
SUBSTITUTE HOUSE BILL 1296

State of Washington

69th Legislature

2025 Regular Session

By House Education (originally sponsored by 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)

READ FIRST TIME 02/03/25.

1 AN ACT Relating to promoting a safe and supportive public
2 education system through student rights, parental and guardian
3 rights, employee protections, and requirements for state and local
4 education entities; amending RCW 28A.642.080, 28A.642.020, and
5 28A.605.005; adding new sections to chapter 28A.230 RCW; adding a new
6 section to chapter 28A.400 RCW; creating new sections; and declaring
7 an emergency.

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

9 **PART ONE**

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

11 NEW SECTION. **Sec. 101.** A new section is added to chapter
12 28A.230 RCW to read as follows:

13 (1) It is the policy of the state of Washington that policies and
14 procedures adopted by school districts under this title must
15 prioritize the protection of every student's safety, access to a free
16 public education, and privacy, to the fullest extent possible, except
17 as required by state or federal law. This policy serves as a
18 supplement to school district policies and procedures established
19 under this title, both before and after the effective date of this

1 section, and must be considered an integral part of those policies
2 and procedures.

3 (2) The office of the superintendent of public instruction shall
4 develop technical assistance and related materials to assist school
5 districts with the implementation of subsection (1) of this section.
6 The assistance and related materials must include a summary of: The
7 privacy rights of minors; and the licensure or other professional
8 requirements for school district employment classifications, if any,
9 related to protecting student privacy.

10 (3) The office of the superintendent of public instruction shall
11 enforce and obtain compliance with subsection (1) of this section by
12 appropriate order made under chapter 34.05 RCW. Example sanctions
13 that may be included on the order are as follows: Termination or
14 withholding of all or part of state apportionment or categorical
15 moneys to the offending school district, termination of specified
16 programs in which violations may be flagrant within the offending
17 school district, institution of corrective action, and the placement
18 of the offending school district on probation with appropriate
19 sanctions until compliance is achieved.

20 (4) (a) Prior to taking enforcement action under subsection (3) of
21 this section, the office of the superintendent of public instruction
22 shall provide the school district with a first notice stating its
23 determination of noncompliance and identifying corrective actions and
24 a timeline that the school district may take to comply with
25 subsection (1) of this section. If the school district fails to
26 comply with the first notice within the prescribed time period, the
27 superintendent of public instruction shall provide the school
28 district with a second notice stating that failure to comply with
29 corrective actions to obtain compliance with subsection (1) of this
30 section may result in sanctions. If, after the second notice, the
31 school district fails to comply, the superintendent of public
32 instruction may enforce sanctions against the school district until
33 compliance with subsection (1) of this section is achieved;

34 (b) At any point while obtaining compliance, and if requested by
35 the school district, the office of the superintendent of public
36 instruction must provide assistance and recommendations for the
37 purpose of supporting a school district's compliance with subsection
38 (1) of this section.

39 (5) This section governs school operation and management under
40 RCW 28A.710.040 and 28A.715.020, and applies to charter schools

1 established under chapter 28A.710 RCW and state-tribal education
2 compact schools subject to chapter 28A.715 RCW to the same extent as
3 it applies to school districts.

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

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

8 (1)(a) By January 31, (~~(2020)~~) 2026, each school district must
9 adopt or amend if necessary policies and procedures that, at a
10 minimum(~~(, incorporate all the elements of the model transgender~~
11 ~~student policy and procedure described in subsection (3) of this~~
12 ~~section))~~: Incorporate the office of the superintendent of public
13 instruction's rules and guidelines developed under RCW 28A.642.020 to
14 eliminate discrimination in public schools on the basis of gender
15 expression and gender identity; address the unique challenges and
16 needs faced by transgender students and gender-expansive students in
17 public schools; and describe the application of the model policy and
18 procedure prohibiting harassment, intimidation, and bullying required
19 under RCW 28A.600.477 to transgender students and gender-expansive
20 students.

21 (b) School districts must share the policies and procedures that
22 meet the requirements of (a) of this subsection with parents or
23 guardians, students, volunteers, and school employees in accordance
24 with rules adopted by the office of the superintendent of public
25 instruction. This requirement as it relates to students, parents, and
26 guardians may be satisfied by using the model student handbook
27 language in RCW 28A.300.286.

