

HOUSE BILL ANALYSIS

HB 1085

Title: *An act relating to notification of student testing or survey.*

Brief Description: *Requiring notification before a school conducts certain student tests, questionnaires, surveys, analyses, or evaluations.*

Sponsors: *Representatives Mulliken, Johnson, Koster, Backlund, Sump, Talcott, Crouse, Thompson, Mielke, Bush, Sherstad, Carrell, Smith and Van Luven.*

HOUSE COMMITTEE ON EDUCATION

Meeting Date: *January 21, 1997.*

Bill Analysis Prepared by: *Pat Shelledy (786-7149).*

Background: *The state board of education has adopted an administrative rule that prohibits, absent written parental consent, using questionnaires to obtain information about a student's or a student's parent's personal beliefs or practices about sex or religion. Another rule requires school districts to obtain written consent of a parent prior to administering any diagnostic personality test to the parent's child. WAC 180-52-030; WAC 180-52-035.*

The Legislature has enacted a more general provision that requires school districts to adopt policies to ensure that a parent has access to the teaching materials for the parent's child. That general provision does not require advance notice be given to a parent before the school conducts questionnaires. RCW 28A.605.020.

Summary of Bill: *A public school must give advance written notice to a parent before conducting a questionnaire that asks a student to disclose certain personal information about the student or the student's parent. The notice requirement applies to questionnaires that elicit information about the following:*

- þ Political or religious affiliations*
- þ Mental problems*
- þ Sexual behavior or attitudes*
- þ Illegal, self-incriminating, or demeaning behavior*
- þ Critical comments about other family members; or*
- þ Legally privileged communications (with doctors, lawyers, ministers)*

The notice must completely disclose the questionnaire's subject matter.

At least 10 days prior to administering the questionnaire, the school must have the questionnaire readily available for inspection during normal school hours. School personnel must also be readily available to answer questions about the questionnaire.

Absent prior written parental consent, a student may not participate in the questionnaire.

An exception to the notice requirement is when the questionnaire is generated by a student as a part of course work.–

Fiscal Note: *Requested on January 15, 1997.*

Effective Date: *Ninety days after adjournment of session in which bill is passed.*