

SHB 1296 - H AMD 204

By Representative Stonier

1 Strike everything after the enacting clause and insert the
2 following:

3 **"PART ONE**

4 **PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, AND PRIVACY**

5 NEW SECTION. **Sec. 101.** A new section is added to chapter
6 28A.230 RCW to read as follows:

7 (1) It is the policy of the state of Washington that policies and
8 procedures adopted by school districts under this title must
9 prioritize the protection of every student's safety, access to a free
10 public education, and privacy, to the fullest extent possible, except
11 as required by state or federal law. This policy serves as a
12 supplement to school district policies and procedures established
13 under this title, both before and after the effective date of this
14 section, and must be considered an integral part of those policies
15 and procedures.

16 (2) The office of the superintendent of public instruction shall
17 develop technical assistance and related materials to assist school
18 districts with the implementation of subsection (1) of this section.
19 The assistance and related materials must include a summary of: The
20 privacy rights of minors; and the licensure or other professional
21 requirements for school district employment classifications, if any,
22 related to protecting student privacy.

23 (3) The office of the superintendent of public instruction shall
24 enforce and obtain compliance with subsection (1) of this section by
25 appropriate order made under chapter 34.05 RCW. Example sanctions
26 that may be included on the order are as follows: Termination or
27 withholding of all or part of state apportionment or categorical
28 moneys to the offending school district, termination of specified
29 programs in which violations may be flagrant within the offending
30 school district, institution of corrective action, and the placement

1 of the offending school district on probation with appropriate
2 sanctions until compliance is achieved.

3 (4) (a) Prior to taking enforcement action under subsection (3) of
4 this section, the office of the superintendent of public instruction
5 shall provide the school district with a first notice stating its
6 determination of noncompliance and identifying corrective actions and
7 a timeline that the school district may take to comply with
8 subsection (1) of this section. If the school district fails to
9 comply with the first notice within the prescribed time period, the
10 superintendent of public instruction shall provide the school
11 district with a second notice stating that failure to comply with
12 corrective actions to obtain compliance with subsection (1) of this
13 section may result in sanctions. If, after the second notice, the
14 school district fails to comply, the superintendent of public
15 instruction may enforce sanctions against the school district until
16 compliance with subsection (1) of this section is achieved;

17 (b) At any point while obtaining compliance, and if requested by
18 the school district, the office of the superintendent of public
19 instruction must provide assistance and recommendations for the
20 purpose of supporting a school district's compliance with subsection
21 (1) of this section.

22 (5) This section governs school operation and management under
23 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
24 established under chapter 28A.710 RCW and state-tribal education
25 compact schools subject to chapter 28A.715 RCW to the same extent as
26 it applies to school districts.

27 (6) The office of the superintendent of public instruction shall
28 adopt rules as necessary to implement this section.

29 **Sec. 102.** RCW 28A.642.080 and 2023 c 242 s 5 are each amended to
30 read as follows:

31 (1) (a) By January 31, ~~((2020))~~ 2026, each school district must
32 adopt or amend if necessary policies and procedures that, at a
33 minimum(~~(, incorporate all the elements of the model transgender~~
34 ~~student policy and procedure described in subsection (3) of this~~
35 ~~section))~~: Incorporate the office of the superintendent of public
36 instruction's rules and guidelines developed under RCW 28A.642.020 to
37 eliminate discrimination in public schools on the basis of gender
38 expression and gender identity; address the unique challenges and
39 needs faced by transgender students and gender-expansive students in

1 public schools; and describe the application of the model policy and
2 procedure prohibiting harassment, intimidation, and bullying required
3 under RCW 28A.600.477 to transgender students and gender-expansive
4 students.

5 (b) School districts must share the policies and procedures that
6 meet the requirements of (a) of this subsection with parents or
7 guardians, students, volunteers, and school employees in accordance
8 with rules adopted by the office of the superintendent of public
9 instruction. This requirement as it relates to students, parents, and
10 guardians may be satisfied by using the model student handbook
11 language in RCW 28A.300.286.

