gives parents the right to inspect and review the public school education records of their minor children within 45 days of requesting access to the records, unless a court order, state statute, or other legally binding document specifically revokes this right. If circumstances effectively prevent a parent from exercising this right, the school must either provide the parent with a copy of the requested records or make other arrangements for the parent to access the requested records.

The following documents, if directly related to a student and maintained by a school, would generally constitute "education records" subject to FERPA: transcripts, course schedule, discipline files, and immunization records. Records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record, are not "education records."

Under state law, the parent or guardian of a student has the right to review all education records of the student, which are academic, attendance, and disciplinary records. Additionally, school district boards of directors must establish a procedure in conformity with FERPA for granting a request by a parent or guardian for access to the education records of his or her child, and prohibiting the release of student information without the written consent of the student's parent or guardian.

#### Protection of Pupil Rights Amendment.

The federal Protection of Pupil Rights Amendment (PPRA) requires public schools to notify parents, and offer the option to opt their children out, of administration of surveys, analyses, and evaluations that may reveal certain information of the child or parent, such as: political or religious beliefs, psychological problems, or sex attitudes. The PPRA also requires that certain instructional materials used in connection with the surveys, analysis, and evaluations be available for inspection by parents.

#### **Summary of Bill:**

#### Legislative Findings.

The Legislature finds that: parents are the primary stakeholders in their children's upbringing; parental involvement is a significant factor in increasing student achievement; and access to student information encourages greater parental involvement.

#### Declaration of 15 Parental Rights.

Parents and guardians of public school children younger than 18 years old have the right to:

1. examine the textbooks, curriculum, and supplemental material used in their child's classroom;
2. inspect their child's public school records and receive a copy of their child's records within 10 business days of submitting a written request. Parents and guardians must not be required to appear in person to request records. Any charges for paper records must be reasonable and set forth in the district's official policies and procedures, and no charges may be imposed for electronic records. Public school records subject to these rights include: academic records; medical or health records; mental health counseling records; vocational counseling records; discipline records; attendance records; records associated with screening for learning challenges, exceptionalities, or plans for an individualized education program or accommodations for a student's disability; and any other student-specific files, documents, or other materials that are maintained by the school;
3. receive prior notification when medical services are offered to their child, except where

emergency medical treatment is required. In such cases, notification is required as soon as practicable after the treatment;

4. receive notification when a medical service or medications have been provided to their child that could result in a financial impact to the parent's or guardian's health insurance payments or copays;
5. receive notification when the school has arranged, directly or indirectly, for medical treatment that results in follow-up care beyond normal school hours, such as monitoring, medications, medical devices, and emotional care;
6. receive immediate notification if a criminal action is deemed to have been committed against their child or by their child;
7. receive immediate notification if law enforcement personnel question their child, except in cases where the parent or guardian has been accused of abusing or neglecting the child;
8. receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or a private host home for youth in need of temporary placement;
9. receive assurance their child's public school will not discriminate against their child based upon the family's sincerely held religious beliefs;
10. receive written notice and have the option to opt their child out of student engagements that include questions about the child's sexual experiences or attractions; the family's beliefs, morality, religion, or political affiliations; mental health or psychological problems of the child or a family member; and surveys, analyses, and evaluations subject to areas covered by the Protection of Pupil Rights Amendment. Student engagements subject to this right include surveys, assignments, questionnaires, role-playing activities, and recordings of the child;
11. receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with comprehensive sexual health education provisions;
12. receive the school calendar and any revisions to the calendar, which must be posted on the school's website;
13. receive a list of any required fee and its purpose and use and how economic hardships may be addressed, either in writing or on the school's website;
14. receive a description of the school's dress code or uniform either in writing or on the school's website; and
15. be informed if their child's academic performance could threaten the ability to be promoted to the next grade level and to be offered an in-person meeting with the teacher and principal to discuss resources or strategies for academic improvement.

#### Prohibited Records Release—Parent Under Investigation for Certain Criminal Actions.

Public schools are not required to release a student's medical or health records or mental health counseling records to a parent who is under investigation for child abuse or neglect unless the parent has obtained a court order.

#### Definition of Public Schools.

"Public schools" is defined as including common schools (traditional public schools that are part

of a school district), charter schools, and certain other schools having a curriculum below the college or university level.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.