28 (c)(i) Each school district must designate one person in the
29 school district as the primary contact regarding the policies and
30 procedures relating to (~~(transgender students))~~ gender inclusive
31 schools that meet the requirements of (a) of this subsection. In
32 addition to any other duties required by law and the school district,
33 the primary contact must:

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

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

1 (C) Communicate with the school district employees responsible
2 for monitoring school district compliance with this chapter, and the
3 primary contact regarding the school district's policy and procedure
4 prohibiting harassment, intimidation, and bullying under RCW
5 28A.600.477; and

6 (D) Serve as the primary contact between the school district, the
7 office of the education ombuds, and the office of the superintendent
8 of public instruction on policies and procedures relating to
9 (~~transgender students~~) gender inclusive schools that meet the
10 requirements of (a) of this subsection.

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

14 (iii) The primary contact may also serve as the primary contact
15 regarding the school district's policy and procedure prohibiting
16 harassment, intimidation, and bullying under RCW 28A.600.477 and the
17 primary contact regarding school district compliance with
18 nondiscrimination laws under RCW 28A.300.286.

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

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

30 (b) (~~The elements of the model transgender student policy and~~
31 ~~procedure must, at a minimum: Incorporate the office of the~~
32 ~~superintendent of public instruction's rules and guidelines developed~~
33 ~~under RCW 28A.642.020 to eliminate discrimination in Washington~~
34 ~~public schools on the basis of gender identity and expression;~~
35 ~~address the unique challenges and needs faced by transgender students~~
36 ~~in public schools; and describe the application of the model policy~~
37 ~~and procedure prohibiting harassment, intimidation, and bullying,~~
38 ~~required under RCW 28A.600.477, to transgender students.~~

39 (~~e~~)) The office of the superintendent of public instruction and
40 the Washington state school directors' association must maintain the

1 model policy and procedure relating to gender inclusive schools on
2 each agency's website at no cost to school districts.

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

11 (b) The online training materials must describe the role of
12 school district primary contacts for monitoring school district
13 compliance with this chapter prohibiting discrimination in public
14 schools, RCW 28A.600.477 related to the policies and procedures
15 prohibiting harassment, intimidation, and bullying, and this section
16 related to policies and procedures relating to ~~((transgender~~
17 ~~students))~~ gender inclusive schools.

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

22 (d) The office of the superintendent of public instruction must
23 annually notify school districts of the availability of the online
24 training materials.

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

27 (1) The superintendent of public instruction shall develop and
28 periodically revise rules and guidelines to ~~((eliminate))~~: Eliminate
29 discrimination prohibited in RCW 28A.642.010 and 28A.320.233 as it
30 applies to public school employment, counseling and guidance services
31 to students, recreational and athletic activities for students,
32 access to course offerings, and in textbooks, instructional
33 materials, and supplemental instructional materials, and student
34 access to those materials; and ensure compliance with the
35 requirements of RCW 28A.642.080. The adoption of rules to ensure
36 compliance with the requirements of RCW 28A.642.080 must be completed
37 by December 31, 2025.

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

1 **PART TWO**

2 **THE STATEMENT OF STUDENT RIGHTS**

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

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

13 (3) In recognition of the role that public education can play in
14 providing students with information about their rights and about how
15 to employ their rights for the betterment of education and society,
16 the legislature intends to require each school district, charter
17 school, and state-tribal education compact school to develop student-
18 focused educational and promotional materials, for communication and
19 classroom use, that incorporate the statement of student rights
20 established in section 202 of this act.

21 NEW SECTION. **Sec. 202.** A new section is added to chapter
22 28A.230 RCW to read as follows:

23 (1)(a) Each school district, charter school, and state-tribal
24 education compact school shall develop student-focused educational
25 and promotional materials that incorporate the statement of student
26 rights provided by this section. A link to the materials must be made
27 available on school district, charter school, and state-tribal
28 compact school websites, social media platforms, and other
29 communication channels used by students. The materials must also be
30 incorporated into civics education curricula provided to students in
31 accordance with RCW 28A.230.094.

32 (b) The office of the superintendent of public instruction shall
33 make the statement of student rights available on its website and is
34 encouraged to include the statement in materials provided under RCW
35 28A.230.150.

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

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

4 (A) The free exercise of religion;

5 (B) The freedom of speech;

6 (C) The right to peaceably assemble;

7 (D) The right to petition the government for a redress of
8 grievances;

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

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

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

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

13 (ii) Public school students are subject to numerous privileges
14 and protections derived from federal statutes, examples of which
15 include:

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

19 (B) The right of students with qualifying disabilities to receive
20 special education and related services that address their individual
21 needs; and

22 (C) The right of students with disabilities to be free from
23 discrimination with regard to accessing education programs and
24 facilities.