12 (c)(i) Each school district must designate one person in the
13 school district as the primary contact regarding the policies and
14 procedures relating to (~~transgender students~~) gender inclusive
15 schools that meet the requirements of (a) of this subsection. In
16 addition to any other duties required by law and the school district,
17 the primary contact must:

18 (A) Ensure the implementation of the policies and procedures
19 relating to (~~transgender students~~) gender inclusive schools that
20 meet the requirements of (a) of this subsection;

21 (B) Receive copies of all formal and informal complaints relating
22 to transgender students and gender-expansive students;

23 (C) Communicate with the school district employees responsible
24 for monitoring school district compliance with this chapter, and the
25 primary contact regarding the school district's policy and procedure
26 prohibiting harassment, intimidation, and bullying under RCW
27 28A.600.477; and

28 (D) Serve as the primary contact between the school district, the
29 office of the education ombuds, and the office of the superintendent
30 of public instruction on policies and procedures relating to
31 (~~transgender students~~) gender inclusive schools that meet the
32 requirements of (a) of this subsection.

33 (ii) The primary contact from each school district must attend at
34 least one training class as provided in RCW 28A.600.477, once this
35 training is available.

36 (iii) The primary contact may also serve as the primary contact
37 regarding the school district's policy and procedure prohibiting
38 harassment, intimidation, and bullying under RCW 28A.600.477 and the
39 primary contact regarding school district compliance with
40 nondiscrimination laws under RCW 28A.300.286.

1 (2) As required by the office of the superintendent of public
2 instruction, each school district must provide to the office of the
3 superintendent of public instruction its policies and procedures
4 relating to (~~transgender students~~) gender inclusive schools that
5 meet the requirements of subsection (1)(a) of this section.

6 (3)(a) (~~By September 1, 2019, and periodically thereafter, the~~)
7 The Washington state school directors' association must collaborate
8 with the office of the superintendent of public instruction to
9 develop and periodically update a model (~~transgender student~~)
10 policy and procedure relating to gender inclusive schools that meets
11 the requirements in subsection (1)(a) of this section.

12 (b) (~~The elements of the model transgender student policy and~~
13 ~~procedure must, at a minimum: Incorporate the office of the~~
14 ~~superintendent of public instruction's rules and guidelines developed~~
15 ~~under RCW 28A.642.020 to eliminate discrimination in Washington~~
16 ~~public schools on the basis of gender identity and expression;~~
17 ~~address the unique challenges and needs faced by transgender students~~
18 ~~in public schools; and describe the application of the model policy~~
19 ~~and procedure prohibiting harassment, intimidation, and bullying,~~
20 ~~required under RCW 28A.600.477, to transgender students.~~

21 (~~e~~)) The office of the superintendent of public instruction and
22 the Washington state school directors' association must maintain the
23 model policy and procedure relating to gender inclusive schools on
24 each agency's website at no cost to school districts.

25 (4)(a) By December 31, 2020, the office of the superintendent of
26 public instruction must develop online training materials (~~available~~
27 ~~to all school staff~~) based on the model (~~transgender student~~)
28 policy and procedure relating to gender inclusive schools described
29 in subsection (3) of this section and the office of the
30 superintendent of public instruction's rules and guidance as provided
31 under this chapter. The online training materials must be available
32 to all school staff.

33 (b) The online training materials must describe the role of
34 school district primary contacts for monitoring school district
35 compliance with this chapter prohibiting discrimination in public
36 schools, RCW 28A.600.477 related to the policies and procedures
37 prohibiting harassment, intimidation, and bullying, and this section
38 related to policies and procedures relating to (~~transgender~~
39 ~~students~~) gender inclusive schools.

1 (c) The online training materials must ~~((include))~~ also: Include
2 best practices for policy and procedure implementation and cultural
3 change that are guided by school district experiences; and be
4 periodically revised as necessary.

5 (d) The office of the superintendent of public instruction must
6 annually notify school districts of the availability of the online
7 training materials.

8 **Sec. 103.** RCW 28A.642.020 and 2024 c 316 s 5 are each amended to
9 read as follows:

10 (1) The superintendent of public instruction shall develop and
11 periodically revise rules and guidelines to ~~((eliminate))~~: Eliminate
12 discrimination prohibited in RCW 28A.642.010 and 28A.320.233 as it
13 applies to public school employment, counseling and guidance services
14 to students, recreational and athletic activities for students,
15 access to course offerings, and in textbooks, instructional
16 materials, and supplemental instructional materials, and student
17 access to those materials; and ensure compliance with the
18 requirements of RCW 28A.642.080. The adoption of rules to ensure
19 compliance with the requirements of RCW 28A.642.080 must be completed
20 by December 31, 2025.

