HOUSE BILL REPORT
HB 1296

As Reported by House Committee On:
Education

Title: An act relating to promoting a safe and supportive public education system through student rights, parental and guardian rights, employee protections, and requirements for state and local education entities.

Brief Description: Promoting a safe and supportive public education system.

Sponsors: Representatives Stonier, Macri, Lekanoff, Doglio, Berry, Salahuddin, Davis, Ramel, Obras, Reed, Ormsby, Scott, Nance, Bergquist, Fitzgibbon, Parshley, Alvarado, Kloba, Pollet, Peterson, Fey, Simmons, Hill and Fosse.

Brief History:
Committee Activity:
Education: 1/23/25, 1/30/25 [DPS].

Brief Summary of Substitute Bill

- Requires policies and procedures of school districts, charter schools, and state-tribal education compact schools (STECs) to prioritize the protection of every student's safety, access to a free public education, and privacy.
- Makes changes to delineated rights of parents and legal guardians of public school children.
- Establishes a statement of student rights and associated duties for school districts, charter schools, and STECs.
- Establishes antiretaliation protections for public school employees supporting students in the exercise of their legal rights and performing work in accordance with certain requirements.

HOUSE COMMITTEE ON EDUCATION

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Santos, Chair; Shavers, Vice Chair; Bergquist, Callan, Donaghy, Ortiz-Self, Pollet, Reeves, Scott and Stonier.

Minority Report: Do not pass. Signed by 8 members: Representatives Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Chase, Couture, Eslick, Marshall, McEntire and Steele.

Staff: Ethan Moreno (786-7386).

Background:

Declaration of Parental and Guardian Rights.
Legislation enacted in 2024 (Initiative Measure No. 2081) declared parents and guardians of public school children younger than 18 years old to have 15 specified rights. The delineated rights related to: receiving or being notified of academic, medical, safety, and law enforcement matters; accessing and inspecting certain materials and records; and opting their children out of certain activities.

Transgender Student Policy and Procedure Requirements.
The Washington State School Directors' Association is required to collaborate with the Office of the Superintendent of Public Instruction (OSPI) to develop and update a model transgender student policy and procedure. The model policy and procedure must, at a minimum:

- incorporate the OSPI's rules and guidelines to eliminate discrimination in public schools on the basis of gender identity and expression;
- address the unique challenges and needs faced by transgender students in public schools; and
- describe the application of the model policy and procedure prohibiting harassment, intimidation, and bullying to transgender students.

Each school district and charter school must adopt or amend policies and procedures that incorporate all the elements of the model transgender student policy and procedure. School districts and charter schools also must designate a primary contact regarding these policies and procedures who must, among other things, receive copies of related complaints.

Student Records: Nondisclosure in Certain Child Abuse and Neglect Investigations.
Notwithstanding anything to the contrary, unless the parent has obtained a court order, a public school may not be required to release any records or information regarding a student's medical or health records or mental health counseling to a parent during the pendency of an investigation of child abuse or neglect. This nonrelease requirement applies if the investigation is of the parent and is being conducted by a law enforcement agency or the Department of Children, Youth, and Families.

Public School Employees: Employment Protections.
The Washington Law Against Discrimination (WLAD) prohibits discrimination on the basis of gender identity and sexual orientation in places of public accommodation, including public schools. Under the WLAD, it is unlawful for any employer to discharge, expel, or otherwise discriminate against any person because the person has opposed any practice forbidden by the WLAD.

The Washington Supreme Court recognizes the common law tort of wrongful termination in violation of public policy. As a result, it is unlawful to terminate an employee for refusing to commit an unlawful act, for performing a public duty, for exercising a legal right or privilege, or in retaliation for reporting employer misconduct.

Additionally, most public school employees in Washington are subject to collective bargaining agreements. Collective bargaining agreements typically limit school districts to "just cause" termination and discipline, and afford covered employees with certain rights and protections.

Summary of Substitute Bill:

I. State Policy: Prioritizing the Protection of Students' Safety, Access to Public Education, and Privacy.
Policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools (STECs) must prioritize the protection of every student's safety, access to a free public education, and privacy to the fullest extent possible, except as required by state or federal law. This policy is supplemental to existing and future policies and procedures and must be considered an integral part of those policies and procedures.