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

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

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

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

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

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

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

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

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

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

7 (ii) Public school students are subject to numerous privileges
8 and protections derived from state statutes, examples of which
9 include:

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

13 (B) The right to a basic education that provides students with
14 opportunities to develop the knowledge and skills necessary to meet
15 state-established graduation requirements, which are intended to
16 provide students with the opportunity to graduate with a meaningful
17 diploma that prepares them for postsecondary education, gainful
18 employment, and citizenship;

19 (C) Due process rights related to disciplinary measures and
20 education access; and

21 (D) The right to access a learning environment with historically
22 and scientifically accurate information that includes the histories,
23 contributions, and perspectives of historically marginalized and
24 underrepresented groups as provided in RCW 28A.345.130, and provides
25 students with an appreciation for the contributions and perspectives
26 of diverse, global cultures.

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

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

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

36 **PART THREE**
37 **RIGHTS OF PARENTS AND LEGAL GUARDIANS**

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

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

8 (2) ~~((Parents))~~ The rights of parents and legal guardians ~~((of~~
9 ~~public school children younger than 18 years old have all of the~~
10 ~~following rights))~~ include the right to enroll their child of
11 qualifying age in a public school, regardless of sincerely held
12 beliefs, housing status, immigration status, English language
13 proficiency, or disability, and to provide for the instruction of
14 their child through an approved private school or home-based
15 instruction. Parents and legal guardians who enroll their child in a
16 public school have additional rights related to their child's
17 enrollment, including to:

18 (a) ~~((To examine the textbooks, curriculum, and supplemental~~
19 ~~material used in))~~ Access their child's classroom and school
20 sponsored activities in order to observe class procedure, teaching
21 material, and class conduct as provided in RCW 28A.605.020;

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

26 ~~(ii))~~ Inspect and review the education records of their child
27 within a reasonable period of time, but not more than 45 days, of
28 submitting a request in accordance with the federal family
29 educational rights and privacy act and RCW 28A.605.030;

30 (i) Parents ~~((or))~~ and legal guardians ~~((must))~~ choosing to
31 inspect and review their child's education records may not be
32 required by a public school to ~~((appear))~~: Appear in person for the
33 purposes of requesting ~~((or validating a request for their child's~~
34 ~~public school records.~~

35 ~~(iii) No charge may be imposed on a parent or legal guardian to~~
36 ~~receive such))~~ the education records, provided the public school can
37 ascertain the identity of the requestor; or pay a fee or other charge
38 to receive the education records electronically. Any fees or charges
39 required of parents or legal guardians by a public school for a paper
40 copy of ~~((such))~~ their child's education records must be reasonable

1 and set forth in the official policies and procedures of the public
2 school (~~district.~~
3 ~~(iv) Public school records include all of~~);
4 (ii) "Education records" include the following:
5 (A) Academic records of their child including, but not limited
6 to, grades, transcripts, and test and assessment scores in accordance
7 with RCW 28A.230.195;
8 (B) ~~((Medical or health records;~~
9 ~~(C) Records of any mental health counseling;~~
10 ~~(D))~~ Records of any ~~((vocational))~~ graduation, college, and
11 career counseling, including career and technical education
12 counseling;
13 ~~((E))~~ (C) Records of discipline, including expulsions and
14 suspensions under RCW 28A.600.015 and 28A.600.020;
15 ~~((F))~~ (D) Records of attendance, including unexcused absences
16 in accordance with RCW 28A.225.020; and
17 ~~((G))~~ (E) Records associated with ((a)) their child's screening
18 for ((learning challenges, exceptionalities, plans for an
19 individualized education program)) indications of or areas associated
20 with dyslexia under RCW 28A.320.260 and highly capable programs under
21 RCW 28A.185.030, and records for their child regarding the screening
22 for and operation of an individualized education program in
23 accordance with the federal individuals with disabilities education
24 act((r)) or a plan adopted under section 504 of the rehabilitation
25 act of 1973; ((and
26 ~~(H) Any other student-specific files, documents, or other~~
27 ~~materials that are maintained by the public school;~~
28 ~~(c) To receive prior notification when medical services are being~~
29 ~~offered to their child, except where emergency medical treatment is~~
30 ~~required. In cases where emergency medical treatment is required, the~~
31 ~~parent and legal guardian must be notified as soon as practicable~~
32 ~~after the treatment is rendered;~~
33 ~~(d) To receive notification when any medical service or~~
34 ~~medications have been provided to their child that could result in~~
35 ~~any financial impact to the parent's or legal guardian's health~~
36 ~~insurance payments or copays;~~
37 ~~(e) To receive notification when the school has arranged directly~~
38 ~~or indirectly for medical treatment that results in follow-up care~~
39 ~~beyond normal school hours. Follow-up care includes monitoring the~~