21 (2) For the purposes of this section, "supplemental instructional
22 materials" has the same meaning as in RCW 28A.320.235.

23 **PART TWO**

24 **THE STATEMENT OF STUDENT RIGHTS**

25 NEW SECTION. **Sec. 201.** (1) The legislature finds that public
26 education is a cornerstone of a healthy, diverse, and productive
27 society.

28 (2) Article IX of the Washington Constitution requires the state
29 to make ample provision for the education of all children residing
30 within its borders. This requirement recognizes that public schools
31 are foundational to our democracy, working in partnership with
32 families and communities to shape the next generation of leaders into
33 respectful and engaged critical thinkers, resulting in economic
34 prosperity and innovation for the state and its residents.

35 (3) In recognition of the role that public education can play in
36 providing students with information about their rights and about how
37 to employ their rights for the betterment of education and society,

1 the legislature intends to require each school district, charter
2 school, and state-tribal education compact school to develop student-
3 focused educational and promotional materials, for communication and
4 classroom use, that incorporate the statement of student rights
5 established in section 202 of this act.

6 NEW SECTION. **Sec. 202.** A new section is added to chapter
7 28A.230 RCW to read as follows:

8 (1)(a) Each school district, charter school, and state-tribal
9 education compact school shall develop student-focused educational
10 and promotional materials that incorporate the statement of student
11 rights provided by this section. A link to the materials must be made
12 available on school district, charter school, and state-tribal
13 compact school websites, social media platforms, and other
14 communication channels used by students. The materials must also be
15 incorporated into civics education curricula provided to students in
16 accordance with RCW 28A.230.094.

17 (b) The office of the superintendent of public instruction shall
18 make the statement of student rights available on its website and is
19 encouraged to include the statement in materials provided under RCW
20 28A.230.150.

21 (2) The statement of student rights is as follows:

22 (a)(i) Public school students are subject to the Declaration of
23 Independence and the United States Constitution, and its privileges
24 and protections, including:

25 (A) The free exercise of religion;

26 (B) The freedom of speech;

27 (C) The right to peaceably assemble;

28 (D) The right to petition the government for a redress of
29 grievances;

30 (E) The freedom from unreasonable searches and seizures;

31 (F) The right to a due process of law;

32 (G) The right to equal protection of the laws; and

33 (H) The right to life, liberty, and the pursuit of happiness.

34 (ii) Public school students are subject to numerous privileges
35 and protections derived from federal statutes, examples of which
36 include:

37 (A) The right to be free from discrimination with regard to
38 accessing education programs and activities offered by a recipient of
39 federal financial assistance;

1 (B) The right of students with qualifying disabilities to receive
2 special education and related services that address their individual
3 needs; and

4 (C) The right of students with disabilities to be free from
5 discrimination with regard to accessing education programs and
6 facilities.

7 (b) (i) Public school students are subject to the state
8 Constitution and its privileges and protections, including:

9 (A) The right of petition and peaceable assemblage;

10 (B) The freedom to speak, write, and publish on all subjects;

11 (C) The right to not be disturbed in private affairs without
12 authority of law;

13 (D) The right to absolute freedom of conscience in all matters of
14 religious sentiment, belief, and worship;

15 (E) The right to attend public schools that are funded in a
16 manner that is consistent with the state's paramount duty of making
17 ample provision for the education of all children residing within its
18 borders;

19 (F) The right to have schools that are maintained wholly or
20 partially by public funds free from sectarian control or influence;

21 (G) The right for minors to receive an education while residing
22 in a criminal justice facility;

23 (H) The right of qualified persons to utilize education
24 facilities and services established and funded for the benefit of
25 persons who are deaf, blind, or both; and

26 (I) The right of qualified persons to vote at all elections,
27 including elections for school directors, members of the legislature,
28 and the superintendent of public instruction.

