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**SUBSTITUTE HOUSE BILL 2216**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Brumsickle, Mastin, Radcliff, Carlson, Thompson, Hankins and Backlund)

Read first time 02/02/96.

1 AN ACT Relating to parents' rights and responsibilities in  
2 education; amending RCW 28A.315.510, 28A.320.230, and 28A.230.070;  
3 adding a new section to chapter 28A.600 RCW; adding a new section to  
4 chapter 28A.320 RCW; adding a new chapter to Title 28A RCW; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The legislature recognizes families as the  
8 fundamental unit of society and affirms parents' rights to direct the  
9 upbringing of their children. The legislature further supports parents  
10 as the primary educators of their children and recognizes parents'  
11 rights to further direct the educational decisions which concern their  
12 children.

13 Whereas schools have increased the availability of nonacademic  
14 curriculum components and services to students that may interfere with  
15 a parent's right to determine the appropriateness of those activities  
16 for their child, the legislature reaffirms the right of parents to  
17 determine whether their child shall receive such instruction or  
18 services.

1       The legislature believes that public schools derive their authority  
2 from parents of the attending students and must therefor take every  
3 reasonable step to provide parents with access and discretion regarding  
4 their child's education. Parents' rights regarding what their children  
5 are provided by public schools is paramount in protecting the proper  
6 and fundamental role of the family.

7       NEW SECTION.   **Sec. 2.**   DEFINITION. Unless specifically provided by  
8 law, for purposes of this chapter, "parent" means a parent or legal  
9 guardian having legal custody of a child enrolled in public school.  
10 For purposes of this chapter, "parent" does not mean parents of  
11 children in private schools or of children receiving home-based  
12 instruction.

13       NEW SECTION.   **Sec. 3.**   PARENTS' RIGHTS AND RESPONSIBILITIES  
14 EXISTING IN CURRENT LAW. (1) Parents shall immunize their children,  
15 unless exempted, in accordance with RCW 28A.210.030.

16       (2) Parents shall provide information about the child's prior  
17 educational programs when the child transfers to another school, in  
18 accordance with RCW 28A.225.330.

19       (3) Parents shall be responsible for property damaged by their  
20 children, in accordance with RCW 28A.635.060.

21       (4) Parents shall ensure that their children attend school every  
22 day, unless excused, in accordance with RCW 28A.225.010.

23       (5) Parents shall decide whether their children participate in AIDS  
24 instruction, in accordance with RCW 28A.230.070 and this chapter.

25       (6) Parents may make a complaint to the school board and have the  
26 complaint heard at a public hearing on instructional and library  
27 materials that a parent thinks is objectionable, in accordance with RCW  
28 28A.150.230.

29       (7) Parents shall be involved in instructional materials committees  
30 in accordance with RCW 28A.320.230 and this chapter.

31       (8) Parents shall be consulted in the development of the district's  
32 AIDS curriculum, in accordance with RCW 28A.230.070.

33       (9) Parents may exclude their children from scoliosis screening, in  
34 accordance with RCW 28A.210.090, 28A.210.210, and 28A.210.240.

35       (10) Parents shall receive periodic reports on the progress of  
36 their children, in accordance with RCW 28A.150.240.

1 (11) Parents shall be notified if their child has a hearing or  
2 visual loss, in accordance with RCW 28A.210.030.

3 (12) Parents shall be notified when their child has an unexcused  
4 absence, in accordance with RCW 28A.225.020.

5 (13) Parents shall be notified of their child's choice options in  
6 accordance with RCW 28A.225.300.

7 (14) Parents shall be notified of their parent involvement  
8 opportunities, in accordance with RCW 28A.225.300.

9 (15) Parents shall receive the results of their child's performance  
10 on state-wide assessments, in accordance with RCW 28A.230.190,  
11 28A.230.195, 28A.230.230, 28A.230.240, and 28A.230.250.

12 (16) Parents shall receive an annual report from their school  
13 district, in accordance with RCW 28A.320.205.

14 (17) Parents shall be notified of pupil conduct, discipline, and  
15 rights, in accordance with RCW 28A.600.010.

16 (18) Parents shall be notified about the running start program, in  
17 accordance with RCW 28A.600.320.

18 (19) Parents shall be notified if a court order or subpoena has  
19 been issued for access to the records of their children, in accordance  
20 with RCW 28A.600.475.

21 NEW SECTION. **Sec. 4.** ACCESS TO ACADEMIC PROGRAMS AND TEACHING  
22 MATERIALS. (1) A parent shall have access to his or her child's  
23 classroom. Every school district board of directors shall, after  
24 following established procedures, adopt a policy ensuring parents  
25 access to their children's classrooms and school-sponsored activities  
26 for purposes of observing class procedure, teaching material, and class  
27 conduct. The policy shall provide that observation shall not disrupt  
28 the classroom procedure or learning activity.

