
HOUSE BILL 2928

State of Washington

66th Legislature

2020 Regular Session

By Representatives Klippert, Graham, Griffey, McCaslin, Kretz, DeBolt, Goehner, Chambers, Shea, Barkis, Boehnke, Eslick, Corry, Walsh, and Van Werven

Read first time 02/06/20. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to parental rights; adding a new chapter to Title
2 26 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** This chapter may be known and cited as the
5 parents' bill of rights.

6 NEW SECTION. **Sec. 2.** (1) The legislature finds that important
7 information relating to a child should not be withheld, either
8 inadvertently or purposefully, from his or her parent, including
9 information relating to the child's health, well-being, and
10 education, while the child is in the custody of the school district.
11 The legislature further finds it is necessary to establish a
12 consistent mechanism for parents to be notified of information
13 relating to the health and well-being of their children and that it
14 is a fundamental right of parents to direct the upbringing,
15 education, and care of their children.

16 (2) For purposes of this chapter, the term "parent" means a
17 person who has legal custody of a minor child as a natural or
18 adoptive parent or a legal guardian.

1 NEW SECTION. **Sec. 3.** The state, any of its political
2 subdivisions, any other governmental entity, or any other institution
3 may not infringe on the fundamental rights of a parent to direct the
4 upbringing, education, health care, and mental health of his or her
5 minor child without demonstrating that such action is reasonable and
6 necessary to achieve a compelling state interest and that such action
7 is narrowly tailored and is not otherwise served by a less
8 restrictive means.

9 NEW SECTION. **Sec. 4.** (1) All parental rights are reserved to
10 the parent of a minor child in this state without obstruction or
11 interference from the state, any of its political subdivisions, any
12 other governmental entity, or any other institution including, but
13 not limited to, all of the following rights of a parent of a minor
14 child in this state:

15 (a) The right to direct the education and care of his or her
16 minor child;

17 (b) The right to direct the upbringing and the moral or religious
18 training of the minor child;

19 (c) The right to enroll his or her child in a public school or,
20 as an alternative to public education, a private school, religious
21 school, a home education program, or other available options;

22 (d) The right, pursuant to RCW 28A.605.030, to access and review
23 all school records relating to the minor child;

24 (e) The right to make health care decisions for his or her minor
25 child, unless otherwise prohibited by law;

26 (f) The right to access and review all medical records of the
27 minor child, unless prohibited by law or if the parent is the subject
28 of an investigation of a crime committed against the minor child and
29 a law enforcement agency or official requests that the information
30 not be released;

31 (g) The right to consent in writing before a biometric scan of
32 the minor child is made, shared, or stored;

33 (h) The right to consent in writing before any record of his or
34 her minor child's blood or deoxyribonucleic acid (DNA) is created,
35 stored, or shared, except as required by law or authorized pursuant
36 to a court order;

37 (i) The right to consent in writing before the state or any of
38 its political subdivisions makes a video or voice recording of his or
39 her minor child unless such recording is made during or as part of a

1 court proceeding, is made by law enforcement or during a law
2 enforcement investigation, is made as part of a forensic interview in
3 a criminal or department of children, youth, and families
4 investigation, or to be used solely for the following purposes:

5 (i) A safety demonstration, including the maintenance of order
6 and discipline in the common areas of a school or on student
7 transportation vehicles;

8 (ii) A purpose related to a legitimate academic or
9 extracurricular activity;

10 (iii) A purpose related to regular classroom instructions;

11 (iv) Security or surveillance of buildings or grounds; or

12 (v) A photo identification card;

13 (j) The right to be notified promptly if an employee of the
14 state, any of its political subdivisions, any other governmental
15 entity, or any other institution suspects that a criminal offense has
16 been committed against his or her minor child, unless the incident
17 has first been reported to law enforcement or the department of
18 children, youth, and families and notifying the parent would impede
19 the investigation.

20 (2) This section does not:

21 (a) Authorize a parent of a minor child in this state to engage
22 in conduct that is unlawful or to abuse or neglect his or her minor
23 child in violation of law;

24 (b) Condone, authorize, approve, or apply to a parental action or
25 decision that would end life;

26 (c) Prohibit a court of competent jurisdiction, law enforcement
27 officer, or employees of a government agency that is responsible for
28 child welfare from acting in his or her official capacity within the
29 reasonable and prudent scope of his or her authority; or

30 (d) Prohibit a court of competent jurisdiction from issuing an
31 order that is otherwise permitted by law.

32 (3) An employee of the state, any of its political subdivisions,
33 or any other governmental entity who encourages or coerces, or
34 attempts to encourage or coerce, a minor child to withhold
35 information from his or her parent may be subject to disciplinary
36 action. This subsection does not apply to law enforcement personnel
37 and the department of children, youth, and families personnel acting
38 within their official capacities.

