

2 **SHB 2216 - H AMD 259 ADOPTED 2-13-96**

3 By Representatives Smith, Mastin and Talcott

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5 Strike everything after the enacting clause and insert the
6 following:

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

19 NEW SECTION. **Sec. 2.** DEFINITION. Unless specifically provided by
20 law, for purposes of this chapter, "parent" means a parent or legal
21 guardian having legal custody of a child enrolled in public school.
22 For purposes of this chapter, "parent" does not mean parents of
23 children in private schools or of children receiving home-based
24 instruction.

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

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

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

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

- 1 (5) Parents may decide whether their children participate in AIDS
2 instruction, in accordance with RCW 28A.230.070 and this chapter.
- 3 (6) Parents may make a complaint to the school board and have the
4 complaint heard at a public hearing on instructional and library
5 materials that a parent thinks is objectionable, in accordance with RCW
6 28A.150.230.
- 7 (7) Parents may be members of instructional materials committees in
8 accordance with RCW 28A.320.230 and this chapter.
- 9 (8) Parents shall be consulted in the development of the district's
10 AIDS curriculum, in accordance with RCW 28A.230.070.
- 11 (9) Parents may exclude their children from scoliosis screening, in
12 accordance with RCW 28A.210.090, 28A.210.210, and 28A.210.240.
- 13 (10) Parents shall receive periodic reports on the progress of
14 their children, in accordance with RCW 28A.150.240.
- 15 (11) Parents shall be notified if their child has a hearing or
16 visual loss, in accordance with RCW 28A.210.030.
- 17 (12) Parents shall be notified when their child has an unexcused
18 absence, in accordance with RCW 28A.225.020.
- 19 (13) Parents shall be notified of their child's choice options in
20 accordance with RCW 28A.225.300.
- 21 (14) Parents shall be notified of their parent involvement
22 opportunities, in accordance with RCW 28A.225.300.
- 23 (15) Parents shall receive the results of their child's performance
24 on state-wide assessments, in accordance with RCW 28A.230.190,
25 28A.230.195, 28A.230.230, 28A.230.240, and 28A.230.250.
- 26 (16) Parents shall receive an annual report from their school
27 district, in accordance with RCW 28A.320.205.
- 28 (17) Parents shall be notified of pupil conduct, discipline, and
29 rights, in accordance with RCW 28A.600.010.
- 30 (18) Parents shall be notified about the running start program, in
31 accordance with RCW 28A.600.320.
- 32 (19) Parents shall be notified if a court order or subpoena has
33 been issued for access to the records of their children, in accordance
34 with RCW 28A.600.475.

35 NEW SECTION. **Sec. 4.** ACCESS TO ACADEMIC PROGRAMS AND TEACHING
36 MATERIALS. (1) A parent shall have access to his or her child's
37 classroom. Every school district board of directors shall, after
38 following established procedures, adopt a policy ensuring parents

1 access to their children's classrooms and school-sponsored activities
2 for purposes of observing class procedure, teaching material, and class
3 conduct. The policy shall provide that observation shall not disrupt
4 the classroom procedure or learning activity.

5 (2) School district employees shall not withhold information
6 pertaining to the school activities of a child from the child's
7 parents.

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

11 NEW SECTION. **Sec. 5.** INFORMATION CONCERNING STUDENTS. (1) Each
12 school district shall make available a list of all records that the
13 district routinely keeps on a student and shall establish procedures
14 whereby parents shall have access to their child's records. The list
15 shall include, but not be limited to, academic, vocational, counseling,
16 disciplinary, and attendance records.

17 (2) Except as specifically exempted by other state or federal law,
18 a parent shall have the right to obtain a copy of any record maintained
19 on his or her child by a school, school district, educational service
20 district, the superintendent of public instruction, the state board of
21 education, or anyone under contract with the entitites named in this
22 subsection. Upon the written request of a parent, copies of records
23 shall be provided within fourteen working days. Upon request, parents
24 shall be provided with the appropriate legal reference for all
25 individual records that the school, school district, educational
26 service district, the superintendent of public instruction, the state
27 board of education, or any contractor, claim are exempt from parent
28 disclosure by state or federal law.

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

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

34 (1) A public school shall give parents or legal guardians twenty
35 days advance written notice before the school, or before any person or
36 organization under contract with the school, conducts any student test,
37 questionnaire, survey, analysis, or evaluation that requests disclosure

1 by the student of information about either the student or the student's
2 parent's or legal guardian's personal: Political or religious
3 affiliations, mental or psychological problems, sexual behavior or
4 attitudes, illegal, self-incriminating, or demeaning behavior, critical
5 appraisals of any other individual with whom the student has a family
6 relationship, legally privileged information arising out of
7 confidential relationships with persons such as lawyers, physicians, or
8 ministers, or religious issues. The notice shall provide disclosure to
9 the student's parent or legal guardian regarding the subject matter,
10 intended use of the results, and educational merit of the test,
11 questionnaire, survey, analysis, or evaluation.

12 (2) No student may participate in any test, questionnaire, survey,
13 analysis, or evaluation listed in subsection (1) of this section
14 without prior written consent from the student's parent or legal
15 guardian.