1 ~~child for aches and pains, medications, medical devices such as~~
2 ~~crutches, and emotional care needed for the healing process;~~

3 ~~(f) To receive immediate))~~ (c) Receive notification ((if)) at the
4 first opportunity, but in all cases within 48 hours of the school
5 district or public school receiving information that a criminal
6 action ((is deemed to have)) has been committed against their child
7 ((or by their child;

8 ~~(g) To receive immediate))~~ on school property during the school
9 day or their child has been detained based on probable cause of
10 involvement in criminal activity on school property during the school
11 day;

12 (d) Receive notification at the first opportunity, but in all
13 cases within 48 hours if law enforcement personnel question their
14 child during a custodial interrogation at the school during the
15 school day, except in cases where the parent or legal guardian has
16 been accused of abusing or neglecting the child;

17 ~~((h) To receive))~~ (e) Receive immediate notification if their
18 child is taken or removed from the public school campus ((without
19 parental permission, including to stay at a youth shelter or "host
20 home" as defined in RCW 74.15.020;

21 ~~(i) To receive assurance their child's public school will not~~
22 ~~discriminate against their child based upon the sincerely held~~
23 ~~religious beliefs of the child's family in accordance with chapter))~~
24 in violation of requirements under RCW 28A.605.010;

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

32 ~~((j) To receive))~~ (g) Receive written notice ((and the option))
33 from the school district in accordance with the federal protection of
34 pupil rights amendment about the opportunity to opt their child out
35 of any surveys, ((assignments, questionnaires, role-playing
36 activities, recordings of their child, or other student engagements
37 that include questions about any of the following:

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

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

1 ~~(iii) Any mental health~~) analyses, or evaluations that may
2 reveal information concerning:
3 (i) Political affiliations or beliefs of the student or the
4 student's parent;
5 (ii) Mental or psychological problems of the ~~((child or a family~~
6 ~~member; and~~
7 ~~(iv) All surveys, analyses, and evaluations subject to areas~~
8 ~~covered by the protection of pupil rights amendment of the family~~
9 ~~educational rights and privacy act;~~
10 ~~(k) To receive~~) student or the student's family;
11 (iii) Sex behaviors or attitudes;
12 (iv) Illegal, antisocial, self-incriminating, or demeaning
13 behavior;
14 (v) Critical appraisals of other individuals with whom
15 respondents have close family relationships;
16 (vi) Legally recognized privileged or analogous relationships,
17 such as those of lawyers, physicians, and ministers;
18 (vii) Religious practices, affiliations, or beliefs of the
19 student or the student's parent; or
20 (viii) Income, other than that required by law to determine
21 eligibility for participation in a program or for receiving financial
22 assistance under such program;
23 (h) Receive written notice from the public school and have the
24 option to opt their child out of ~~((instruction on topics associated~~
25 ~~with))~~ comprehensive sexual ~~((activity))~~ health education in
26 accordance with RCW 28A.300.475;
27 ~~((l) To receive)~~ (i) Receive from the public school the annual
28 school calendar, no later than 30 days prior to the beginning of the
29 school year, and to be notified in writing as soon as feasible of any
30 revisions to such calendar. Such calendar must be posted to the
31 public school's website and must include, at a minimum, student
32 attendance days and any known event that requires parent, legal
33 guardian, or student attendance outside of normal school days or
34 hours;
35 ~~((m) To receive)~~ (j) Receive in writing each year from the
36 public school or to view on the public school's website a
37 comprehensive listing of any required fee and its purpose and use and
38 a description of how economic hardships may be ~~((addressed;~~
39 ~~(n) To receive~~) considered in the administration of fees;

1 (k) Receive in writing each year from the public school or to
2 view on the public school's website a description of the public
3 school's required dress code or uniform established ((pursuant to))
4 in accordance with RCW 28A.320.140, if applicable, for students;
5 ((and