The Office of the Superintendent of Public Instruction (OSPI) must develop technical assistance and related materials, adopt rules, and enforce and obtain compliance with the policy, subject to specified notification requirements. Examples of sanctions the OSPI may issue include:

- terminating or withholding all or part of state apportionment or categorical moneys to the offending school district, charter school, or STEC;
- terminating specified programs in which violations may be flagrant within the offending school district, charter school, or STEC; and
- placing the offending school district, charter school, or STEC on probation with appropriate sanctions until compliance is achieved.

II. Parental and Guardian Rights.
Additions, modifications, and deletions are made to the list of declared rights for parents or guardians of public school children. Parental and legal guardian rights are expressly specified to 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.

Additional Rights. Examples of additionally declared rights include the right to:

- have their child receive a public education in a setting in which discrimination on the basis of protected class is prohibited;
- file a complaint on behalf of their child relating to harassment, intimidation, and bullying;
- 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 specified requirements;
- have their child qualify without a legal residence for enrollment in a school district;
- receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under federal law, and the contact information for any language access services; and
- request 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.

Modified Rights. Examples of modified rights include the right to:

- access their child's classroom and school sponsored activities in order to observe class procedure, teaching materials, and class conduct (rather than examining textbooks, curriculum, and supplemental materials used in their child's classroom);
- inspect and review the education records of their child within a reasonable period of time, but not more than 45 days (rather than to inspect their child's public school records and receive a copy within 10 days);
- receive immediate notification if their child is taken or removed from the public school campus (rather than 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); and
- receive notice at the first opportunity, but in all cases within 48 hours of the school district or public school 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 a criminal activity on school property during the school day (rather than receiving immediate notification if a criminal action is deemed to have been committed against or by their child).

"Education records" is defined as records that contain information directly related to a student and are maintained by the public school, except as otherwise provided in the federal Family Educational Rights and Privacy Act (rather than any student-specific files, documents, or other materials that are maintained by the public school). "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.

Eliminated Rights. Examples of eliminated rights include the right to:

- receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required;
- 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; and
- receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours.

III. Student Records: Nondisclosure in Certain Child Abuse, Neglect, and Criminal Investigations.

School student record disclosure limitations for parents that are related to certain child abuse and neglect investigations of law enforcement or the Department of Children, Youth, and Families are extended to health care, social work, counseling, and disciplinary records (rather than records and information regarding medical or health records or mental health counseling). The disclosure limitations are also extended to apply in criminal proceedings of parents and legal guardians where the student is the named victim.

IV. Statement of Student Rights.

The Statement of Student Rights (Statement) is established for public school students. The Statement provides 24 examples of student rights derived from the federal and state constitutions, and federal and state statutes. Examples of the privileges and protections specified include:

- the free exercise of religion;
- the freedom of speech;
- the right of students with disabilities to receive special education and related services that address their individual needs;
- the right of students with disabilities to be free from discrimination with regard to accessing education programs and facilities;
- the right to access, without tuition, a school district's kindergarten through twelfth grade basic education program for students of qualifying age; and
- the right to access a learning environment with historically and scientifically accurate information.

Each school district, charter school, and STEC must develop student-focused materials that incorporate the Statement, share them via websites and other communication channels, and include them in a required civics course.

V. Requirements Related to Transgender Students and Gender-Expansive Students.

By January 31, 2026, school districts and charter schools must adopt or amend policies and procedures related to transgender students to address the unique challenges faced by gender-expansive students and describe the application of the model policy and procedure

prohibiting harassment, intimidation, and bullying to gender-expansive students.

Online training materials of the OSPI based on a model policy and procedure of the Washington State School Directors' Association must be periodically revised by the OSPI and available to all school staff. Additionally, the OSPI must adopt rules by December 31, 2025, to ensure compliance with requirements related to gender inclusive schools.

VI. Public School Employees: Antiretaliation Protections.
Employees and directors of school districts, charter schools, and STECs may not take an adverse employment action against an employee for supporting students in the exercise of their legal rights, including their right to a learning environment with historically and scientifically accurate information, or performing work in a manner consistent with the bill's provisions.

