CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1296

Chapter 369, Laws of 2025

69th Legislature
2025 Regular Session

PUBLIC EDUCATION SYSTEM—RIGHTS

EFFECTIVE DATE: May 20, 2025—Except for section 308, which takes effect August 1, 2025.

Passed by the House April 24, 2025
Yeas 59 Nays 39

LAURIE JINKINS

Speaker of the House of Representatives

Passed by the Senate April 11, 2025
Yeas 30 Nays 19

DENNY HECK

President of the Senate

Approved May 20, 2025 9:37 AM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1296** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 21, 2025

Secretary of State
State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1296

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

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.

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; amending RCW 28A.642.010, 28A.230.094, 43.06B.070, 28A.300.286, 28A.343.360, 28A.710.185, 28A.605.005, 28A.320.160, and 28A.400.317; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.642 RCW; adding a new section to chapter 28A.230 RCW; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; adding a new section to chapter 28A.400 RCW; creating new sections; providing an effective date; and declaring an emergency.

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

PART ONE
PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, AND PRIVACY

NEW SECTION. **Sec. 101.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) It is the policy of the state of Washington that policies and procedures adopted by school districts under this title must

prioritize the protection of every student's safety, access to an academic environment free of discrimination, access to the state's statutory program of basic education as defined in RCW 28A.150.203, and privacy, to the fullest extent possible, except as required by state or federal law. This policy serves as a supplement to school district policies and procedures established under this title, both before and after the effective date of this section, and must be considered an integral part of those school district policies and procedures.

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

(3) The office of the superintendent of public instruction may enforce and obtain compliance with subsection (1) of this section by using the process established in section 303 of this act to the extent there is a valid complaint and subsequent finding of willful noncompliance with state law as defined in section 302 of this act.

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

NEW SECTION. **Sec. 102.** A new section is added to chapter 28A.642 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ethnicity" means a connection to a population group that shares a common cultural heritage or ancestry.

(2) "Gender expression" means the external appearance of one's gender identity, usually expressed through behavior, clothing, body characteristics, or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.

(3) "Gender identity" means a person's internal sense of being male, female, both, neither, or in-between, independent of how it is expressed or perceived by others.

(4) "Homelessness" means without a fixed, regular, and adequate nighttime residence, including circumstances such as sharing the housing of other persons due to loss of housing, economic hardship, fleeing domestic violence, or a similar reason as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(5) "Immigration or citizenship status" has the same meaning as defined in RCW 43.17.420.

(6) "Neurodivergence" means neurological differences including, but not limited to, autism spectrum disorder, dyslexia, and attention deficit hyperactivity disorder. Neurodivergent individuals may or may not identify as disabled.

(7) "Sexual orientation" means an individual's enduring pattern of romantic, emotional, or sexual attraction to people of the same gender, a different gender, or multiple genders.

Sec. 103. RCW 28A.642.010 and 2010 c 240 s 2 are each amended to read as follows:

Discrimination in Washington public schools on the basis of race, ethnicity, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation ((~~including~~)), gender expression ((~~or~~)), gender identity, homelessness, immigration or citizenship status, the presence of any sensory, mental, or physical disability, neurodivergence, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter except as provided in section 102 of this act and unless the context clearly requires otherwise.

PART TWO
THE STATEMENT OF STUDENT RIGHTS

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

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

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

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

(1)(a)(i) Each school district, charter school, and state-tribal education compact school shall develop student-focused educational and promotional materials that incorporate the statement of student rights provided by this section. A link to the materials must be made available on school district, charter school, and state-tribal education compact school websites, social media platforms, and other communication channels used by students.

(ii) The materials described in this subsection must also be incorporated into civics education materials and resources provided to students in accordance with RCW 28A.230.094.

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

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

(a) Public school students are the beneficiaries of the foundational principles of individual liberty and equality, as established in the Declaration of Independence, and are entitled to numerous rights and protections under the Constitution of the United States, the Constitution of the state of Washington, and federal and state laws and regulations.

(b) These rights and protections include, but are not limited to, the following:

(i) The right to access an amply funded program of basic education, established pursuant to Article IX of the Constitution of the state of Washington, that provides an opportunity to develop the knowledge and skills necessary to meet state-established graduation requirements, which are intended to provide students with the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship as established in RCW 28A.150.200;

(ii) The right to learn in a safe, supportive learning environment, free from harassment, intimidation, or bullying and the right to file a complaint under RCW 28A.600.477 if they are subject to this behavior;

(iii) The right to access an academic environment free of discrimination according to the provisions established in chapters 28A.640, 28A.642, and 49.60 RCW;

(iv) The right to exercise constitutionally protected freedoms as established in the United States and Washington state Constitutions and as further interpreted in applicable case law including, but not limited to, the freedoms of speech, assembly, and exercise of religion;

(v) The right, in accordance with RCW 28A.300.286 and 28A.600.010, to receive copies of all school policies and procedures related to students including, but not limited to: Student conduct; nondiscrimination rules; antiharassment, intimidation, and bullying rules; discipline rules and rules related to due process rights for disciplinary actions; and the opportunity to receive educational services;

(vi) The right of students with qualifying disabilities to receive special education and related services that address their individual needs in accordance with federal law and chapter 28A.155 RCW;

(vii) The right of youth to access education programs while residing in institutional education facilities, including adult correctional facilities, in accordance with RCW 28A.150.200 and chapters 28A.190 and 28A.193 RCW;

(viii) The right of qualified students to use education facilities and services established under chapter 72.40 RCW and funded for the benefit of persons who are deaf, blind, or both; and

(ix) The right to access academic courses and instructional materials with historically and scientifically accurate information that includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups in accordance with RCW 28A.345.130.

