
SENATE BILL 5555

State of Washington

55th Legislature

1997 Regular Session

By Senators Stevens, Hochstatter, Schow, Zarelli, Roach, Morton,
Benton, McCaslin and Oke

Read first time 01/31/97. Referred to Committee on Education.

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

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes the inherent
5 and unalienable right and responsibility of the parents to provide for
6 and ensure the health, education, and general well-being of their
7 children. This chapter is intended to recognize that responsibility
8 and to affirm the right of the parents to decide what their children
9 learn and how they are taught in the common schools.

10 (2) This chapter defines the roles and obligations of parents,
11 guardians, school officials, administrators, staff, and teachers, in
12 order to provide for better cooperation between the school district and
13 the parents, to encourage mutual understanding and confidence, to
14 secure a better education for all children enrolled in the public
15 schools of this state, to otherwise assist the parents in the discharge
16 of their parental responsibility to their children, and to assist the
17 school system in the discharge of its responsibility to the parents.

1 NEW SECTION. **Sec. 2.** Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Experimental," "special," or "pilot" class or program means
5 any class or program designed to explore or develop new or unproven
6 teaching methods or techniques or a class or program of limited
7 application to a selected group of students.

8 (2) "Group therapy" and "sensitivity training" mean group processes
9 where the student's intimate and personal feelings, emotions, values,
10 habits, or beliefs are openly exposed to the group or where emotions,
11 feelings, or attitudes are directed by one or more members of the group
12 toward another member of the group, or where roles are assigned to
13 pupils for the purpose of classifying, controlling, or predicting
14 behavior.

15 (3) "Neglect" means the intentional failure of a parent to supply
16 the student with necessary food, clothing, shelter, or medical care
17 when reasonably able to do so, or the intentional failure of a parent
18 or school district employee to protect a child from conditions or
19 actions that imminently and seriously endanger the student's physical
20 health when reasonably able to do so.

21 (4) "Parent" means a biological, adoptive or foster parent, or
22 legal guardian.

23 (5) "Physical abuse" means any physical injury that is
24 intentionally inflicted on the student by a parent and that is
25 medically significant as determined by a physician.

26 (6) "Sexual abuse" means any offense involving sexual contact or
27 sexual intercourse as defined in RCW 9A.44.010 that is committed
28 against the student by a parent.

29 NEW SECTION. **Sec. 3.** Parents have the right to know what their
30 children are being taught.

31 (1) Upon request by the parent of a student, the board of directors
32 of a school district shall make available for inspection to the parent
33 any educational or other program of the district and all instructional
34 or other materials related to or used therein, including teacher
35 manuals, textbooks, films, tapes, supplementary materials, or computer
36 programs.

37 Before any school district makes available to a student a course,
38 program, or materials relating to education regarding alcoholic

1 stimulants or controlled substances, human sexuality education,
2 education regarding sexually transmitted diseases including HIV or AIDS
3 education, suicide education, or death education, the district shall
4 notify the parent of the student that all instructional materials or
5 other materials relating to or used therein are available for public
6 inspection and upon written consent by a parent the district may make
7 such materials available to the student.

8 (2) A student may not be placed in an experimental, special, or
9 pilot class or program without prior consultation by school personnel
10 with and written consent of a parent. All instructional or other
11 materials related to or used therein, including teacher manuals,
12 textbooks, films, tapes, supplementary materials, or computer programs
13 shall be available for review by a parent upon request before the
14 student is enrolled in such program.

15 (3) Classes shall be held on school property, except for field
16 trips that are necessarily and reasonably beneficial, that are related
17 to the educational program of the student, that are afforded to all
18 members of the class equally, and that are undertaken with the
19 knowledge and written consent of a parent.

20 (4) Employees or guests of a school district shall not subvert the
21 duty of teachers as set forth in RCW 28A.405.030 to impress on the
22 minds of their students the principles of morality, truth, justice,
23 temperance, humanity, and patriotism; to teach them to avoid idleness,
24 profanity, and falsehood; to instruct them in the principles of free
25 government; and to train them in the true comprehension of the rights,
26 duty, and dignity of American citizenship.