29 (ii) Public school students are subject to numerous privileges
30 and protections derived from state statutes, examples of which
31 include:

32 (A) The right to access, without tuition, a school district's
33 kindergarten through 12th grade basic education program for students
34 of qualifying age;

35 (B) The right to a basic education that provides students with
36 opportunities to develop the knowledge and skills necessary to meet
37 state-established graduation requirements, which are intended to
38 provide students with the opportunity to graduate with a meaningful
39 diploma that prepares them for postsecondary education, gainful
40 employment, and citizenship;

1 (C) Due process rights related to disciplinary measures and
2 education access; and

3 (D) The right to access a learning environment with historically
4 and scientifically accurate information that includes the histories,
5 contributions, and perspectives of historically marginalized and
6 underrepresented groups as provided in RCW 28A.345.130, and provides
7 students with an appreciation for the contributions and perspectives
8 of diverse, global cultures.

9 (3) The rights identified in this section are not intended to be
10 a comprehensive delineation of student rights or the manner in which
11 they are derived, nor is this section intended to have any
12 application to rights established in other titles or in other
13 provisions of state and federal law.

14 (4) For purposes of this section, "public schools" has the same
15 meaning as in RCW 28A.150.010.

16 NEW SECTION. **Sec. 203.** Sections 201 and 202 of this act may be
17 known and cited as the statement of student rights act.

18 **PART THREE**
19 **RIGHTS OF PARENTS AND LEGAL GUARDIANS**

20 **Sec. 301.** RCW 28A.605.005 and 2024 c 4 s 1 are each amended to
21 read as follows:

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

27 (2) Parents and legal guardians of (~~public school children~~
28 ~~younger than 18 years old have all of~~) children enrolled in public
29 schools as defined in RCW 28A.150.010 have the following rights:

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

36 (b) (i) To inspect and review their child's (~~public school~~)
37 education records (~~in accordance with RCW 28A.605.030,~~) and to

1 request and receive a copy of their child's education records within
2 ((10 business days of submitting a written request, either
3 electronically or on paper)) a reasonable period of time, but not
4 more than 45 days, of submitting a request in accordance with the
5 federal family educational rights and privacy act of 1974, Title 20
6 U.S.C. Sec. 1232g, as in effect on January 1, 2025, and RCW
7 28A.605.030.

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

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

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

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

26 ~~(B) Medical or health records;~~

27 ~~(C) Records of any mental health counseling;~~

28 ~~(D) Records of any vocational counseling;~~

29 ~~(E) Records of discipline, including expulsions and suspensions~~
30 ~~under RCW 28A.600.015;~~

31 ~~(F) Records of attendance, including unexcused absences in~~
32 ~~accordance with RCW 28A.225.020;~~

33 ~~(G) Records associated with a child's screening for learning~~
34 ~~challenges, exceptionalities, plans for an individualized education~~
35 ~~program, or plan adopted under section 504 of the rehabilitation act~~
36 ~~of 1973; and~~

37 ~~(H) Any other student-specific files, documents, or other~~
38 ~~materials that are maintained by the public school))~~ Education
39 records means those official records, files, and data directly
40 related to a student and maintained by the public school including,

1 but not limited to, records encompassing all the material kept in the
2 child's cumulative folder, such as general identifying data, records
3 of attendance and of academic work completed, records of achievement
4 and results of evaluative tests, disciplinary status, test protocols,
5 and individualized education programs;

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

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

13 ~~(c) ((To receive prior notification when medical services are~~
14 ~~being offered to their child, except where emergency medical~~
15 ~~treatment is required. In cases where emergency medical treatment is~~
16 ~~required, the parent and legal guardian must be notified as soon as~~
17 ~~practicable after the treatment is rendered;~~

18 ~~(d) To receive notification when any medical service or~~
19 ~~medications have been provided to their child that could result in~~
20 ~~any financial impact to the parent's or legal guardian's health~~
21 ~~insurance payments or copays;~~

22 ~~(e) To receive notification when the school has arranged directly~~
23 ~~or indirectly for medical treatment that results in follow-up care~~
24 ~~beyond normal school hours. Follow-up care includes monitoring the~~
25 ~~child for aches and pains, medications, medical devices such as~~
26 ~~crutches, and emotional care needed for the healing process;~~

