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**SUBSTITUTE HOUSE BILL 2308**

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**State of Washington                      55th Legislature                      1998 Regular Session**

**By** House Committee on Education (originally sponsored by Representatives Mulliken, Johnson, McCune, Backlund, Carrell, Boldt, Sheahan, Smith and Talcott)

Read first time 01/27/98. Referred to Committee on .

1            AN ACT Relating to school tests, questionnaires, surveys, analyses,  
2 and evaluations; adding new sections to chapter 28A.150 RCW; and  
3 creating new sections.

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

5            NEW SECTION.    **Sec. 1.**    INTENT.    The legislature recognizes the  
6 desire of families to protect their individual privacy with regard to  
7 their personal and home life.    The legislature also recognizes the  
8 desire of schools and educators to discover the complex structures of  
9 student lives.    However, the legislature confirms that it is within the  
10 rightful authority of parents to determine how much personal  
11 information regarding their child and their family is divulged to  
12 schools and individual educators.

13            The legislature finds there are minimal safeguards against invasion  
14 of privacy provided by federal law that pertain to federal programs in  
15 our public schools.    The legislature also finds there are even more  
16 scant protections provided under state rules pertaining to public  
17 schools, a recognized attempt to address the issue that unfortunately  
18 falls short of the protection needed.    The legislature finds that these  
19 current efforts to protect student privacy are too narrow and allow

1 schools to collect highly personal information about students and their  
2 families. It is therefore the intent of the legislature to specify  
3 clearly that schools shall not solicit highly personal information from  
4 students without first obtaining parental permission to do so.

5 NEW SECTION. **Sec. 2.** ELICITING PERSONAL AND RELIGIOUS BELIEFS--  
6 CONSENT REQUIRED. No written or oral test, questionnaire, survey,  
7 examination, or evaluation may be used to elicit the personal beliefs  
8 or practices of a student or the student's family members as to sex or  
9 religion except with the written consent of the student's parent or  
10 legal guardian.

11 NEW SECTION. **Sec. 3.** INSPECTION OF MATERIALS--PARENTAL CONSENT--  
12 SCHOOL BOARD PRESENTATION--EXEMPTION FOR TOBACCO STUDIES. (1) All  
13 instructional materials, including teacher's manuals, films, tapes, or  
14 other supplementary material that will be used in connection with any  
15 test, questionnaire, survey, analysis, or evaluation in a school shall  
16 be available for inspection by the parents or legal guardians of the  
17 students and by any member of the school board.

18 (2) Absent prior consent of a student who is an adult or an  
19 emancipated minor, or absent prior written consent of a parent or legal  
20 guardian of a student who is an unemancipated minor, education agents  
21 or school employees may not administer a test, questionnaire, survey,  
22 analysis, or evaluation that reveals information concerning the  
23 student's or the student's parents' or siblings':

24 (a) Personal beliefs or practices regarding political affiliations;

25 (b) Mental or psychological history or problems of the student or  
26 the student's family;

27 (c) Sexual behavior and attitudes;

28 (d) Illegal, antisocial, and self-incriminating behavior;

29 (e) Critical appraisals of other individuals with whom the students  
30 have a close family relationship;

31 (f) Legally recognized privileged or analogous relationships, such  
32 as those of lawyers, physicians, and clergy;

33 (g) Income level, except as required by law to determine  
34 eligibility for participation in a program or to receive financial  
35 assistance under the program.

36 (3) Schools shall give parents and students effective notice of  
37 their rights under this section before administering a test,

1 questionnaire, survey, analysis, or evaluation that meets the criteria  
2 of subsection (2) of this section.

3 (4) Before administration of a test, questionnaire, survey,  
4 analysis, or evaluation that meets the criteria of subsection (2) of  
5 this section, the school board must be given the opportunity to hear a  
6 presentation about the proposed test, questionnaire, survey, analysis,  
7 or evaluation at an open public meeting of the board.

8 (5) Research studies that have been approved by an institutional  
9 review board that is qualified to review and approve research under  
10 applicable United States department of health and human services  
11 regulations governing the protection of human subjects are exempt from  
12 all requirements of this section and section 2 of this act, except for  
13 the requirements in subsection (4) of this section.

14 NEW SECTION. **Sec. 4.** CAPTIONS OF LAW. Captions used in this act  
15 are not any part of the law.

16 NEW SECTION. **Sec. 5.** Sections 2 and 3 of this act are each added  
17 to chapter 28A.150 RCW.

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