39 (4) A parent of a minor child in this state has inalienable
40 rights that are more comprehensive than those listed in this section,

1 unless such rights have been legally waived or terminated. This
2 chapter does not prescribe all rights to a parent of a minor child in
3 this state. Unless required by law, the rights of a parent of a minor
4 child in this state may not be limited or denied. This chapter may
5 not be construed to apply to a parental action or decision that would
6 end life.

7 NEW SECTION. **Sec. 5.** (1) Each school district board of
8 directors shall, in consultation with parents, teachers, and
9 administrators, develop and adopt a policy to promote parental
10 involvement in the public school system. Such policy must include:

11 (a) A plan for parental participation in schools to improve
12 parent and teacher cooperation in such areas as homework, school
13 attendance, and discipline;

14 (b) A procedure for a parent to learn about his or her child's
15 course of study, including the source of any supplemental education
16 materials;

17 (c) Procedures for a parent to object to classroom materials and
18 activities and a process for withdrawing his or her student from the
19 activity, class, or program in which such materials or activities are
20 used. Such objections may be based on beliefs regarding morality,
21 sex, and religion or the belief that such materials or activities are
22 harmful;

23 (d) Procedures, pursuant to RCW 28A.300.475, for a parent to
24 withdraw his or her student from any portion of the school district's
25 comprehensive health education that relates to sex education or
26 instruction in acquired immunodeficiency syndrome education or any
27 instruction regarding sexuality if the parent provides a written
28 objection to his or her child's participation. Such procedures must
29 provide for a parent to be notified in advance of such course content
30 so that he or she may withdraw his or her student from those portions
31 of the course;

32 (e) Procedures for a parent to learn about the nature and purpose
33 of clubs and activities offered at his or her child's school,
34 including those that are extracurricular or part of the school
35 curriculum;

36 (f) Procedures for a parent to learn about parental rights and
37 responsibilities under law, including all of the following:

38 (i) Pursuant to RCW 28A.300.475, the right to opt his or her
39 minor child out of any portion of the school district's comprehensive

1 health education that relates to sex education instruction in
2 acquired immunodeficiency syndrome education or any instruction
3 regarding sexuality;

4 (ii) A plan to disseminate information about school choice
5 options, including open enrollment;

6 (iii) In accordance with RCW 28A.210.090, the right of a parent
7 to exempt his or her student from immunizations;

8 (iv) The right of a parent to review statewide, standardized
9 assessment results;

10 (v) The right of a parent to enroll his or her student in gifted
11 or special education programs;

12 (vi) The right of a parent to inspect school district
13 instructional materials;

14 (vii) The right of a parent to access information relating to the
15 school district's policies for promotion or retention, including high
16 school graduation requirements;

17 (viii) The right of a parent to receive a school report card and
18 be informed of his or her child's attendance requirements;

19 (ix) The right of a parent to access information relating to the
20 state public education system, state standards, report card
21 requirements, attendance requirements, and instructional materials
22 requirements;

23 (x) The right of a parent to participate in parent teacher
24 associations and organizations that are sanctioned by a district
25 school board or the department of education;

26 (xi) The right of a parent to opt out of any district-level data
27 collection relating to his or her minor child not required by law.

28 (2) A school district board of directors may provide the
29 information required in this section electronically or post such
30 information on its web site.

31 (3) A parent may request, in writing, from the superintendent of
32 the school district the information required under this section.
33 Within ten days, the superintendent of the school district must
34 provide such information to the parent. If the superintendent of the
35 school district denies a parent's request for information or does not
36 respond to the parent's request within ten days, the parent may
37 appeal the denial to the school district board of directors. The
38 board must place a parent's appeal on the agenda for its next public
39 meeting. If it is too late for a parent's appeal to appear on the

1 next agenda, the appeal must be included on the agenda for the
2 subsequent meeting.

3 NEW SECTION. **Sec. 6.** (1)(a) Except as otherwise provided by
4 law, a health care provider may not provide or solicit or arrange to
5 provide health care services or prescribe medicinal drugs to a minor
6 child without first obtaining written parental consent.

7 (b) Except as otherwise provided by law, a person or an
8 individual employed by such person may not provide or solicit or
9 arrange to provide health care services or prescribe medicinal drugs
10 to a minor child without first obtaining written parental consent.

11 (2) Except as otherwise provided by law or a court order, a
12 health care provider may not allow a medical procedure to be
13 performed on a minor child in its facility without first obtaining
14 written parental consent.

15 (3) This section does not apply to an abortion, which is governed
16 under chapter 9.02 RCW.

17 (4) A health care provider or other person who violates this
18 section is subject to disciplinary action pursuant to chapter 18.130
19 RCW including imposition of civil penalties, and commits a gross
20 misdemeanor.

21 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act
22 constitute a new chapter in Title 26 RCW.

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