
HOUSE BILL 2440

State of Washington

69th Legislature

2026 Regular Session

By Representatives Santos and Scott

Read first time 01/13/26. Referred to Committee on Education.

1 AN ACT Relating to records maintained by the office of the
2 education ombuds; and amending RCW 43.06B.040.

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

4 **Sec. 1.** RCW 43.06B.040 and 2013 c 23 s 85 are each amended to
5 read as follows:

6 (1)(a) The education ombuds shall treat as confidential all
7 matters and information received in the course of performing the
8 duties of the office of the education ombuds, including the
9 ((identities)) identifying information of students, complainants, and
10 individuals from whom information is ((acquired, as confidential,
11 except as necessary to enable the education ombuds)) obtained. The
12 education ombuds may disclose information only to the extent
13 disclosure is necessary to perform the duties of the office((. Upon
14 receipt of information that by law is confidential or privileged,
15 the)), as otherwise authorized by this section, or as otherwise
16 required or permitted by applicable state or federal law.

17 (b) Notwithstanding (a) of this subsection (1), the education
18 ombuds shall maintain the confidentiality of ((such information and
19 shall)) any information received that is confidential or privileged
20 under state or federal law and may not further disclose or

1 disseminate the information except as (~~provided~~) required or
2 permitted by applicable state or federal law.

3 (c) Records and files maintained by the education ombuds related
4 to complaints are confidential and are exempt from public disclosure
5 under chapter 42.56 RCW.

6 (2) Identifying information about students, complainants, and
7 individuals from whom information is obtained in connection with a
8 complaint:

9 (a) Is not subject to subpoena, discovery, or other compulsory
10 process; and

11 (b) May not be disclosed to any person or entity except under the
12 following circumstances:

13 (i) The complainant or the individual whose identifying
14 information is at issue provides written consent to disclosure;

15 (ii) Compliance with a legislative subpoena issued in connection
16 with a legislative investigation into alleged neglect of duty or
17 misconduct by the education ombuds or the office of the education
18 ombuds, provided that the identifying information is necessary to the
19 investigation; or

20 (iii) Compliance with a request from the governor made in
21 connection with an inquiry into alleged neglect of duty or misconduct
22 by the education ombuds or office of the education ombuds, provided
23 that the identifying information is necessary to the inquiry.

24 (3) Upon written request, the education ombuds shall provide a
25 complainant access to the complainant's own complaint and other
26 records maintained by the office of the education ombuds that both
27 contain the complainant's identifying information and relate to the
28 complaint.

29 (a) Before providing access under this subsection (3), the
30 education ombuds shall redact: (i) Identifying information of any
31 other individual; and (ii) information that is confidential or
32 privileged under state or federal law.

33 (b) A written request under this subsection (3) does not
34 constitute written consent to disclose under subsection (2)(b) of
35 this section nor does it make the records subject to disclosure under
36 chapter 42.56 RCW.

37 (4) Nothing in this section may be construed to prohibit the
38 education ombuds from disclosing deidentified data, without written
39 consent, to the education data center established under RCW

1 43.41.400, consistent with applicable security and confidentiality
2 requirements.

3 (5) For purposes of this section, "identifying information" means
4 information that, alone or in combination, is linked or reasonably
5 linkable to a specific individual associated with the complaint or
6 the underlying incident, and that would permit a reasonable person in
7 the school community, who lacks personal knowledge of the relevant
8 circumstances, to identify the individual.

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