
HOUSE BILL 1845

State of Washington

55th Legislature

1997 Regular Session

By Representatives Smith, Sump, Talcott, Hickel, Koster, Mulliken, Mielke, Sheahan, Johnson, L. Thomas and Backlund

Read first time 02/11/97. Referred to Committee on Education.

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

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

4 NEW SECTION. **Sec. 1.** DEFINITION. Unless specifically provided by
5 law, for purposes of this chapter, "parent" means a parent or legal
6 guardian having legal custody of a child enrolled in public school.
7 For purposes of this chapter, "parent" does not mean parents of
8 children in private school or of children receiving home-based
9 instruction.

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

13 (1) Comply with immunization requirements for their child, unless
14 exempted, in accordance with RCW 28A.210.090;

15 (2) Provide information regarding their child's prior educational
16 history when the child transfers from another school, in accordance
17 with RCW 28A.225.330;

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

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

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

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

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

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

14 (2) School district employees may not withhold information
15 pertaining to the school activities of a child from the child's
16 parents.

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

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

34 NEW SECTION. **Sec. 6.** NOTIFICATION REGARDING SCHOOL ACTIVITIES.
35 (1) At the beginning of each school year, all schools shall notify
36 parents in writing of any school-sponsored class program or activity,

1 whether curricular or extracurricular, that will include subject matter
2 relating to sex education, sexually transmitted diseases,
3 contraception, sexual orientation, suicide, or euthanasia. Schools
4 must provide parents with the opportunity to exempt their child from
5 any such class program or activity identified in this section. Such
6 notification is in addition to the notification requirements of RCW
7 28A.230.070.

8 A school must give parents twenty days' advance written notice
9 before presenting any class program or activity identified in this
10 section that was not identified at the beginning of the school year and
11 must provide parents with the opportunity to excuse their child from
12 the identified program or activity.

13 (2) In addition to other provisions in law, parents may remove
14 their child temporarily from a class or other school activity that
15 conflicts with the parents' religious or moral beliefs if the parents
16 present or deliver to the teacher of the parents' child a written
17 statement authorizing the removal of the child from the class or other
18 activity. A parent may not remove the child from the class or other
19 activity specifically to avoid a test on academic subject matter. The
20 parent is responsible for identifying educational opportunities to be
21 provided for those excused.

22 This section does not exempt a child from satisfying grade level or
23 graduation curriculum requirements in a manner acceptable to the school
24 district.

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

29 **Sec. 8.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to
30 read as follows:

31 Every board of directors, unless otherwise specifically provided by
32 law, shall:

33 (1) Prepare, negotiate, set forth in writing and adopt, policy
34 relative to the selection or deletion of instructional materials. Such
35 policy shall:

36 (a) State the school district's goals and principles relative to
37 instructional materials;

1 (b) Delegate responsibility for the preparation and recommendation
2 of teachers' reading lists and specify the procedures to be followed in
3 the selection of all instructional materials including text books;

4 (c) Establish an instructional materials committee to be appointed,
5 with the approval of the school board, by the school district's chief
6 administrative officer. This committee shall consist of representative
7 members of the district's professional staff, including representation
8 from the district's curriculum development committees, and, in the case
9 of districts which operate elementary school(s) only, the educational
10 service district superintendent, one of whose responsibilities shall be
11 to assure the correlation of those elementary district adoptions with
12 those of the high school district(s) which serve their children. The
13 committee ~~((may))~~ shall include parents ~~((at the school board's
14 discretion: PROVIDED, That))~~ who are not school district employees and
15 whose children are enrolled in the district. Parent members shall make
16 up ~~((less than one-half))~~ at least one-third of the total membership of
17 the committee;

18 (d) Provide for reasonable notice to parents of the opportunity to
19 serve on the committee and for terms of office for members of the
20 instructional materials committee;

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

24 (f) Provide free text books, supplies and other instructional
25 materials to be loaned to the pupils of the school, when, in its
26 judgment, the best interests of the district will be subserved thereby
27 and prescribe rules and regulations to preserve such books, supplies
28 and other instructional materials from unnecessary damage.