29 (2) School district employees shall not withhold information  
30 pertaining to the school activities of a child from the child's  
31 parents.

32 (3) A parent has the right to review all tests and assessments  
33 given to his or her child after such test or assessment is  
34 administered.

35 NEW SECTION. **Sec. 5.** INFORMATION CONCERNING STUDENTS. (1) Each  
36 school district shall make available a list of all records that the  
37 district routinely keeps on all students and shall establish procedures

1 whereby parents shall have access to each of the individual student  
2 records. The list shall include, but not be limited to, academic,  
3 vocational, counseling, disciplinary, and attendance records.

4 (2) Except as specifically exempted by other state or federal law,  
5 all records maintained on a student by a school, school district,  
6 educational service district, the superintendent of public instruction,  
7 the state board of education, or anyone under contract with the  
8 entities named in this subsection, shall be provided to a parent upon  
9 request for the parent's observation. Upon the written request of a  
10 parent, copies of records shall be provided within fourteen working  
11 days. Upon request, parents shall be provided with the appropriate  
12 legal reference for all individual records that the school, school  
13 district, educational service district, the superintendent of public  
14 instruction, the state board of education, or any contractor, claim are  
15 exempt from parent disclosure by state or federal law.

16 (3) Upon request, parents shall annually be entitled to one set of  
17 student records at no charge but districts may establish a fee pursuant  
18 to RCW 42.17.300 for each subsequent request made during the year.

19 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.600  
20 RCW to read as follows:

21 (1) A public school shall give parents or legal guardians twenty  
22 days advance written notice before the school, or before any person or  
23 organization under contract with the school, conducts any student test,  
24 questionnaire, survey, analysis, or evaluation that requests disclosure  
25 by the student of information about either the student or the student's  
26 parents or legal guardians concerning: Political or religious  
27 affiliations, mental or psychological problems, sexual behavior or  
28 attitudes, illegal, self-incriminating, or demeaning behavior, critical  
29 appraisals of any other individual with whom the student has a family  
30 relationship, legally privileged information arising out of  
31 confidential relationships with persons such as lawyers, physicians, or  
32 ministers, or religious issues. The notice shall provide disclosure to  
33 the student's parent or legal guardian regarding the subject matter,  
34 intended use of the results, and educational merit of the test,  
35 questionnaire, survey, analysis, or evaluation.

36 (2) No student may participate in any test, questionnaire, survey,  
37 analysis, or evaluation listed in subsection (1) of this section

1 without prior written consent from the student's parent or legal  
2 guardian.

3 (3) All materials that a school uses in conducting any student  
4 test, questionnaire, survey, analysis, or evaluation that involves  
5 disclosure of information described in this section shall be readily  
6 available for inspection by the parent or legal guardian of a student,  
7 at least ten days before their administration, at the school during  
8 normal school hours. School personnel must also be readily available  
9 to answer questions relative to the materials.

10 NEW SECTION. **Sec. 7.** PROHIBITION ON REMOVAL OF CHILD. The board  
11 of directors of each school district shall adopt rules establishing  
12 procedures to ensure that each school within its district is carrying  
13 out district policy prohibiting a child in grades kindergarten through  
14 eight from being removed from any school grounds or building during  
15 school hours except by a person authorized by a parent or legal  
16 guardian having legal custody of the child, pursuant to RCW  
17 28A.605.010.

18 **Sec. 8.** RCW 28A.315.510 and 1990 c 33 s 315 are each amended to  
19 read as follows:

20 Regular meetings of the board of directors of any school district  
21 shall be held monthly or more often at such a time as the board of  
22 directors by resolution shall determine or the bylaws of the board may  
23 prescribe. Special or deferred meetings may be held from time to time  
24 as circumstances may demand, at the call of the president, if a first  
25 class district, or the chair of the board, if a second class district,  
26 or on petition of a majority of the members of the board. All meetings  
27 shall be open to the public unless the board shall otherwise order an  
28 executive session as provided in RCW 42.30.110. The board of directors  
29 shall provide a reasonable opportunity for public oral and written  
30 comments on proposals before the board.

31 NEW SECTION. **Sec. 9.** GUIDANCE AND COUNSELING SERVICES. (1) All  
32 schools shall maintain a written register regarding counseling services  
33 provided by a school counselor or other paraprofessional employed by  
34 the district to provide counseling services to students in the public  
35 schools. This register shall contain the dates and subject matter for  
36 which the student received counseling services regarding career,

1 academic, or social and emotional issues and shall be maintained on a  
2 quarterly schedule. This register shall be available for parent review  
3 and shall not be maintained with student academic records. This  
4 register shall not be released to anyone other than the parent or  
5 student without the parent's consent.

