

HOUSE BILL REPORT

HB 1085

As Reported By House Committee On:
Education

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.

Brief History:

Committee Activity:

Education: 1/21/97, 2/4/97 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Smith; Sterk; Sump and Talcott.

Minority Report: Do not pass. Signed by 5 members: Representatives Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall and Veloria.

Staff: 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.

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.

Summary of Substitute Bill: Any material that will be used to conduct a test, questionnaire, survey, analysis or evaluation must be available for inspection by parents or students.

Prior consent of a student who is an adult or emancipated minor or prior consent of the parent of an unemancipated minor is required prior to administering certain tests or questionnaires to students. Those tests, questionnaires, surveys, analysis, or evaluation involve eliciting information about the student's or the student's parent's:

- Personal beliefs or practices regarding political affiliations;
- Mental problems potentially embarrassing to the student or the student's family;
- Sexual behavior or attitudes;
- Illegal, anti-social, self-incriminating, or demeaning behavior;
- Critical comments about other family members;
- Legally privileged communications (with doctors, lawyers, ministers); or
- Income level, except as required by law to determine eligibility for participation in a program or to receive financial assistance under the program.

Educational agencies must give parents and students effective notice of their rights under this provision prior to administering any test, questionnaire, survey, analysis, or evaluation that asks any of the pertinent questions.

Substitute Bill Compared to Original Bill: The essential provisions of the original bill remain but the language is patterned after a federal law commonly referred to as the Hatch amendment– to the General Education Provisions Act. In addition to the list of questions that may not be asked absent parental consent, a student may not be required to answer questions in tests, questionnaires, surveys, analysis, or evaluations about the student's personal beliefs or practices regarding political affiliations, or income level, except as required by law to determine eligibility for participation in a program or to receive financial assistance under the program. A provision is added that educational entities must give parents and students notice of their rights. The requirements that the materials be available for inspection at least 10 days before administering the test or questionnaire and that school personnel be available to answer questions are deleted.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Schools should not be questioning students about private and personal information. Parents must have more control of the dissemination of these

types of surveys. Some of these surveys ask questions about sexual behavior and illegal behavior of students and their parents and constitute an invasion of privacy. These surveys are dangerous and are being used as a way of getting children to report on their parents.

Testimony Against: The administrative costs associated with sending notices, following up with parents who do not respond, and maintaining permission slips, are real and need to be considered.

Testified: Representative Mulliken, prime sponsor; Charlotte Johnson, Edmonds Educational Assistant Association (con); Marta Kirkwood, Citizens United for Responsible Education (pro); Steve Johnson, Northwest AIDS Foundation (con); Rita Drohman, citizen (pro); Sandra Swanson, citizen (pro); Priscilla Martins, Washington Evangelicals for Responsible Government (pro); Virginia DeForest, American Association of University Women (concerns); Melinda Lincicome, Washington Family Council (pro); Julie Whitson, citizen (pro); and Lois McMahan, citizen (pro).