
SECOND SUBSTITUTE HOUSE BILL 1762

State of Washington 61st Legislature 2009 Regular Session

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

READ FIRST TIME 03/02/09.

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; and creating new sections.

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

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

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

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

17 (1) Annually, school districts shall inform students and their
18 parents or guardians of the rights set forth in this section, either

1 orally or in writing depending on the mode of communication that best
2 assures that the students and their parents or guardians understand
3 their rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 NEW SECTION. **Sec. 4.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
20 conflict with federal requirements that are a prescribed condition to
21 the allocation of federal funds to the state, the conflicting part of
22 this act is inoperative solely to the extent of the conflict and with
23 respect to the agencies directly affected, and this finding does not
24 affect the operation of the remainder of this act in its application to
25 the agencies concerned. Rules adopted under this act must meet federal
26 requirements that are a necessary condition to the receipt of federal
27 funds by the state.

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