6 (2) Counseling records maintained from counseling sessions  
7 involving social and emotional issues shall be destroyed upon the  
8 student's high school graduation or permanent transfer from the school.

9 (3) No school employee may engage in the use of counseling  
10 techniques that are beyond the scope of the employee's certification or  
11 training. No teacher may engage in classroom activities and no  
12 counselor may engage in counseling activities that involve hypnosis,  
13 psychoanalysis, or other psychotherapeutic techniques, regardless of  
14 the teacher's or counselor's level of certification, without prior  
15 consent of the parents of the students involved.

16 NEW SECTION. **Sec. 10.** PARTICIPATION IN ADVISORY GROUPS. School  
17 districts shall seek parental involvement in advisory groups that are  
18 considering major policy decisions affecting the education of children  
19 in the school district.

20 NEW SECTION. **Sec. 11.** A new section is added to chapter 28A.320  
21 RCW to read as follows:

22 (1) Upon the written request or personal appearance of a parent or  
23 legal guardian of a student, a public school shall make available for  
24 inspection by the parent or legal guardian, during school hours, any  
25 classroom instructional materials, including textbooks, teacher's  
26 manuals, library books, films, video tapes, audio tapes, computer  
27 programs, supplementary materials, or any other materials, associated  
28 with the education or instruction of the student by the school.  
29 Materials physically located in the school shall be made available  
30 within five working days of the request. Materials within the school  
31 district shall be made available within fourteen working days of the  
32 request.

33 (2) A public school shall give parents or legal guardians thirty  
34 days advance written notice before presenting in any school-sponsored  
35 curriculum component, program, or activity, whether curricular or  
36 extracurricular, information regarding: Sex education, sexually

1 transmitted diseases, contraception, sexual orientation, suicide, and  
2 euthanasia.

3 No student may attend or participate in a public school-sponsored  
4 class, program, or activity, whether curricular or extracurricular,  
5 involving any of the components in this section without the prior  
6 written consent of the student's parent or legal guardian.

7 All instructional materials, including teacher's manuals, films,  
8 tapes, or other supplementary material that a school uses in presenting  
9 any of the components in this section as well as such instructional  
10 materials that may be used by any guest speaker, shall be available for  
11 inspection by the custodial parent or legal guardian of a student  
12 during school hours, at least ten days before their use at the school.

13 (3) Employees of a school district shall not direct, instruct, or  
14 encourage a student to withhold instructional materials or other  
15 information concerning classroom activities, tests, discussions, or  
16 programs from his or her parent.

17 **Sec. 12.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to  
18 read as follows:

19 Every board of directors, unless otherwise specifically provided by  
20 law, shall:

21 (1) Prepare, negotiate, set forth in writing and adopt, policy  
22 relative to the selection or deletion of instructional materials. Such  
23 policy shall:

24 (a) State the school district's goals and principles relative to  
25 instructional materials;

26 (b) Delegate responsibility for the preparation and recommendation  
27 of teachers' reading lists and specify the procedures to be followed in  
28 the selection of all instructional materials including text books;

29 (c) Establish an instructional materials committee to be appointed,  
30 with the approval of the school board, by the school district's chief  
31 administrative officer. This committee shall consist of representative  
32 members of the district's professional staff, including representation  
33 from the district's curriculum development committees, and, in the case  
34 of districts which operate elementary school(s) only, the educational  
35 service district superintendent, one of whose responsibilities shall be  
36 to assure the correlation of those elementary district adoptions with  
37 those of the high school district(s) which serve their children. The

1 committee ((may)) shall include parents ((at the school board's  
2 discretion)) who are not school district employees and whose children  
3 are enrolled in the district: PROVIDED, That parent members shall make  
4 up ((less than one-half)) at least one-third of the total membership of  
5 the committee;

6 (d) Provide for reasonable notice to parents of the opportunity to  
7 serve on the committee and for terms of office for members of the  
8 instructional materials committee;

9 (e) Provide a system for receiving, considering and acting upon  
10 written complaints regarding instructional materials used by the school  
11 district;

12 (f) Provide free text books, supplies and other instructional  
13 materials to be loaned to the pupils of the school, when, in its  
14 judgment, the best interests of the district will be subserved thereby  
15 and prescribe rules and regulations to preserve such books, supplies  
16 and other instructional materials from unnecessary damage.

17 Recommendation of instructional materials shall be by the  
18 district's instructional materials committee in accordance with  
19 district policy. Approval or disapproval shall be by the local school  
20 district's board of directors.

21 Districts may pay the necessary travel and subsistence expenses for  
22 expert counsel from outside the district. In addition, the committee's  
23 expenses incidental to visits to observe other districts' selection  
24 procedures may be reimbursed by the school district.

