
SUBSTITUTE HOUSE BILL 1762

State of Washington 61st Legislature 2009 Regular Session

By House Education (originally sponsored by Representatives Santos, Kenney, and Morrell)

READ FIRST TIME 02/17/09.

1 AN ACT Relating to increasing parental and community involvement in
2 public education; adding a new section to chapter 28A.320 RCW; adding
3 a new section to chapter 43.06B RCW; adding a new section to chapter
4 28A.150 RCW; and creating new sections.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that parents and
7 guardians are their children's first and best teachers and that
8 improving student achievement requires that parents be partners in
9 their children's education. The legislature further finds that
10 increased knowledge of and input regarding public education is
11 particularly needed in low-income and ethnic minority communities.

12 The legislature intends to increase public awareness of the
13 importance of parental and community involvement in education and
14 foster mutually respectful interactions in an atmosphere of
15 collaboration and cooperation.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
17 RCW to read as follows:

18 (1) Annually, school districts shall inform students and their

1 parents or guardians of the rights set forth in this section, either
2 orally or in writing depending on the mode of communication that best
3 assures that the students and their parents or guardians understand
4 their rights.

5 (2) A reasonable effort shall be made to ensure that students and
6 their parents or guardians are afforded the following rights:

7 (a) To be treated respectfully by school staff and administrators;

8 (b) To have their questions answered and their messages returned in
9 a timely manner;

10 (c) To be genuinely welcomed and encouraged to be involved, at
11 school and at home, in the education process so as to promote and
12 support student learning;

13 (d) To receive timely communications from schools regarding
14 standards and assessments, student performance, available educational
15 programs and materials, and opportunities for parental involvement in
16 their children's education and the school community;

17 (e) To access education records in accordance with state and
18 federal laws and to be advised of the policies and procedures regarding
19 such access;

20 (f) To be advised of their right to inspect, and the location of,
21 all required school district policies, including but not limited to
22 policies regarding bullying prevention and sexual harassment; and

23 (g) To be advised of the existence, purposes, and contact
24 information of the office of the education ombudsman.

25 (3) This section does not authorize a school to inform a parent or
26 guardian, or to permit participation by a parent or guardian, if to do
27 so would conflict with a valid restraining order, protective order, or
28 order for custody or visitation issued by a court of competent
29 jurisdiction.

30 (4) The legislature intends that students, their parents or
31 guardians, the education ombudsman, and others who may seek to assist
32 students, use the least formal means available to satisfactorily
33 resolve disputes that may arise regarding the rights set forth in this
34 section. Wherever feasible, direct discussion with school staff or
35 administrators should be employed. This section is not intended to and
36 shall not be construed to create a new private right of action.
37 Nothing in this section may be construed to limit a party's ability to

1 bring an action based on rights conferred by other state or federal
2 law.

3 (5) As used in this section, "parents" means: (a) Natural,
4 adoptive, or foster parents; (b) guardians; and (c) individuals acting
5 in the place of parents, including grandparents, stepparents, or other
6 relatives, with whom the child lives, or individuals who are legally
7 responsible for the child's welfare, consistent with the definition of
8 "parent" as defined in the federal individuals with disabilities
9 education act as existing on the effective date of this section.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06B RCW
11 to read as follows:

12 The education ombudsman shall report to the legislature regarding
13 whether school districts have implemented the rights afforded in
14 section 2 of this act. In so doing, the education ombudsman shall
15 consult with the office of the superintendent of public instruction,
16 school districts, parent and teacher organizations, and student groups.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.150
18 RCW to read as follows:

19 (1) The governor shall establish an education advisory committee
20 consisting of at least eleven and no more than fifteen members. The
21 superintendent of public instruction, or the superintendent's designee,
22 shall serve as a nonvoting ex officio member of the committee and shall
23 act as secretary.

24 (2) From a list submitted by the superintendent of public
25 instruction, the governor shall select the following committee members:

26 (a) At least five parents or guardians of children enrolled in
27 public elementary or secondary education schools in this state. At
28 least one of these members shall be a parent or guardian of a "special
29 education student" as that term is defined by the superintendent of
30 public instruction. In addition, at least one of these members shall
31 be a member of the Washington congress of parents and teachers; and

32 (b) At least one certificated employee or administrator in a public
33 elementary or secondary school in this state.

34 (3) In addition to those members selected by the governor, at least
35 one member shall be a commissioner or director, or a designee selected
36 by a commissioner or director, from each of the following:

- 1 (a) The Washington state commission on Hispanic affairs;
2 (b) The Washington state commission on African-American affairs;
3 (c) The Washington state commission on Asian Pacific American
4 affairs; and
5 (d) The governor's office of Indian affairs.

6 (4) The members of the education advisory committee shall be
7 representative of the geographic regions of the state, including
8 eastern and central Washington, as well as representative of the ethnic
9 diversity of the state.

10 (5) Members of the committee shall serve at the pleasure of the
11 governor for three-year terms. Of the initial members appointed, two
12 members shall serve one-year terms, three members shall serve two-year
13 terms, and the remaining members shall serve three-year terms.

14 (6) The committee may establish subcommittees as it desires, and
15 may invite nonmembers to serve on these subcommittees.

16 (7) The committee shall advise and make recommendations to the
17 governor regarding the effectiveness of the education ombudsman and to
18 the superintendent of public instruction regarding the effectiveness of
19 the center for the improvement of student learning. In addition, the
20 committee shall advise and make recommendations regarding methods to
21 increase parental and community involvement in public education and
22 strategies to improve the educational opportunities for all students in
23 the state.

24 (8) Nonlegislative members of the committee shall be compensated in
25 accordance with RCW 43.03.220 and reimbursed for travel expenses in
26 accordance with RCW 43.03.050 and 43.03.060. School districts shall be
27 reimbursed for the cost of substitutes for the teachers and educational
28 staff associates on the committee as required by RCW 28A.300.035.

29 (a) As used in this section, "parents" has the definition in
30 section 2 of this act.

31 NEW SECTION. **Sec. 5.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

35 NEW SECTION. **Sec. 6.** If any part of this act is found to be in
36 conflict with federal requirements that are a prescribed condition to

1 the allocation of federal funds to the state, the conflicting part of
2 this act is inoperative solely to the extent of the conflict and with
3 respect to the agencies directly affected, and this finding does not
4 affect the operation of the remainder of this act in its application to
5 the agencies concerned. Rules adopted under this act must meet federal
6 requirements that are a necessary condition to the receipt of federal
7 funds by the state.

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