
SUBSTITUTE HOUSE BILL 1845

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Education (originally sponsored by Representatives Smith, Sump, Talcott, Hickel, Koster, Mulliken, Mielke, Sheahan, Johnson, L. Thomas and Backlund)

Read first time 03/04/97.

1 AN ACT Relating to parents' rights; amending RCW 28A.320.230 and
2 28A.230.070; adding a new chapter to Title 28A RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** DEFINITION. Unless specifically provided by
6 law, for purposes of this chapter, "parent" means a parent or legal
7 guardian having legal custody of a child enrolled in public school.
8 For purposes of this chapter, "parent" does not mean parents of
9 children in private school or of children receiving home-based
10 instruction. If a person has a child enrolled in a public school and
11 has another child enrolled in a private school or receiving home-based
12 instruction, this chapter applies to the parent with regard to the
13 parent's rights and responsibilities concerning the child enrolled in
14 the public school.

15 NEW SECTION. **Sec. 2.** PARENTS' RIGHTS AND RESPONSIBILITIES
16 EXISTING IN CURRENT LAW. In accordance with existing law, parents
17 shall:

- 1 (1) Comply with immunization requirements for their child, unless
2 exempted, in accordance with RCW 28A.210.090;
- 3 (2) Provide information regarding their child's prior educational
4 history when the child transfers from another school, in accordance
5 with RCW 28A.225.330;
- 6 (3) Be responsible for property damaged by their child, in
7 accordance with RCW 28A.635.060;
- 8 (4) Comply with compulsory attendance requirements, in accordance
9 with RCW 28A.225.010;
- 10 (5) Be notified when their child has an unexcused absence, in
11 accordance with RCW 28A.225.020;
- 12 (6) Determine whether their child participates in AIDS instruction,
13 in accordance with RCW 28A.230.070 and this chapter;
- 14 (7) Be involved in instructional materials committees in accordance
15 with RCW 28A.320.230 and this chapter;
- 16 (8) Be notified of their parent involvement opportunities, in
17 accordance with RCW 28A.225.300;
- 18 (9) Receive an annual report from their school district, in
19 accordance with RCW 28A.320.205;
- 20 (10) Be consulted in the development of the district's AIDS
21 curriculum, in accordance with RCW 28A.230.070;
- 22 (11) Receive periodic reports on the academic progress of their
23 child, in accordance with RCW 28A.150.240;
- 24 (12) Receive the results of their child's performance on state-wide
25 assessments, in accordance with RCW 28A.230.190, 28A.230.195,
26 28A.230.230, 28A.230.240, 28A.230.250, 28A.630.885, and 28A.630.886;
- 27 (13) Be notified if their child has a hearing or visual loss, in
28 accordance with RCW 28A.210.030;
- 29 (14) Be notified of their child's choice options, in accordance
30 with RCW 28A.225.300;
- 31 (15) Be notified about the running start program, in accordance
32 with RCW 28A.600.320;
- 33 (16) Be notified of their child's conduct, discipline problem
34 areas, and rights, in accordance with RCW 28A.600.010; and
- 35 (17) Be notified if a court order or subpoena has been issued for
36 access to the records of their child, in accordance with RCW
37 28A.600.475.

1 NEW SECTION. **Sec. 3.** PARENTS' RIGHTS. In accordance with
2 existing law, parents may:

3 (1) Make a complaint to the school board and have the complaint
4 heard at a public hearing regarding instructional and library materials
5 the parent deems objectionable, in accordance with RCW 28A.150.230;

6 (2) Exclude their child from sex education classes and be involved
7 in evaluation and revision of sex education programs, in accordance
8 with rules adopted by the state board of education; and

9 (3) Exclude their child from scoliosis screening, in accordance
10 with RCW 28A.210.190 through 28A.210.240.

11 NEW SECTION. **Sec. 4.** ACCESS TO ACADEMIC PROGRAMS AND TEACHING
12 MATERIALS. (1) A parent shall have access to his or her child's
13 classroom. Every school district board of directors shall, after
14 following established procedures, adopt a policy assuring parents
15 access to their child's classrooms and school-sponsored activities for
16 purposes of observing class procedure, teaching material, and class
17 conduct. Observation under this section may not disrupt the classroom
18 procedure or learning activity.

19 (2) School district employees may not withhold information
20 pertaining to the school activities of a child from the child's
21 parents.