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

23 NEW SECTION. **Sec. 7.** PROHIBITION ON REMOVAL OF CHILD. The board
24 of directors of each school district shall adopt rules establishing
25 procedures to ensure that each school within its district is carrying
26 out district policy prohibiting a child in grades kindergarten through
27 eight from being removed from any school grounds or building during
28 school hours except by a person authorized by a parent or legal
29 guardian having legal custody of the child, pursuant to RCW
30 28A.605.010.

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

33 Regular meetings of the board of directors of any school district
34 shall be held monthly or more often at such a time as the board of
35 directors by resolution shall determine or the bylaws of the board may
36 prescribe. Special or deferred meetings may be held from time to time
37 as circumstances may demand, at the call of the president, if a first

1 class district, or the chair of the board, if a second class district,
2 or on petition of a majority of the members of the board. All meetings
3 shall be open to the public unless the board shall otherwise order an
4 executive session as provided in RCW 42.30.110. The board of directors
5 shall provide a reasonable opportunity for public oral and written
6 comments on proposals before the board.

7 NEW SECTION. Sec. 9. GUIDANCE AND COUNSELING SERVICES. (1) All
8 schools shall maintain a written register regarding counseling services
9 provided by a school counselor or other paraprofessional employed by
10 the district to provide counseling services to students in the public
11 schools. This register shall maintain the dates on which the student
12 received counseling services and shall be maintained on a quarterly
13 schedule. This register shall be available for parent review and shall
14 not be maintained with student academic records. This register shall
15 not be released to anyone other than the parent or student without the
16 parent's consent.

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

20 (3) No school employee may knowingly use formal counseling
21 techniques that are beyond the scope of the employee's certification.

22 NEW SECTION. Sec. 10. PARTICIPATION IN ADVISORY GROUPS. School
23 districts shall seek parental involvement in advisory groups that are
24 considering major policy decisions affecting the education of children
25 in the school district.

26 NEW SECTION. Sec. 11. A new section is added to chapter 28A.320
27 RCW to read as follows:

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

1 district shall be made available within fourteen working days of the
2 request.

3 NEW SECTION. **Sec. 12.** (1) A public school shall give parents or
4 legal guardians at least thirty days' advance written notice before
5 presenting in any school-sponsored curricular or extracurricular
6 component, program, or activity information regarding sex education;
7 sexually transmitted diseases; contraception; sexual orientation;
8 suicide; or euthanasia. Districts may provide additional notice as
9 they deem necessary.

10 (2) No student may attend or participate in a public school-
11 sponsored class, program, or activity, whether curricular or
12 extracurricular, involving any such information without obtaining
13 written confirmation that his or her parent or legal guardian has been
14 notified of the class, program, or activity.

15 (3) A school that intends to present any such information shall
16 develop a parental notification form that includes the following:

17 (a) A statement informing the parent that the school will be
18 offering to students information regarding sex education; sexually
19 transmitted diseases; contraception; sexual orientation; suicide; or
20 euthanasia and that the law requires the school to obtain written
21 confirmation that the parent has received notification of such offering
22 and that failure to obtain written confirmation will preclude a
23 student's participation in the class, program, or activity;

24 (b) An explicit statement that the parent has a right to prohibit
25 his or her child's participation or attendance in any class, program,
26 or activity that involves any such information; and

27 (c) A signature slot for the parent confirming that the parent has
28 received notification that the component is being offered to his or her
29 child and an additional signature slot the parent may sign to prohibit
30 his or her child's participation or attendance in the class or
31 activity.

32 (4) All instructional materials, including teacher's manuals,
33 films, tapes, or other supplementary material a school uses in
34 presenting any of the components in subsection (1) of this section as
35 well as such instructional materials that may be used by any guest
36 speaker shall be available for inspection by the custodial parent or
37 legal guardian of a student during school hours, at least ten days
38 before their use at the school.

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

5 **Sec. 13.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to
6 read as follows:

7 Every board of directors, unless otherwise specifically provided by
8 law, shall:

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

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

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

17 (c) Establish an instructional materials committee to be appointed,
18 with the approval of the school board, by the school district's chief
19 administrative officer. This committee shall consist of representative
20 members of the district's professional staff, including representation
21 from the district's curriculum development committees, and, in the case
22 of districts which operate elementary school(s) only, the educational
23 service district superintendent, one of whose responsibilities shall be
24 to assure the correlation of those elementary district adoptions with
25 those of the high school district(s) which serve their children. The
26 committee (~~may~~) shall include parents (~~at the school board's~~
27 ~~discretion~~) who are not school district employees and whose children
28 are enrolled in the district: PROVIDED, That parent members shall make
29 up (~~less than one-half~~) at least one-third of the total membership of
30 the committee;

31 (d) Provide for reasonable notice to parents of the opportunity to
32 serve on the committee and for terms of office for members of the
33 instructional materials committee;

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

37 (f) Provide free text books, supplies and other instructional
38 materials to be loaned to the pupils of the school, when, in its

1 judgment, the best interests of the district will be subserved thereby
2 and prescribe rules and regulations to preserve such books, supplies
3 and other instructional materials from unnecessary damage.