27 ~~(f)) To receive immediate notification ((if a criminal action is~~
28 ~~deemed to have)) that a criminal action has been committed against~~
29 ~~their child ((or by their child)) on school property during the~~
30 ~~school day, including immediate notification if there has been a~~
31 ~~shooting on school property, or their child has been detained based~~
32 ~~on probable cause of involvement in criminal activity on school~~
33 ~~property during the school day;~~

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

38 ~~((h)) (e) To ((receive immediate notification if their child is~~
39 ~~taken or removed from the public school campus without parental~~

1 ~~permission, including to stay at a youth shelter or "host home" as~~
2 ~~defined in RCW 74.15.020;~~

3 ~~(i) To receive assurance their child's public school will not~~
4 ~~discriminate against their child based upon the sincerely held~~
5 ~~religious beliefs of the child's family in accordance with chapter))~~
6 not have their child removed from school grounds or buildings during
7 school hours without authorization of a parent or legal guardian
8 according to the provisions in RCW 28A.605.010. Nothing in this
9 section affects the provisions in RCW 74.15.020, 13.32A.082,
10 26.44.050, or 26.44.115;

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

18 ~~((j) To))~~ (g) In accordance with the protection of pupil rights,
19 Title 20 U.S.C. Sec. 1232h, the right to receive written notice and
20 the option to opt their child out of any ((surveys, assignments,
21 questionnaires, role-playing activities, recordings of their child,
22 or other student engagements that include questions about any of the
23 following:

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

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

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

29 ~~(iv) All surveys, analyses, and evaluations subject to areas~~
30 ~~covered by the protection of pupil rights amendment of the family~~
31 ~~educational rights and privacy act)) survey, analysis, or evaluation~~
32 that reveals information concerning:

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

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

37 (iii) Sex behavior and attitudes;

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

1 (v) Critical appraisals of other individuals with whom
2 respondents have close family relationships;

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

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

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

10 ~~((k))~~ (h) To receive written notice and have the option to opt
11 their child out of ~~((instruction on topics associated with sexual~~
12 ~~activity)) comprehensive sexual health education~~ in accordance with
13 RCW 28A.300.475;

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

22 ~~((m))~~ (j) To receive in writing each year or to view on the
23 public school's website a comprehensive listing of any required fee
24 and its purpose and use and a description of how economic hardships
25 may be ~~((addressed;~~
26 ~~(n)) considered in the administration of fees;~~

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

31 ~~((o))~~ (l) To be informed if their child's academic ~~((performance,~~
32 ~~including whether their child is provided a student learning plan~~
33 ~~under RCW 28A.655.270)) progress, including the right to receive~~
34 periodic reports on their child's educational growth and development
35 in accordance with RCW 28A.150.240 and to receive notice of their
36 child's performance on state learning standards tests and assessments
37 in accordance with RCW 28A.230.195, and whether the performance, is
38 such that it could threaten the child's ability to be promoted to the
39 next grade level ~~((and to be offered)). A parent or legal guardian~~
40 also has the right to request an in-person meeting with the child's

1 classroom teacher and principal to discuss any resources or
2 strategies available to support and encourage the child's academic
3 improvement;

4 (m) To file a complaint on behalf of their child under RCW
5 28A.600.477 relating to harassment, intimidation, and bullying;

6 (n) To have their child qualify for enrollment in a school
7 district if they are transferred to, or pending transfer to, a
8 military installation within the state in accordance with RCW
9 28A.225.216;

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

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

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

20 (r) To request enrollment for their child in a nonresident school
21 district in accordance with RCW 28A.225.220, 28A.225.225, and
22 28A.225.230;

23 (s) To be notified of unexcused absences and to engage in efforts
24 to eliminate or reduce their child's absences in accordance with RCW
25 28A.225.015, 28A.225.018, and 28A.225.020;

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

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

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

36 (3) Notwithstanding anything to the contrary, a public school
37 shall not be required to release any records or information regarding
38 a student's (~~medical or health records or mental health counseling~~)
39 health care, social work, counseling, or disciplinary records to a
40 parent or legal guardian who is the defendant in a criminal

1 proceeding where the student is the named victim or during the
2 pendency of an investigation of child abuse or neglect conducted by
3 any law enforcement agency or the department of children, youth, and
4 families where the parent or legal guardian is the target of the
5 investigation, unless the parent or legal guardian has obtained a
6 court order.

