

# SENATE BILL REPORT

## ESHB 1085

---

As Reported By Senate Committee On:  
Education, April 4, 1997

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

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

**Sponsors:** House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, Koster, Backlund, Sump, Talcott, Crouse, Thompson, Mielke, Bush, Sherstad, Carrell, Smith and Van Luven).

**Brief History:**

**Committee Activity:** Education: 3/28/97, 4/4/97 [DPA].

---

### SENATE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

**Staff:** Karen Carter (786-7424)

**Background:** 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. (Chapter 180.52.030 WAC) Another rule requires that school districts obtain a parent's consent in writing before administering any diagnostic personality test to the parent's child. (Chapter 180.52.035 WAC)

The Legislature has enacted a more general provision that requires school districts to adopt policies that ensure parents have access to classroom and teaching materials. (Chapter 28A.605.020 RCW) Current law and administrative rules do not, however, require that advance notice be given to parents before students are surveyed.

**Summary of Amended Bill:** The common school code is amended to clarify that absent prior consent, no student may be required to submit to a test, questionnaire, survey, analysis or evaluation that reveals information concerning 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.

A distinction is made for emancipated minors and adult students who can provide their own advance consent.

Education agencies must give parents and students effective notice of their rights under this act before administering any test, questionnaire, survey, analysis or evaluation of this nature. Each school board member must be notified in writing of planned actions of this nature and that notice must occur before a regularly scheduled school board meeting. In addition to letters of notification and before it is used, school board members must be given an opportunity to hear a presentation about the test, questionnaire, survey, evaluation or analysis that proposes to ask students about personal beliefs, practices and other matters as defined in the act.

Any material used in connection with a test, questionnaire, survey, analysis or evaluation in school must be available for inspection by the student's parents, legal guardians and by school board members. Specifically referenced are teacher manuals, films, tapes and other supplementary instructional materials.

**Amended Bill Compared to Substitute Bill:** The oversight opportunities are expanded by requiring presentations to school boards before posing questions of students in a manner and form as defined in the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** Schools should not ask personal questions of students about their beliefs and values without a parent's knowledge. Nor should personal information, volunteered by students, be transmitted to third parties without the teacher and the parent's consent. Parents need standing in law to object to questionable surveys. School boards are a line of defense, but more information needs to reach board members so they can screen and better protect the privacy of students and their families.

**Testimony Against:** This bill may jeopardize legitimate education and social research about young people. In most cases, great care is taken to protect student identities. There are real administrative costs associated with sending notices, maintaining permission slips and following up with parents who do not respond.

**Testified:** Representative Mulliken, prime sponsor (pro); Mike Ryherd, Fred Hutchinson Cancer Research Center (con); Mark Shaffer (pro); Beth J. Smith (pro).