4 Recommendation of instructional materials shall be by the
5 district's instructional materials committee in accordance with
6 district policy. Approval or disapproval shall be by the local school
7 district's board of directors.

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

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

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

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

20 **Sec. 14.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to
21 read as follows:

22 (1) ~~((The life threatening dangers of))~~ Acquired immunodeficiency
23 syndrome (AIDS) ~~((and its prevention shall be taught in the public~~
24 ~~schools of this state. AIDS))~~ prevention education shall be limited to
25 the discussion of the life-threatening dangers of the disease, its
26 spread, and prevention. ~~((Students shall receive such education at~~
27 ~~least once each school year beginning no later than the fifth grade.))~~

28 (2) Each district board of directors ~~((shall))~~ may adopt an AIDS
29 prevention education program ~~((which is))~~. If a board of directors
30 adopts an AIDS prevention education program, the program shall be
31 developed in consultation with teachers, administrators, parents, and
32 other community members including, but not limited to, persons from
33 medical, public health, and mental health organizations and agencies
34 ~~((so long as))~~. The curricula and materials developed for use in the
35 AIDS education program shall either be: (a) ~~((are))~~ The model
36 curricula and resources under subsection (3) of this section, or (b)
37 ~~((are))~~ developed by the school district ~~((and approved for medical~~
38 ~~accuracy by the office on AIDS established in RCW 70.24.250))~~. If a

1 district elects to use curricula developed by the school district, the
2 district shall submit to the office on AIDS a copy of its curricula and
3 an affidavit of medical accuracy (~~(stating that the material in the~~
4 ~~district developed curricula has been compared to the model curricula~~
5 ~~for medical accuracy and that in the opinion of the district the~~
6 ~~district developed materials are medically accurate. Upon submission~~
7 ~~of the affidavit and curricula, the district may use these materials~~
8 ~~until the approval procedure to be conducted by the office of AIDS has~~
9 ~~been completed))~~).

10 (3) Model curricula and other resources available from the
11 superintendent of public instruction may be reviewed by the school
12 district board of directors, in addition to materials designed locally,
13 in developing the district's AIDS education program. The model
14 curricula shall be reviewed for medical accuracy by the office on AIDS
15 established in RCW 70.24.250 within the department of social and health
16 services.

17 (4) Each school district shall, at least one month before teaching
18 AIDS prevention education in any classroom, conduct at least one
19 presentation during weekend and evening hours for the parents and
20 guardians of students concerning the curricula and materials that will
21 be used for such education. The parents and guardians shall be
22 notified by the school district of the presentation and that the
23 curricula and materials are available for inspection. No student may
24 ~~((be required to))~~ participate in AIDS prevention education ~~((if))~~
25 unless the student's parent or guardian~~((, having attended one of the~~
26 ~~district presentations, objects in writing to the participation))~~
27 provides prior written permission for the student to participate.

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

31 (6) The curriculum for AIDS prevention education shall stress the
32 life-threatening dangers of contracting AIDS and be designed to teach
33 students which behaviors place a person dangerously at risk of
34 infection with the human immunodeficiency virus (HIV) and methods to
35 avoid such risk including, at least:

36 (a) That abstinence from sexual activity is the only certain means
37 for the prevention of the spread or contraction of the AIDS virus
38 through sexual contact. It shall also teach that condoms and other
39 artificial means of birth control are not a certain means of preventing

1 the spread of the AIDS virus and reliance on condoms puts a person at
2 risk for exposure to the disease; and

3 (b) The dangers of drug abuse, especially that involving the use of
4 hypodermic needles(~~and~~

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

6 ~~((7) The program of AIDS prevention education shall stress the~~
7 ~~life-threatening dangers of contracting AIDS and shall stress that~~
8 ~~abstinence from sexual activity is the only certain means for the~~
9 ~~prevention of the spread or contraction of the AIDS virus through~~
10 ~~sexual contact. It shall also teach that condoms and other artificial~~
11 ~~means of birth control are not a certain means of preventing the spread~~
12 ~~of the AIDS virus and reliance on condoms puts a person at risk for~~
13 ~~exposure to the disease.))~~

14 NEW SECTION. Sec. 15. COMPLAINTS. The board of directors of each
15 school district shall have a grievance procedure under which the school
16 district shall address and attempt to resolve each written complaint
17 that the district receives concerning violation of a right guaranteed
18 by this chapter.

19 NEW SECTION. Sec. 16. CAPTIONS NOT LAW. Captions used in this
20 chapter do not constitute any part of the law.

21 NEW SECTION. Sec. 17. Sections 2 through 5, 7, 9, 10, 12, 15, and
22 16 of this act shall constitute a new chapter in Title 28A RCW."

23 **SHB 2216** - H AMD
24 By Representative Smith

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26 On page 1, line 2 of the title, after "education;" strike the
27 remainder of the title and insert "amending RCW 28A.315.510,
28 28A.320.230, and 28A.230.070; adding a new section to chapter 28A.600
29 RCW; adding a new section to chapter 28A.320 RCW; adding a new chapter
30 to Title 28A RCW; and creating a new section."

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