

HOUSE BILL REPORT

HB 1762

As Reported by House Committee On:
Education
Education Appropriations

Title: An act relating to increasing parental and community involvement in public education.

Brief Description: Increasing parental and community involvement in public education.

Sponsors: Representatives Santos, Kenney and Morrell.

Brief History:

Committee Activity:

Education: 2/10/09, 2/13/09 [DPS];

Education Appropriations: 2/25/09, 2/26/09 [DP2S(w/o sub ED)].

Brief Summary of Second Substitute Bill

- Tasks school districts with affording certain rights to students and their parents or guardians.
- Requires that information concerning these rights be provided annually either orally or in writing, depending on the mode of communication that best assures understanding.
- Charges the Office of the Education Ombudsman (OEO) with reporting on school district implementation.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox, Dammeier, Hunt, Johnson, Liias, Maxwell, Orwall, Santos and Sullivan.

Staff: Cece Clynch (786-7195)

Background:

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.

Office of the Education Ombudsman.

Established in 2006, the Office of the Education Ombudsman (OEO) is an agency within the Office of the Governor. The OEO's purpose is to:

- provide information to students, parents, and the public regarding the public K-12 system;
- help resolve complaints by parents and students;
- refer complainants and others to appropriate resources, agencies, or departments;
- develop parental involvement materials;
- identify obstacles to greater parental and community involvement in education;
- identify and recommend strategies for improving the success rates of ethnic and racial student groups and students with disabilities; and
- provide policy makers with recommendations that contribute to the improvement of the public K-12 system.

One of the recommendations in the OEO's 2007 Annual Report was to create a "Bill of Rights" to help Washington families understand what they can expect from public schools and the role they play in education.

Center for Improvement of Student Learning.

In 1993 as part of education reform, the Legislature created the Center for Improvement of Student Learning (CISL) under the auspices of the Office of the Superintendent of Public Instruction (OSPI). The Legislature directed the CISL to serve as an education information clearinghouse. In 1996 the Legislature expanded the CISL's role to include providing best practices research on improving reading instruction. Pursuant to the same 2006 legislation that created the OEO, CISL was directed to: (1) serve as an information clearinghouse, including maintaining a website; (2) provide best practices research; (3) help inform educators regarding school boards' powers; (4) provide training and consultation services; (5) identify strategies to improve success rates of students in certain ethnic and racial groups; and (6) establish a model procedure to notify parents when students have not attended class or missed a day of school. The CISL may contract with others to help provide these services. The OSPI was charged with reporting to the Legislature biennially regarding the CISL beginning in September of 2007.

Summary of Substitute Bill:

Rights of Students and Their Parents or Guardians.

School districts must make a reasonable effort to ensure that students and their parents or guardians are afforded the following rights:

- to be treated respectfully;
- to have their questions answered and their messages returned in a timely manner;
- to be genuinely welcomed and encouraged to be involved, at school and at home, in the education process;
- to receive timely communications from schools;
- to access education records in accordance with state and federal laws and to be advised of the policies and procedures governing access;

- to inspect all required school district policies, including but not limited to policies regarding bullying prevention and sexual harassment; and
- to be advised of the existence of the OEO as well as its purposes and contact information.

Annually, school districts must inform students and their parents or guardians of these rights. The information must be provided either orally or in writing, depending on the mode of communication that best assures that the students and their parents or guardians understand their rights. School districts are not authorized to inform or permit participation by a parent or guardian if to do so would conflict with a valid restraining order, protective order, or a court order for custody or visitation.

Students, their parents or guardians, school personnel, and the OEO are directed to use the least formal means available, and preferably direct discussion, to satisfactorily resolve disputes that may arise regarding the delineated rights. No new private right of action is intended nor should the language be so construed. At the same time, it should not be construed to limit a party's ability to bring an action based on rights conferred by other state or federal law.

The OEO is tasked with reporting to the Legislature regarding whether school districts have implemented these rights.

Creation of the Education Advisory Committee.

The Governor shall create an Education Advisory Committee (EAC). The EAC will make recommendations to the Governor regarding the OEO and to the OSPI regarding the effectiveness of the CISL. The EAC shall also advise and make recommendations regarding methods to increase community involvement and ways to improve educational opportunities for all students.

The EAC members shall serve three-year terms. Of the EAC members, five must be parents or guardians of children enrolled in public K-12 schools and one must be a certificated employee or administrator in a public K-12 school, all of whom shall be selected by the Governor from a list submitted by the OSPI. Of the parents or guardians, at least one of these shall have a student enrolled in special education and one shall be a member of the Washington Congress of Parents and Teachers. In addition to those members selected by the Governor, there shall be a member from each of the four ethnic commissions and the Governor's Office of Indian Affairs. The EAC members must represent the geographic and ethnic diversity of this state. The Superintendent of the OSPI shall serve as a non-voting ex officio member of the EAC and shall act as secretary.

Substitute Bill Compared to Original Bill:

The annual requirement that students and their parents or guardians be informed of the rights both orally and in writing is changed to require that such information be provided either orally or in writing, depending upon the mode of communication that best assures that the students and their parents or guardians understand their rights.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Parents and community must be involved in the education process. There are often barriers to full participation by parents and guardians. Often, complaints received by the OEO stem from problems that have escalated because the students, parents, or guardians have not been afforded basic respect or because they do not understand how to navigate the system. The provision of information and respect at the lowest level can prevent escalation and the use of formal processes. Other states have a Bill of Rights regarding education, some with links to state and federal laws. The EAC will further communication and transparency. Children excel when their parents are engaged in their education. The EAC will help close the achievement gap. The bill will help bridge the gap between educators and parents, particularly in the Hispanic community. Parents do not always understand the school bureaucracy and the school doesn't know what the parents don't know. Fostering better understanding on the part of parents and guardians will help.

(Opposed) None.

Persons Testifying: Representative Santos, prime sponsor; Maria Flores, Office of the Education Ombudsman; Sam Chandler, Office of the Superintendent of Public Instruction; Jeremy Sawyer, Commission on Hispanic Affairs; and Christie Perkins, Washington State Special Education Coalition.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 10 members: Representatives Haigh, Chair; Sullivan, Vice Chair; Hope, Assistant Ranking Minority Member; Carlyle, Hunter, Kagi, Probst, Quall, Rolfes and Wallace.

Minority Report: Do not pass. Signed by 4 members: Representatives Priest, Ranking Minority Member; Anderson, Cox and Haler.

Staff: Wendy Polzin (786-7137)

Summary of Recommendation of Committee On Education Appropriations Compared to Recommendation of Committee On Education:

The Education Appropriations Committee recommended the removal of the education advisory committee.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Part of this legislation would reinstate an Education Advisory Committee (EAC). The EAC is envisioned as key to the Office of the Education Ombudsman (OEO). The EAC would advise both the Governor and the Office of Superintendent of Public Instruction. This legislation is key to enhancing relationships with parents and with marginalized communities. The most important element in the bill is the OEO, but the amount in the fiscal note may not be accurate. There are five basic rights in the bill that most people could agree are what school districts should deliver. In the first year of the OEO there were nearly 2,000 contacts with families throughout the state. This will be a valuable service to have.

(Opposed) None.

Persons Testifying: Representative Santos, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.