
SENATE BILL 5558

State of Washington

68th Legislature

2023 Regular Session

By Senators McCune, Dozier, and Padden

Read first time 01/25/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to the fundamental right of parents and guardians
2 to direct the upbringing and education of their children; adding a
3 new section to chapter 28A.605 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges that
6 children are naturally incapable of exercising self-government until
7 the age of majority. The legislature recognizes that parents are the
8 best protectors of their children and have the natural right and duty
9 to care for them.

10 (2) The legislature acknowledges that the United States supreme
11 court has repeatedly recognized and protected the rights of parents
12 and guardians and stressed the importance of family. For example, in
13 *Pierce v. Society of Sisters*, 268 U.S. 510 (1925), the supreme court
14 held that a state law that required children to attend public schools
15 "unreasonably interfere[d] with the liberty of parents and guardians
16 to direct the upbringing and education of children under their
17 control." In *Wisconsin v. Yoder* 406 U.S. 205 (1972), the supreme
18 court explained, "The history and culture of Western civilization
19 reflect a strong tradition of parental concern for the nurture and
20 upbringing of children. This primary role of the parents in the
21 upbringing of their children is now established beyond debate as an

1 enduring American tradition." In *Moore v. City of East Cleveland* 431
2 U.S. 494 (1977), the supreme court explained that its decisions
3 "establish that the Constitution protects the sanctity of the family
4 precisely because the institution of the family is deeply rooted in
5 this Nation's history and tradition. It is through the family that we
6 inculcate and pass down many of our most cherished values, moral and
7 cultural."

8 (3) The legislature intends to codify parents and guardians'
9 fundamental right to direct the upbringing and education of their
10 children to help protect this right from governmental encroachment on
11 parental authority in public schools.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.605
13 RCW to read as follows:

14 (1) The legislature declares that the laws of the state of
15 Washington regarding education shall recognize the fundamental right
16 of parents and guardians to direct the upbringing and education of
17 their children.

18 (2) This fundamental right includes choosing the type of
19 education their child will receive, as recognized by RCW 28A.225.010,
20 and making reasonable choices related to their child's education.

21 (3) No state law regarding education shall infringe on this
22 fundamental right without demonstrating that the state law is
23 furthering a compelling governmental interest and is narrowly
24 tailored to achieve that interest.

25 (4) This fundamental right shall not be construed to apply to a
26 parental action or decision that would end life.

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