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HOUSE BILL 1762

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Santos, Kenney, and Morrell

Read first time 01/28/09. Referred to Committee on Education.

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:

1 (1) Annually, school districts shall inform students and their  
2 parents or guardians, both orally and in writing, of the rights set  
3 forth in this section.

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.** A new section is added to chapter 28A.150  
16 RCW to read as follows:

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

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

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

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

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

35 (a) The Washington state commission on Hispanic affairs;  
36 (b) The Washington state commission on African-American affairs;

1 (c) The Washington state commission on Asian Pacific American  
2 affairs; and

3 (d) The governor's office of Indian affairs.

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

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

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

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

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

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

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

33 NEW SECTION. **Sec. 6.** If any part of this act is found to be in  
34 conflict with federal requirements that are a prescribed condition to  
35 the allocation of federal funds to the state, the conflicting part of  
36 this act is inoperative solely to the extent of the conflict and with

1 respect to the agencies directly affected, and this finding does not  
2 affect the operation of the remainder of this act in its application to  
3 the agencies concerned. Rules adopted under this act must meet federal  
4 requirements that are a necessary condition to the receipt of federal  
5 funds by the state.

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