7 (4) (~~As used in this section "public school" has the same~~
8 ~~meaning as in RCW 28A.150.010~~) Nothing in this section creates a
9 private right of action.

10 **PART FOUR**

11 **RETALIATION PROTECTIONS**

12 NEW SECTION. **Sec. 401.** A new section is added to chapter
13 28A.400 RCW to read as follows:

14 (1) School district employees and directors may not take an
15 adverse employment action against any employee of the school district
16 for:

17 (a) Supporting students in the exercise of their legal rights,
18 including their right to a learning environment with historically and
19 scientifically accurate information that: Includes the histories,
20 contributions, and perspectives of historically marginalized and
21 underrepresented groups as provided in RCW 28A.345.130; and provides
22 students with an appreciation for the contributions and perspectives
23 of diverse, global cultures; or

24 (b) Performing work in a manner consistent with RCW 28A.642.080,
25 28A.642.020, and 28A.605.005, and sections 101, 201, and 202 of this
26 act.

27 (2) In addition to the prohibitions established in subsection (1)
28 of this section, school district employees and directors may not take
29 an adverse employment action against a teacher of the school district
30 for:

31 (a) Instructing students in a manner consistent with state
32 learning standards; or

33 (b) Using instructional materials approved in accordance with RCW
34 28A.320.230 that are culturally and experientially representative,
35 including materials on the study of the role and contributions of
36 individuals or groups that are part of a protected class under RCW
37 28A.642.010 and 28A.640.010.

1 (3) For the purposes of this section, an "adverse employment
2 action" includes termination, demotion, suspension, discipline,
3 denial of promotion, reassignment, negatively impacting the
4 evaluation of certificated staff under RCW 28A.405.100, removal from,
5 or denying access to, a supplemental contract, or otherwise taking
6 any negative employment action against the employee.

7 (4) This section governs school operation and management under
8 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
9 established under chapter 28A.710 RCW and state-tribal education
10 compact schools subject to chapter 28A.715 RCW to the same extent as
11 it applies to school districts.

12 **PART FIVE**

13 **MISCELLANEOUS PROVISIONS**

14 NEW SECTION. **Sec. 501.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of
16 the state government and its existing public institutions, and takes
17 effect immediately."

18 Correct the title.

EFFECT: Makes various changes to delineated rights of parents and legal guardians of public school children as amended in the underlying bill, for example:

(1) Removes provisions specifying that the rights of parents and legal guardians include the right to enroll their child of qualifying age in a public school, regardless of sincerely held beliefs, housing status, immigration status, English language proficiency, or disability, and to provide for the instruction of their child through an approved private school or home-based instruction;

(2) Changes the definition of "education records" to mean 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;

(3) Adds that parents and legal guardians have the right 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, as in effect on January 1, 2025;

(4) Adds that nothing in the parents' rights provisions changes access and disclosure provisions established in specified state laws related to health care information, or affects specified provisions in state law related to host homes, youth shelters, and children being taken into custody in relation to abuse or neglect allegations;

(5) Provides that parents and legal guardians have the right to receive immediate notification that a criminal action has been committed against their child on school property during the school day, including immediate notification if there has been a shooting on school property, or if their child has been detained based on probable cause of involvement in criminal activity on school property during the school day (rather than notification at the first opportunity, but in all cases within 48 hours of receiving information that a criminal action has been committed against their child on school property during the school day or that their child has been detained based on probable cause of involvement in criminal activity on school property during the school day);

(6) Provides that parents and legal guardians have the right to receive immediate notification (rather than notification at the first opportunity, but in all cases within 48 hours) 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;

(7) Specifies that parents and legal guardians have the right to not have their child removed from school grounds or buildings during school hours without authorization of a parent or legal guardian according to required school district procedures (rather than the right to receive immediate notification if their child is taken or removed from the public school campus in violation of required school district procedures); and

(8) Adds that the delineated rights do not create a private right of action.

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