27 (5) Employees of a school district shall not direct, instruct, or
28 encourage a student to withhold instructional materials or other
29 information concerning classroom activities, tests, discussions, or
30 programs from their parent.

31 (6) Employees of a school district shall not use school grounds,
32 facilities, equipment, or supplies to endorse, support, or oppose a
33 candidate for public elective office. Employees of a school district
34 shall not distribute or circulate materials or solicit signatures for
35 or against a candidate or ballot issue in school facilities or on
36 school grounds.

37 NEW SECTION. **Sec. 4.** The parents and the child shall have the
38 right to privacy.

1 (1) A student may only be tested for intelligence quotient or
2 proficiency in basic skills and academic subject matter. Any testing
3 or inquiry pertaining to a student's attitudes, habits, or values, the
4 student's parent's attitudes, habits, or values, or other personal
5 information pertaining to the student and the student's family,
6 including personality inventories, value appraisals, psychological
7 inventories, or diagnostic tests may be given only after consultation
8 by school personnel with the parent and with the parent's written
9 permission.

10 Any such tests shall be made available to a parent upon request,
11 and the results of any test or inquiry and any notes, records, or
12 written or taped memoranda regarding the test or inquiry shall be made
13 available to the parents upon request.

14 (2) All records kept on a student must be provided to the parent
15 upon request for the parent's observation, and copies thereof provided
16 to the parent upon request at cost at the expense of the parent.
17 Records may not be maintained on a student that are not relevant to
18 academic achievement, except that records regarding disciplinary action
19 shall be separately maintained.

20 NEW SECTION. **Sec. 5.** A parent shall have the right to ensure that
21 education is academically oriented.

22 (1) A parent has the right to expect his or her children will
23 receive a basic education including, but not limited to, reading,
24 writing, United States history, Washington state history, world
25 history, geography, mathematics, science, and economics. This basic
26 education shall have priority over other and additional courses.

27 Reading and writing shall include a synthetic, explicit phonetic
28 approach with intensive, structured sequential training in letter-sound
29 associations and blending drills, with an emphasis on correct spelling,
30 punctuation, sentence structure, and good handwriting.

31 The teaching of history shall include as a minimum the study of the
32 declaration of independence, the United States Constitution, the
33 federalist papers, and the Washington state Constitution.

34 Mathematics shall be based on an ongoing systematic and sequential
35 memorization and practice of the basic arithmetic principles of
36 addition, subtraction, multiplication, and division necessary as a
37 foundation for fractions, algebra, geometry, trigonometry, and other
38 higher mathematics.

1 Science shall include physics and chemistry and shall be presented
2 consistent with traditional scientific methods. Any assertion claiming
3 to be scientific must be capable of test by observation and
4 experimentation and is to be considered scientific only after repeated
5 testing has determined it accounts satisfactorily for the phenomenon to
6 which it is applied. Matters of political, philosophical or scientific
7 opinion shall not be presented as fact.

8 The teaching of economics shall include as a priority item, a
9 thorough and sympathetic explanation of the free enterprise system and
10 its indispensability to the success and prosperity we have enjoyed as
11 a nation.

12 The basic education courses as prescribed in this subsection shall
13 be deemed the courses of primary importance in the education of the
14 children of this state, and other required courses shall be in addition
15 to these courses as prescribed.

16 (2) Material that is outside a prescribed curriculum subject matter
17 may not be offered under any guise.

18 (3) Employees and guests of a school district may not use
19 psychotherapeutic techniques such as group therapy or sensitivity
20 training without prior consultation with a parent and obtaining written
21 permission of the parent.