In addition, employees and directors of school districts, charter schools, and STECs may not take an adverse employment action against a teacher for instructing students in a manner consistent with state learning standards or using approved instructional materials that are culturally and experientially representative.

Substitute Bill Compared to Original Bill:

As compared to the original bill, the substitute bill:

- permits sanctions that may be issued by the Office of the Superintendent of Public Instruction (OSPI) for purposes of obtaining compliance with policy and procedure requirements pertaining to prioritizing the protection of students' safety, access to free public education, and privacy to include withholding (in addition to terminating) state apportionment or categorical moneys;
- establishes notification requirements that the OSPI must take before issuing sanctions for purposes of obtaining compliance with policy and procedure requirements pertaining to prioritizing the protection of students' safety, access to free public education, and privacy;
- makes explicit within "education records" the inclusion of records regarding the screening for and operation of individualized education programs and Section 504 plans;
- restores and modifies provisions related to notifications of criminal actions committed by a child, including by requiring the notice to be at the first opportunity, but no longer than 48 hours (instead of immediately), and by limiting the application of the notification requirements to criminal actions taking place on school property and during the school day;
- restores and modifies provisions related to notifications if law enforcement questions a child, including by requiring the notice to be at the first opportunity, but no longer than 48 hours (instead of immediately), and by limiting the application of the notification requirements to questioning occurring during a custodial interrogation at the school and during the school day;

- changes a reference to "mental health or psychological problems" in provisions related to notifications and opt-out requirements of the federal Protection of Pupil Rights Amendment (PPRA) by removing "health" and thereby aligning the language with the PPRA; and
- makes a technical change in the definition of "education records" by adding "otherwise" and therefore specifying that the term means "records that contain information directly related to a student and are maintained by the public school, except as otherwise provided in the federal Family Educational Rights and Privacy Act."

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) For years, we have heard statistics about the challenges that students have when their basic needs are not met. This bill is centered on promoting a safe and supportive learning environment. This bill establishes rights and supports for students and the trusted adults who support them. The success of students is a responsibility for all of us.

This bill is vitally important. Some students share information at school that could be detrimental if shared in a nonsupportive household. Education is important and educators should not be required to "out" students. In some cases, school is the only safe place that students have.

The novel *1984* warned us about limiting our ability to define ourselves, but that is happening now. The protections for educators in the bill are important, as they are being targeted. Those protections should be strengthened.

We have asked students to come to school as their full selves. Most people want kids to have the freedom to learn and be themselves. Some people have exploited the confusion resulting from Initiative 2081, but this bill aligns the initiative with current law.

(Opposed) Parents are the first teachers and overseers of their children. Parental support is essential to student success. This bill undermines trust that was rebuilt after the pandemic through Initiative 2081. This bill should be rejected to preserve vital parent/student trust.

This bill overrides parents and is contrary to new federal regulations. Passing this bill may jeopardize federal funding.

Thousands of people volunteered time and effort to pass Initiative 2081. Amending the initiative after it was passed is taking a sledgehammer to democracy. This bill violates natural law.

(Other) LGBTQIA persons have higher rates of suicide, and the rates are higher still among transgender students. Students who feel safe and supported at school have better education outcomes. Inclusive policies are about creating a sense of belonging.

There are concerns about the process requirements and penalty authorizations in the bill for the OSPI. This bill runs the risk of inadvertently impacting schools based on the actions of school district decision-makers. Placing the OSPI in an adversarial position with schools is not good policy.

Persons Testifying: (In support) Representative Monica Jurado Stonier, prime sponsor; Samantha Fogg, Seattle Council PTSA Co-President; Tracy Dr. Castro-Gill, Washington Ethnic Studies Now; Howl Hall; Albert Johnson; Courtney Normand, Planned Parenthood Alliance Advocates; and Brier Moreno.

(Opposed) Ronda Litzenberger, Eatonville School Board; Dawn Land, Reject 5599; and Sarah Garriott.

(Other) Jill Oldson, Washington State School Directors' Association; and Lisa Keating, Executive Director, Washington State LGBTQ Commission.

Persons Signed In To Testify But Not Testifying: More than 20 persons signed in. Please see committee staff for information.