22 NEW SECTION. **Sec. 5.** ACCESS TO STUDENT RECORDS. (1) Except as
23 specifically exempted by other state or federal law, all records
24 maintained on a student by a school, school district, educational
25 service district, the superintendent of public instruction, the state
26 board of education, or anyone under contract with the entities named in
27 this subsection, shall be provided to a parent upon request for the
28 parent's observation. Upon the written request of a parent, copies of
29 records shall be provided within fourteen working days. The
30 appropriate legal reference shall be provided to the parent for all
31 individual records that the school, school district, educational
32 service district, the superintendent of public instruction, the state
33 board of education, or any contractor, claims are exempt from parent
34 disclosure by state or federal law. School counseling records are
35 confidential and exempt from disclosure as provided by statute and
36 rule.

1 (2) Parents shall annually be entitled to one set of student
2 records at no charge upon the parent's request but districts may
3 establish a reasonable fee pursuant to RCW 42.17.300 for each
4 subsequent request made during the school year.

5 NEW SECTION. **Sec. 6.** NOTIFICATION REGARDING SCHOOL ACTIVITIES.

6 (1)(a) At the beginning of each school year, all schools shall notify
7 parents in writing of any school-sponsored class program or activity,
8 whether curricular or extracurricular, that will include subject matter
9 relating to sex education, sexually transmitted diseases,
10 contraception, sexual orientation, suicide, or euthanasia. Schools
11 must provide parents with the opportunity to exempt their child from
12 any such class program or activity identified in this section. Such
13 notification is in addition to the notification requirements of RCW
14 28A.230.070.

15 (b) If a school adds a school-sponsored class program or activity,
16 whether curricular or extracurricular, after the beginning of the
17 school year, a school must give parents twenty days' advance written
18 notice before presenting any class program or activity identified in
19 (a) of this subsection that was not identified at the beginning of the
20 school year and must provide parents with the opportunity to excuse
21 their child from the identified program or activity.

22 (c) This subsection (1) does not apply to school activities or
23 programs sponsored in response to an emergency situation at the school.
24 It also does not apply to student initiated discussions of the topics
25 listed in subsection (1) of this section.

26 (2) In addition to other provisions in law, parents may remove
27 their child temporarily from a class or other school activity that
28 conflicts with the parents' religious or moral beliefs if the parents
29 present or deliver to the teacher of the parents' child a written
30 statement authorizing the removal of the child from the class or other
31 activity. A parent may not remove the child from the class or other
32 activity specifically to avoid a test on academic subject matter. The
33 parent is responsible for identifying educational opportunities to be
34 provided for those excused.

35 This section does not exempt a child from satisfying grade level or
36 graduation curriculum requirements in a manner acceptable to the school
37 district.

1 NEW SECTION. **Sec. 7.** PARTICIPATION IN ADVISORY GROUPS. School
2 districts shall seek parental involvement in advisory groups that are
3 considering major policy decisions affecting the education of children
4 in the school district.

5 **Sec. 8.** 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 parents,
20 representative members of the district's professional staff, including
21 representation from the district's curriculum development committees,
22 and, in the case of districts which operate elementary school(s) only,
23 the educational service district superintendent, one of whose
24 responsibilities shall be to assure the correlation of those elementary
25 district adoptions with those of the high school district(s) which
26 serve their children. ~~((The committee may include parents at the
27 school board's discretion: PROVIDED, That parent members shall make up
28 less than one-half of the total membership of the committee))~~ At least
29 one-third of the committee must be comprised of parents who are not
30 school district employees and who have children enrolled in the
31 district. In addition to these parents, other parents who live in the
32 district may also serve on the committee at the school board's
33 discretion;

34 (d) Provide for reasonable notice to parents of the opportunity to
35 serve on the committee and for terms of office for members of the
36 instructional materials committee;

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

4 (f) Provide free text books, supplies and other instructional
5 materials to be loaned to the pupils of the school, when, in its
6 judgment, the best interests of the district will be subserved thereby
7 and prescribe rules and regulations to preserve such books, supplies
8 and other instructional materials from unnecessary damage.

9 Recommendation of instructional materials shall be by the
10 district's instructional materials committee in accordance with
11 district policy. Approval or disapproval shall be by the local school
12 district's board of directors.