6 (e) To be)) (l) Be informed ((if)) by the public school of their
7 child's academic performance((, including whether their child is
8 provided a student learning plan under RCW 28A.655.270, is such that
9 it could threaten the child's ability to be promoted to the next
10 grade level and to be offered an in-person meeting with the child's
11 classroom teacher and principal to discuss any resources or
12 strategies available to support and encourage the child's academic
13 improvement)) in accordance with RCW 28A.150.240, 28A.230.195,
14 28A.655.230, 28A.320.203, and 28A.230.730, including, as applicable,
15 notifications about grade level advancement and meetings with the
16 child's classroom teacher to discuss any resources or strategies
17 available to support and encourage the child's academic improvement;

18 (m) File a complaint on behalf of their child under RCW
19 28A.600.477 relating to harassment, intimidation, and bullying;

20 (n) Have their child qualify for enrollment in a school district
21 if they are transferred to, or pending transfer to, a military
22 installation within the state in accordance with RCW 28A.225.216;

23 (o) Have their child qualify without a legal residence for
24 enrollment in a school district in accordance with RCW 28A.225.215;

25 (p) Have their child whose primary language is not English access
26 supplemental instruction and services through the transitional
27 bilingual instruction program in accordance with RCW 28A.150.220;

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

33 (r) Request enrollment for their child in a nonresident school
34 district in accordance with RCW 28A.225.220, 28A.225.225, and
35 28A.225.230;

36 (s) Be notified of unexcused absences and to engage in efforts to
37 eliminate or reduce their child's absences in accordance with RCW
38 28A.225.015, 28A.225.018, and 28A.225.020;

39 (t) Request, under RCW 28A.155.090, information about special
40 education programs and assistance for their child if their child is

1 eligible for but not receiving special education services, including
2 due to illness;

3 (u) Request an appeal to the superintendent of public instruction
4 under RCW 28A.155.080 if their child with disabilities has been
5 denied the opportunity of a special education program by a school
6 district; and

7 (v) Access special education due process hearings regarding their
8 child as required by RCW 28A.155.020.

9 (3) Notwithstanding anything to the contrary, a public school
10 shall not be required to release any records or information regarding
11 a student's (~~medical or health records or mental health counseling~~)
12 health care, social work, counseling, or disciplinary records to a
13 parent or legal guardian who is the defendant in a criminal
14 proceeding where the student is the named victim, or during the
15 pendency of an investigation of child abuse or neglect conducted by
16 any law enforcement agency or the department of children, youth, and
17 families where the parent or legal guardian is the target of the
18 investigation, unless the parent or legal guardian has obtained a
19 court order.

20 (4) (~~As used in this section "public~~) The definitions in this
21 subsection apply throughout this section unless the context clearly
22 requires otherwise.

23 (a) "Education records" means records that contain information
24 directly related to a student and are maintained by the public
25 school, except as otherwise provided in the federal family
26 educational rights and privacy act. "Education records" do not
27 include records that are kept in the sole possession of the maker,
28 are used only as a personal memory aid, and are not accessible or
29 revealed to any other person except a temporary substitute for the
30 maker of the record.

31 (b) "Public school" has the same meaning as in RCW 28A.150.010.

32 **PART FOUR**

33 **RETALIATION PROTECTIONS**

34 NEW SECTION. Sec. 401. A new section is added to chapter
35 28A.400 RCW to read as follows:

36 (1) School district employees and directors may not take an
37 adverse employment action against any employee of the school district
38 for:

1 (a) Supporting students in the exercise of their legal rights,
2 including their right to a learning environment with historically and
3 scientifically accurate information that: Includes the histories,
4 contributions, and perspectives of historically marginalized and
5 underrepresented groups as provided in RCW 28A.345.130; and provides
6 students with an appreciation for the contributions and perspectives
7 of diverse, global cultures; or

8 (b) Performing work in a manner consistent with RCW 28A.642.080,
9 28A.642.020, and 28A.605.005, and sections 101, 201, and 202 of this
10 act.

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

15 (a) Instructing students in a manner consistent with state
16 learning standards; or

17 (b) Using instructional materials approved in accordance with RCW
18 28A.320.230 that are culturally and experientially representative,
19 including materials on the study of the role and contributions of
20 individuals or groups that are part of a protected class under RCW
21 28A.642.010 and 28A.640.010.

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

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

33 PART FIVE

34 MISCELLANEOUS PROVISIONS

35 NEW SECTION. **Sec. 501.** This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of

1 the state government and its existing public institutions, and takes
2 effect immediately.

--- **END** ---