22 (4) A school may not use guidance counseling regarding a student's
23 social, emotional, mental, or personal problems without prior
24 consultation with a parent and obtaining written permission of the
25 parent. Parental consent is not to be construed as continuing beyond
26 the specific subject of discussion during consultation, unless the
27 parent gives written permission to expand the scope of counseling. A
28 school district may allow a student to participate in limited guidance
29 counseling without the prior written consent of the parent if the
30 student declares in a signed written statement that he or she is a
31 victim of sexual abuse, physical abuse, or neglect by either of his or
32 her parents or by his or her guardian, and the school district
33 determines that there is evidence of such sexual abuse, physical abuse,
34 or neglect.

35 The school district shall maintain the student's signed written
36 statement alleging sexual abuse, physical abuse, or neglect.

37 The school district shall make a written report explaining the
38 evidence supporting its decision to allow a student to participate in

1 guidance counseling without the prior written consent of a parent and
2 shall maintain the report with the student's signed written statement.

3 The student's signed written statement and the school district's
4 written report shall be confidential and shall not be available to a
5 parent or the public unless a parent is charged with sexual abuse,
6 physical abuse, or neglect.

7 Any school district relying in good faith on a student's signed
8 written statement shall not be liable for failure to obtain the prior
9 written consent of a parent for the student to participate in guidance
10 counseling.

11 NEW SECTION. **Sec. 6.** A parent has the right to be informed of
12 student progress. A parent shall be apprised no less than three times
13 during each school year, in writing, by the teacher or principal, of a
14 student's progress in the basic skills. A parent shall be apprised at
15 least annually of the student's progress in such basic skills as
16 measured against standard grade level norms. Such information as
17 standing in the class and standing in relation to national norms shall
18 also be provided to a parent upon request if available.

19 NEW SECTION. **Sec. 7.** A parent has the right to redress.

20 (1) Parental allegations of a violation of this chapter shall first
21 be presented in writing to the school principal and to the school
22 district superintendent for corrective action.

23 (2) Any parental allegations not resolved to the satisfaction of
24 the parent by the school principal or the school district
25 superintendent within ten days, shall be presented by the
26 superintendent to the board of directors of the school district for
27 consideration and action at the next regularly scheduled board meeting
28 or at a special meeting of the directors called to consider the
29 charges. These meetings shall take place not more than thirty days
30 after the allegation is presented to the school principal and
31 superintendent.

32 (3) Continued neglect or intentional failure on the part of any
33 public school officer or employee to observe and comply with this
34 chapter is sufficient cause for dismissal or removal of the person from
35 his or her position and for civil action.

36 After exhausting the remedies provided in subsections (1) and (2)
37 of this section, jurisdiction is in the superior court of the county in

1 which the school district is located, or any part thereof, against the
2 parties involved, including school administrators and members of the
3 district board of directors. The recovery allowed includes all costs
4 and expenses, including reasonable attorneys' fees, incurred by the
5 parent. Available relief includes, but is not limited to, both
6 equitable and legal remedies, including extraordinary writs, or
7 decertification of the violator.

8 Recovery of an award of judgment shall be from the offending party
9 or parties and shall not be the responsibility of the taxpayers. An
10 administrator or member of a school board in his or her personal
11 capacity shall not be liable for any judgment if the administrator or
12 board member had no knowledge of a violation of this chapter or if the
13 administrator or board member had such knowledge and the administrator
14 or board member attempted in good faith to resolve the violation.

15 (4) Any right set forth by this chapter that applies to a student
16 may be asserted by the parent for and on behalf of the student.

17 NEW SECTION. **Sec. 8.** (1) This chapter shall be liberally
18 construed to protect and enforce the rights this chapter creates and
19 reaffirms.

20 (2) This chapter has precedence over any now existing law to the
21 contrary. State board of education rules as well as the rules of the
22 superintendent of public instruction shall be deemed amended by chapter
23 ..., Laws of 1997 (this act).

24 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
25 a new chapter in Title 28A RCW.

26 NEW SECTION. **Sec. 10.** If any provision of this act or its
27 application to any person or circumstance is held invalid, the
28 remainder of the act or the application of the provision to other
29 persons or circumstances is not affected.

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