

# Initiative Measure No. 2081

Filed April 19, 2023

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BILL REQUEST - CODE REVISER'S OFFICE

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BILL REQ. #: I-4773.1/23

ATTY/TYPIST: CC:akl

BRIEF DESCRIPTION:

# Initiative Measure No. 2081

Filed April 19, 2023

AN ACT Relating to establishing the parents' bill of rights; and adding a new section to chapter 28A.605 RCW.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.605 RCW to read as follows:

(1) The legislature finds that: (a) Parents are the primary stakeholders in their children's upbringing; (b) parental involvement is a significant factor in increasing student achievement; and (c) access to student information encourages greater parental involvement.

(2) Parents and legal guardians of public school children younger than 18 years old have all of the following rights:

(a) To examine the textbooks, curriculum, and supplemental material used in their child's classroom;

(b)(i) To inspect their child's public school records in accordance with RCW 28A.605.030, and to receive a copy of their child's records within 10 business days of submitting a written request, either electronically or on paper.

(ii) Parents or legal guardians must not be required to appear in person for the purposes of requesting or validating a request for their child's public school records.

(iii) No charge may be imposed on a parent or legal guardian to receive such records electronically. Any charges for a paper copy of such records must be reasonable and set forth in the official policies and procedures of the school district.

(iv) Public school records include all of the following:

(A) Academic records including, but not limited to, test and assessment scores in accordance with RCW 28A.230.195;

(B) Medical or health records;

- (C) Records of any mental health counseling;
  - (D) Records of any vocational counseling;
  - (E) Records of discipline, including expulsions and suspensions under RCW 28A.600.015;
  - (F) Records of attendance, including unexcused absences in accordance with RCW 28A.225.020;
  - (G) Records associated with a child's screening for learning challenges, exceptionalities, plans for an individualized education program, or plan adopted under section 504 of the rehabilitation act of 1973; and
  - (H) Any other student-specific files, documents, or other materials that are maintained by the public school;
- (c) To receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the parent and legal guardian must be notified as soon as practicable after the treatment is rendered;
  - (d) To receive notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays;
  - (e) To receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours. Follow-up care includes monitoring the child for aches and pains, medications, medical devices such as crutches, and emotional care needed for the healing process;
  - (f) To receive immediate notification if a criminal action is deemed to have been committed against their child or by their child;
  - (g) To receive immediate notification if law enforcement personnel question their child, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child;
  - (h) To receive immediate notification if their child is taken or removed from the public school campus without parental permission,

including to stay at a youth shelter or "host home" as defined in RCW 74.15.020;

(i) To receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family in accordance with chapter 28A.642 RCW;

(j) To receive written notice and the option to opt their child out of any surveys, assignments, questionnaires, role-playing activities, recordings of their child, or other student engagements that include questions about any of the following:

(i) The child's sexual experiences or attractions;

(ii) The child's family beliefs, morality, religion, or political affiliations;

(iii) Any mental health or psychological problems of the child or a family member; and

(iv) All surveys, analyses, and evaluations subject to areas covered by the protection of pupil rights amendment of the family educational rights and privacy act;

(k) To receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with RCW 28A.300.475;

(l) To receive from the public school the annual school calendar, no later than 30 days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any revisions to such calendar. Such calendar must be posted to the public school's website and must include, at a minimum, student attendance days and any event that requires parent or student attendance outside of normal school days or hours;

(m) To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be addressed;

(n) To receive in writing each year or to view on the school's website a description of the school's required dress code or uniform

established pursuant to RCW 28A.320.140, if applicable, for students; and

(o) To be informed if their child's academic performance, including whether their child is provided a student learning plan under RCW 28A.655.270, is such that it could threaten the child's ability to be promoted to the next grade level and to be offered an in-person meeting with the child's classroom teacher and principal to discuss any resources or strategies available to support and encourage the child's academic improvement.

(3) Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's medical or health records or mental health counseling records to a parent during the pendency of an investigation of child abuse or neglect conducted by any law enforcement agency or the department of children, youth, and families where the parent is the target of the investigation, unless the parent has obtained a court order.

(4) As used in this section "public school" has the same meaning as in RCW 28A.150.010.

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