25 Districts may, within limitations stated in board policy, use ((and  
26 experiment with)) instructional materials for a period of time before  
27 general adoption is formalized.

28 Within the limitations of board policy, a school district's chief  
29 administrator may purchase instructional materials to meet deviant  
30 needs or rapidly changing circumstances.

31 (2) Establish a depreciation scale for determining the value of  
32 texts which students wish to purchase.

33 **Sec. 13.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to  
34 read as follows:

35 (1) ((The life-threatening dangers of acquired immunodeficiency  
36 syndrome (AIDS) and its prevention shall be taught in the public  
37 schools of this state. AIDS prevention education shall be limited to  
38 the discussion of the life-threatening dangers of the disease, its

1 spread, and prevention. Students shall receive such education at least  
2 once each school year beginning no later than the fifth grade.

3 (2)) Each district board of directors (~~shall~~) may adopt an AIDS  
4 prevention education program (~~which is~~). If a board of directors  
5 adopts an AIDS prevention education program, the program shall be  
6 developed in consultation with teachers, administrators, parents, and  
7 other community members including, but not limited to, persons from  
8 medical, public health, and mental health organizations and agencies  
9 (~~so long as~~). The curricula and materials developed for use in the  
10 AIDS education program shall either be: (a) (~~Are~~) The model  
11 curricula and resources under subsection (3) of this section, or (b)  
12 (~~are~~) developed by the school district and approved for medical  
13 accuracy by the office on AIDS established in RCW 70.24.250. If a  
14 district elects to use curricula developed by the school district, the  
15 district shall submit to the office on AIDS a copy of its curricula and  
16 an affidavit of medical accuracy stating that the material in the  
17 district-developed curricula has been compared to the model curricula  
18 for medical accuracy and that in the opinion of the district the  
19 district-developed materials are medically accurate. Upon submission  
20 of the affidavit and curricula, the district may use these materials  
21 until the approval procedure to be conducted by the office of AIDS has  
22 been completed.

23 (2) Acquired immunodeficiency syndrome (AIDS) prevention education  
24 taught in the public schools in the state shall be limited to the  
25 discussion of the life-threatening dangers of the disease, its spread,  
26 and prevention.

27 (3) Model curricula and other resources available from the  
28 superintendent of public instruction may be reviewed by the school  
29 district board of directors, in addition to materials designed locally,  
30 in developing the district's AIDS education program. The model  
31 curricula shall be reviewed for medical accuracy by the office on AIDS  
32 established in RCW 70.24.250 within the department of social and health  
33 services.

34 (4) Each school district shall, at least one month before teaching  
35 AIDS prevention education in any classroom, conduct at least one  
36 presentation during weekend and evening hours for the parents and  
37 guardians of students concerning the curricula and materials that will  
38 be used for such education. The parents and guardians shall be  
39 notified by the school district of the presentation and that the

1 curricula and materials are available for inspection. ((No student may  
2 be required to participate in AIDS prevention education if the  
3 student's parent or guardian, having attended one of the district  
4 presentations, objects in writing to the participation.))

5 (5) The office of the superintendent of public instruction with the  
6 assistance of the office on AIDS shall update AIDS education curriculum  
7 material as newly discovered medical facts make it necessary.

8 ((6) The curriculum for AIDS prevention education shall be  
9 designed to teach students which behaviors place a person dangerously  
10 at risk of infection with the human immunodeficiency virus (HIV) and  
11 methods to avoid such risk including, at least:

12 (a) The dangers of drug abuse, especially that involving the use of  
13 hypodermic needles; and

14 (b) The dangers of sexual intercourse, with or without condoms.

15 (7) The program of AIDS prevention education shall stress the life-  
16 threatening dangers of contracting AIDS and shall stress that  
17 abstinence from sexual activity is the only certain means for the  
18 prevention of the spread or contraction of the AIDS virus through  
19 sexual contact. It shall also teach that condoms and other artificial  
20 means of birth control are not a certain means of preventing the spread  
21 of the AIDS virus and reliance on condoms puts a person at risk for  
22 exposure to the disease.))

23 NEW SECTION. **Sec. 14.** COMPLAINTS. The board of directors of each  
24 school district shall have a grievance procedure under which the school  
25 district shall address and attempt to resolve each written complaint  
26 that the district receives concerning violation of a right guaranteed  
27 by this chapter.

28 NEW SECTION. **Sec. 15.** CAPTIONS NOT LAW. Captions used in this  
29 chapter do not constitute any part of the law.

30 NEW SECTION. **Sec. 16.** Sections 2 through 5, 7, 9, 10, 14, and 15  
31 of this act shall constitute a new chapter in Title 28A RCW.

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