Initiative Measure No. IL26-001

Filed May 22, 2025

RESTORING THE PARENTS' BILL OF RIGHTS

AN ACT Relating to the Washington parents' bill of rights; amending RCW 28A.605.005; and creating new sections.

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

Sec. 1. RCW 28A.605.005 and 2025 c 369 s 501 are each amended to read as follows:

(1) Subsections 2 through 5 of this section reinstate Initiative 2081's laws guaranteeing parents' rights, including reviewing their children's instructional materials, accessing their school records, being notified when medical services are provided, and opting-out-of certain classes. Voter approval of this initiative provides two years of constitutional protection from legislative interference, which reinforces Initiative 2081's laws guaranteeing parents' rights.

(2) The people find 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.

(3) 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, 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.

(4) 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.

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

~~(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 children enrolled in public schools as defined in RCW 28A.150.010 have the following rights:~~

~~(a) To access their child's classroom and school-sponsored activities to observe in accordance with RCW 28A.605.020 and to examine the curriculum, textbooks, instructional materials, and supplemental instructional materials used in their child's classroom in accordance with policies and procedures;~~

~~(b) To inspect and review their child's education records and to request and receive a copy of their child's education records within a reasonable period of time, but not more than 45 days, of submitting a request in accordance with the federal family educational rights and privacy act of 1974, Title 20 U.S.C. Sec. 1232g, as in effect on January 1, 2025, and RCW 28A.605.030.~~

~~(ii) Parents and legal guardians choosing to inspect and review their child's education records may not be required by a public school to appear in person for the purposes of requesting or validating a request for their child's education records, provided the public school can ascertain the identity of the requestor.~~

~~(iii) No charge may be imposed on a parent or legal guardian to inspect or review their child's education records or for the costs of searching for or retrieving the education records. Any charges for a copy of such records must be reasonable, not prevent a parent, legal guardian, or eligible child from exercising the right to inspect and review the child's education records, and be set forth in the official policies and procedures of the school district and public school.~~

~~(iv) Education records means those official records, files, and data directly related to a student and maintained by the public school including, but not limited to, records encompassing all the material kept in the child's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs;~~

(v) Education records do not include records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(vi) Nothing in this section changes the access and disclosure provisions established in chapter 70.02 RCW related to health care information;

(c) To receive notification upon receipt of a report that a criminal action is alleged to have been committed against their child on school property during the school ay or during a school sponsored activity including immediate notification if there has been a shooting on school property, or their child has been detained based on probably cause of involvement in criminal activity on school property during the school day;

(d) To receive immediate notification upon receipt of a report that their child is alleged to be the victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or school contractor, as required by RCW 28A.320.160;

(e) To receive immediate notification if law enforcement personnel question their child during a custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child;

(f) To not have their child removed from school grounds or buildings during school hours without authorization of a parent or legal guardian according to the provisions in RCW 28A.605.010. Nothing in this section affects the provisions in RCW 74.15.020, 13.32A.082, 26.44.050, or 26.44.115;

(g) To have their child receive a public education in a setting in which discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited under chapters 28A.640 and 28A.642 RCW;

(h) In accordance with the protection of pupil rights, Title 20 U.S.C. Sec. 1232h, the right to receive written notice and the option to opt their child out of any survey, analysis, or evaluation that reveals information concerning:

(i) Political affiliations or beliefs of the student or the student's parent or legal guardian;

(ii) Mental or psychological problems of the student or the student's family;

(iii) Sex behavior and attitudes;

(iv) Illegal, antisocial, self-incriminating or demeaning behavior;

(v) Critical appraisals of other individuals with whom respondents have

close family relationships;

(vi) Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(vii) Religious practices, affiliations, or beliefs of the student or student's parent or legal guardian; or

(viii) Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program;

(i) To receive written notice and have the option to opt their child out of comprehensive sexual health education in accordance with RCW 28A.300.475;

(j) 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 known event that requires parent, legal guardian, or student attendance outside of normal school days or hours;

(k) 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 considered in the administration of fees;

(l) To receive in writing each year or to view on the public school's website a description of the school's required dress code or uniform established pursuant to the policies established and allowed by RCW 28A.320.140, if applicable, for students;

(m) To be informed if their child's academic progress, including the right to receive periodic reports on their child's educational growth and development in accordance with RCW 28A.150.240 and to receive notice of their child's performance on state learning standards tests and assessments in accordance with RCW 28A.230.195, and whether the performance, is such that it could threaten the child's ability to be promoted to the next grade level. A parent or legal guardian also has the right to request 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;

(n) To file a complaint on behalf of their child under RCW 28A.600.477 relating to harassment, intimidation, and bullying;

(o) To have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state in

~~accordance with RCW 28A.225.216;~~

~~(p) To request enrollment for their child in a charter school established under chapter 28A.710 RCW;~~

~~(q) To have their child qualify without a legal residence for enrollment in a school district in accordance with RCW 28A.225.215;~~

~~(r) To have their child whose primary language is not English access supplemental instruction and services through the transitional bilingual instruction program in accordance with RCW 28A.150.220;~~

~~(s) To receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under Title VI of the civil rights act of 1964, 42 U.S.C. Sec. 2000d, et seq., and the contact information for any language access services under RCW 28A.183.040;~~

~~(t) To request enrollment for their child in a nonresident school district in accordance with RCW 28A.225.220, 28A.225.225, and 28A.225.230;~~

~~(u) To be notified of unexcused absences and to engage in efforts to eliminate or reduce their child's absences in accordance with RCW 28A.225.015, 28A.225.018, and 28A.225.020;~~

~~(v) To request, under RCW 28A.155.090, information about special education programs and assistance for their child if their child is eligible for but not receiving special education services, including due to illness;~~

~~(w) To request an appeal to the superintendent of public instruction under RCW 28A.155.080 if their child with disabilities has been denied the opportunity of a special education program by a school district or public school; and~~

~~(x) To access special education due process hearings regarding their child as required by RCW 28A.155.020.~~

~~(3) Notwithstanding anything to the contrary, a public school shall not be required to release any records or information regarding a student's health care, social work, counseling, or disciplinary records to a parent or legal guardian who is the defendant in a criminal proceeding where the student is the named victim or 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 or legal guardian is the target of the investigation, unless the parent or legal guardian has obtained a court order.~~

~~(4) Nothing in this section creates a private right of action.~~

NEW SECTION. **Sec. 2.** The provisions of this act are to be liberally construed to effectuate the policies, purposes, and intent of this act.

NEW SECTION. **Sec. 3.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 4.** This act is known and may be cited as the Washington Parents' Bill of Rights.

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