29 Recommendation of instructional materials shall be by the
30 district's instructional materials committee in accordance with
31 district policy. Approval or disapproval shall be by the local school
32 district's board of directors.

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

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

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

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

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

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

14 (2) Each district board of directors (~~((shall))~~) may adopt an AIDS
15 prevention education program which (~~((is))~~) shall be an independent
16 course offering. If a board of directors adopts an AIDS prevention
17 program, the program shall be developed in consultation with teachers,
18 administrators, parents, and other community members including, but not
19 limited to, persons from medical, public health, and mental health
20 organizations and agencies (~~((so long as))~~). The curricula and materials
21 developed for use in the AIDS education program shall either be: (a)
22 (~~((are))~~) The model curricula and resources under subsection (3) of this
23 section, or (b) ((are)) developed by the school district ((and approved
24 for medical accuracy by the office on AIDS established in RCW
25 70.24.250)). If a district elects to use curricula developed by the
26 school district, the district shall submit to the office on AIDS a copy
27 of its curricula and an affidavit of medical accuracy (~~((stating that
28 the material in the district-developed curricula has been compared to
29 the model curricula for medical accuracy and that in the opinion of the
30 district the district-developed materials are medically accurate. Upon
31 submission of the affidavit and curricula, the district may use these
32 materials until the approval procedure to be conducted by the office of
33 AIDS has been completed))~~)).

34 (3) Model curricula and other resources available from the
35 superintendent of public instruction may be reviewed by the school
36 district board of directors, in addition to materials designed locally,
37 in developing the district's AIDS education program. The model
38 curricula shall be reviewed for medical accuracy by the office on AIDS

1 established in RCW 70.24.250 within the department of social and health
2 services.

3 (4) Each school district shall, at least one month before teaching
4 AIDS prevention education in any classroom, conduct at least one
5 presentation during weekend and evening hours for the parents and
6 guardians of students concerning the curricula and materials that will
7 be used for such education. The parents and guardians shall be
8 notified by the school district of the presentation and that the
9 curricula and materials are available for inspection. No student may
10 ~~((be required to))~~ participate in AIDS prevention education ~~((if))~~
11 unless the student's parent or guardian~~((, having attended one of the~~
12 ~~district presentations, objects in writing to the participation))~~
13 provides prior written permission for the student to participate.

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

17 (6) The curriculum for AIDS prevention education shall stress the
18 life-threatening dangers of contracting AIDS and be designed to teach
19 students which behaviors place a person dangerously at risk of
20 infection with the human immunodeficiency virus (HIV) and methods to
21 avoid such risk including, at least:

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

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

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

32 ~~(7) The program of AIDS prevention education shall stress the life-~~
33 ~~threatening dangers of contracting AIDS and shall stress that~~
34 ~~abstinence from sexual activity is the only certain means for the~~
35 ~~prevention of the spread or contraction of the AIDS virus through~~
36 ~~sexual contact. It shall also teach that condoms and other artificial~~
37 ~~means of birth control are not a certain means of preventing the spread~~
38 ~~of the AIDS virus and reliance on condoms puts a person at risk for~~
39 ~~exposure to the disease))~~ outside of marriage.

1 NEW SECTION. **Sec. 10.** COMPLAINTS. The board of directors of each
2 school district shall have a grievance procedure under which the school
3 district shall address and attempt to resolve each written complaint
4 that the district receives concerning violation of a right guaranteed
5 by this chapter.

6 NEW SECTION. **Sec. 11.** CAPTIONS NOT LAW. Captions used in this
7 chapter are not any part of the law.

8 NEW SECTION. **Sec. 12.** Sections 1 through 7, 10, and 11 of this
9 act constitute a new chapter in Title 28A RCW.

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