

HOUSE BILL REPORT

HB 2308

As Reported By House Committee On:

Education

Title: An act relating to school tests, questionnaires, surveys, analyses, and evaluations.

Brief Description: Requiring parental consent before a school conducts certain tests, questionnaires, surveys, analyses, or evaluations.

Sponsors: Representatives Mulliken, Johnson, McCune, Backlund, Carrell, Boldt, Sheahan, Smith and Talcott.

Brief History:

Committee Activity:

Education: 1/16/98, 1/27/98 [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 4 members: Representatives Cole, Ranking Minority Member; Linville; Quall and Veloria.

Staff: Jim Morishima (786-7191).

Background: State law requires school districts to adopt policies to ensure that a parent has access to the teaching materials for the parent's child. The State Board of Education has adopted an administrative rule that prohibits, absent written parental consent, the use of questionnaires to obtain information from a student about his or her personal beliefs or practices with respect to sex or religion, or that of the student's parents. Another rule requires school districts to obtain written consent of a parent prior to administering any diagnostic personality test to the parent's child.

Summary of Substitute Bill: A school may not use oral or written tests, questionnaires, surveys, examinations, or evaluations to elicit a student's personal beliefs, or the personal beliefs of their family regarding sex or religion without the written consent of a parent or legal guardian. The school must make available all material that will be used in

connection with any test, questionnaire, survey, analysis or evaluation to any member of the school board or a parent or legal guardian of a student.

Unless the student is an adult or an emancipated minor, prior consent of the parent or legal guardian is required before a school administers tests, questionnaires, surveys, analyses, or evaluations that reveal the following information concerning the student or the student's parent:

1. political affiliations;
2. mental or psychological history or problems of the student or the student's family;
3. sexual behavior and attitudes;
4. illegal, antisocial, and self-incriminating behavior;
5. critical comments about close family members;
6. legally privileged communications (with doctors, lawyers, or ministers); or
7. income level except as required by law to determine eligibility for participation in a program or to receive financial assistance under a program.

Educational agencies must give parents and students effective notice of their rights prior to administering any test, questionnaire, survey, analysis, or evaluation that asks any of the pertinent questions described above. The school board must be given an opportunity to hear a presentation about such a test, questionnaire, survey, analysis, or evaluation. This presentation must be given at an open public meeting of the board.

Certain research studies that identify individual students and are approved by an institutional review board under United States Department of Health and Human Services regulations are exempt from most of the provisions of this act.

Substitute Bill Compared to Original Bill: Removes the requirement that research studies must individually identify student participants to qualify for the exemption from the act's coverage.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Requiring parental permission for surveys seeking sensitive information from students protects the privacy interests of students, who are a captive audience while at school. Irresponsible survey administration could encourage students to try dangerous activities they otherwise would not think about. Also, a school's primary responsibility is education, not research. Furthermore, requiring parental permission helps preserve the trusting relationship between parents and teachers. Finally the exemption for certain

types of research studies brings Washington law in line with federal statutes and regulations.

Testimony Against: Requiring parental permission for surveys seeking sensitive information from students will increase the time and cost associated with collecting data used to help youth. A parental permission requirement would also skew survey results; the children who need help the most will often times be the same children who fail to obtain permission from their families. Furthermore, making the parental permission requirement state law would unnecessarily duplicate rules in the Washington Administrative Code. Finally, misinterpretation of the law may discourage a child from seeking counseling.

Testified: Representative Mulliken, prime sponsor (pro); Katie Bachand, citizen (pro); Shavanna Schilling, Washington State Grange (pro); Mike Ryherd, Fred Hutchinson Cancer Research Center (pro); Katharine Pearson, League of Women Voters (con); Jeanette Stehr-Green, Washington State Department of Health (con); Melinda Lincicome, Washington Family Council (pro); and Marda Kirkwood, Citizens United for Responsible Education (pro).