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

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

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

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

25 **Sec. 9.** RCW 28A.230.070 and 1994 c 245 s 7 are each amended to
26 read as follows:

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

33 (2) Each district board of directors shall adopt an AIDS prevention
34 education program which ((is)) must be an independent unit within a
35 course offering. The program may not be offered to students until they
36 are in the fifth grade. This shall not inhibit discussion of AIDS in
37 the context of other studies such as geography or history or when
38 appropriate for medical necessities. The program shall be developed in

1 consultation with teachers, administrators, parents, and other
2 community members including, but not limited to, persons from medical,
3 public health, and mental health organizations and agencies (~~so long~~
4 ~~as~~). The curricula and materials developed for use in the AIDS
5 education program shall either be: (a) ~~(are)~~ The model curricula and
6 resources under subsection (3) of this section, or (b) ~~(are)~~
7 developed by the school district and approved for medical accuracy by
8 the office on AIDS established in RCW 70.24.250. If a district elects
9 to use curricula developed by the school district, the district shall
10 submit to the office on AIDS a copy of its curricula and an affidavit
11 of medical accuracy stating that the material in the district-developed
12 curricula has been compared to the model curricula for medical accuracy
13 and that in the opinion of the district the district-developed
14 materials are medically accurate. Upon submission of the affidavit and
15 curricula, the district may use these materials until the approval
16 procedure to be conducted by the office of AIDS has been completed.

17 (3) Model curricula and other resources available from the
18 superintendent of public instruction may be reviewed by the school
19 district board of directors, in addition to materials designed locally,
20 in developing the district's AIDS education program. The model
21 curricula shall be reviewed for medical accuracy by the office on AIDS
22 established in RCW 70.24.250 within the department of social and health
23 services.

24 (4) Each school district shall, at least one month before teaching
25 AIDS prevention education in any classroom, conduct at least one
26 presentation during weekend and evening hours for the parents and
27 guardians of students concerning the curricula and materials that will
28 be used for such education. The parents and guardians shall be
29 notified by the school district of the presentation and that the
30 curricula and materials used for teaching AIDS prevention are available
31 for inspection. No student may ~~(be required to)~~ participate in AIDS
32 prevention education if the student's parent or guardian ~~(, having~~
33 ~~attended one of the district presentations,)~~ objects in writing to the
34 participation.

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

38 (6) The curriculum for AIDS prevention education shall stress the
39 life-threatening dangers of contracting AIDS and be designed to teach

1 students which behaviors place a person dangerously at risk of
2 infection with the human immunodeficiency virus (HIV) and methods to
3 avoid such risk including, at least:

4 (a) That abstinence from sexual activity is the only certain means
5 for the prevention of the spread or contraction of the AIDS virus
6 through sexual contact. It shall also teach that condoms and other
7 artificial means of birth control are not a certain means of preventing
8 the spread of the AIDS virus and reliance on condoms puts a person at
9 risk for exposure to the disease; and

10 (b) The dangers of drug abuse, especially that involving the use of
11 hypodermic needles; and

12 ((b)) (c) The dangers of sexual intercourse(~~, with or without~~
13 condoms.

14 (7) ~~The program of AIDS prevention education shall stress the life-~~
15 ~~threatening dangers of contracting AIDS and shall stress that~~
16 ~~abstinence from sexual activity is the only certain means for the~~
17 ~~prevention of the spread or contraction of the AIDS virus through~~
18 ~~sexual contact. It shall also teach that condoms and other artificial~~
19 ~~means of birth control are not a certain means of preventing the spread~~
20 ~~of the AIDS virus and reliance on condoms puts a person at risk for~~
21 ~~exposure to the disease)) outside of a monogamous marriage.~~

22 NEW SECTION. Sec. 10. COMPLAINTS. The board of directors of each
23 school district shall have a grievance procedure under which the school
24 district shall address and attempt to resolve each written complaint
25 that the district receives concerning violation of a right guaranteed
26 by this chapter.

27 NEW SECTION. Sec. 11. Sections 1 through 7, RCW 28A.320.230 and
28 28A.230.070, and section 10 of this act are not intended to reflect the
29 exclusive rights and obligations of parents of students in public
30 schools.

31 NEW SECTION. Sec. 12. CAPTIONS NOT LAW. Captions used in this
32 chapter are not any part of the law.

1 NEW SECTION. **Sec. 13.** Sections 1 through 7, 10, and 12 of this
2 act constitute a new chapter in Title 28A RCW.

--- END ---