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

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

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

Sec. 203. RCW 28A.230.094 and 2020 c 208 s 9 are each amended to read as follows:

(1)(a) Beginning with or before the 2020-21 school year, each school district that operates a high school must provide a mandatory one-half credit stand-alone course in civics for each high school student. Except as provided by (c) of this subsection, civics content and instruction embedded in other social studies courses do not satisfy the requirements of this subsection.

(b) Credit awarded to students who complete the civics course must be applied to course credit requirements in social studies that are required for high school graduation.

(c) Civics content and instruction required by this section may be embedded in social studies courses that offer students the opportunity to earn both high school and postsecondary credit.

(2) The content of the civics course must include, but is not limited to:

(a) Federal, state, tribal, and local government organization and procedures;

(b) Rights and responsibilities of citizens addressed in the Washington state and United States Constitutions, including the statement of student rights and materials delineated in section 202 of this act;

(c) Current issues addressed at each level of government;

(d) Electoral issues, including elections, ballot measures, initiatives, and referenda;

(e) The study and completion of the civics component of the federally administered naturalization test required of persons seeking to become naturalized United States citizens; and

(f) The importance in a free society of living the basic values and character traits specified in RCW 28A.150.211.

(3) By September 1, 2020, the office of the superintendent of public instruction, in collaboration with the Washington state association of county auditors and a 501(c)(3) nonprofit organization engaged in voter outreach and increasing voter participation, shall identify and make available civics materials and resources for use in courses under this section. The materials and resources must be posted on the office of the superintendent of public instruction's website.

NEW SECTION. **Sec. 204.** Sections 201 through 203 of this act may be known and cited as the statement of student rights act.

PART THREE
ENSURING PROTECTION OF STUDENTS' SAFETY, EDUCATION ACCESS, CIVIL RIGHTS, AND PRIVACY

NEW SECTION. **Sec. 301.** (1) The legislature acknowledges and supports the importance of local control for school district governance. Local school boards and superintendents are in the best position to effectively and quickly respond to the needs of their communities. However, local control is not absolute and must also be balanced against the need to ensure all students have access to a healthy, safe learning environment that celebrates and protects their diversity and civil rights. There are certain areas of state law that are critically important to ensuring every student has equal access to this type of supportive and responsive learning environment.

(2) The legislature is aware that some school districts are intentionally not complying with certain requirements in state law and that this noncompliance is negatively impacting students. School board members and superintendents are uniquely responsible for ensuring that their school district is in compliance with those state laws and members of the school district should have a mechanism to hold those individuals accountable if state laws are not followed.

(3) The legislature therefore intends to establish a complaint process for students, parents, and community members to address

willful noncompliance with certain state laws that are necessary for protecting the health, safety, and civil rights of students in order to ensure every student has access to a positive learning environment.

NEW SECTION. **Sec. 302.** Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 303 through 305 of this act.

(1) "Broad complaint" means a complaint that impacts an entire student body, an entire subgroup of students within a student body, an entire school, or an entire school district.

(2) "Limited complaint" means a complaint that impacts one or more individual students.

(3) "Negligent" means the failure to exercise ordinary care by a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors, and the actor knew or reasonably should have known that the failure to exercise ordinary care would result in noncompliance with state law as defined in this section.

(4) "Noncompliance with state law" means action or inaction by a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors, that results in noncompliance with the following state laws, which are intended to ensure academic rights and protections for students in the educational environment:

(a) State civil rights and nondiscrimination, including the nondiscrimination and sexual equality laws and model policy and procedure requirements related to protecting students' rights as established in chapters 28A.640 and 28A.642 RCW;

(b) "Harassment, intimidation, or bullying" requirements as established in RCW 28A.600.477;

(c) Curriculum requirements as described in RCW 28A.150.230, 28A.300.475, and 28A.320.170; the policies and procedures related to the selection or deletion of instructional materials required in RCW 28A.320.230; and the review and removal of supplemental instructional materials required in RCW 28A.320.235;

(d) The use of restraint or isolation on a student as described in RCW 28A.600.485; or

(e) Student discipline as described in chapter 28A.600 RCW.

(5) "Willful" means nonaccidental action or inaction by a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors, that the actor knew or reasonably should have known would result in noncompliance with state law.

NEW SECTION. **Sec. 303.** (1) By July 1, 2026, the office of the superintendent of public instruction must establish a process to investigate and secure equitable resolutions for two types of complaints alleging willful noncompliance with the state laws listed in section 302(4) of this act:

(a) Limited complaints; and

(b) Broad complaints.

(2)(a)(i) Any student who is enrolled in the school district or any parent or legal guardian who has a student enrolled in the school district may file a limited or broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 302(4) of this act.

(ii) Anyone residing within the boundaries of the school district may file a broad complaint with the office of the superintendent of public instruction alleging willful noncompliance with a state law listed in section 302(4) of this act.

(b) Limited and broad complaints may be filed against a local school district superintendent, a local school district board of directors, or an individual member or members of a board of directors.

(c) Before a person may file a complaint with the office of the superintendent of public instruction, the person must exhaust available complaint procedures, if such procedures exist, including procedures established under state law including, but not limited to, RCW 28A.320.124, 28A.320.230, 28A.410.090, 28A.600.477, 28A.640.020, and 28A.642.030, and local policy and procedure. If there are no complaint procedures available, the person who intends to file the complaint must provide notice of the complaint to the local school district superintendent before filing the complaint with the office of the superintendent of public instruction.

(3)(a) The office of the superintendent of public instruction must adopt rules that ensure due process regarding the complaint process, timelines, compliance action plans, and consequences established under this section and sections 304 and 305 of this act.

(b)(i) The office of the superintendent of public instruction must consult with the state board of education to build a connection between the rules adopted under this subsection and the state board of education's rules on basic education compliance established under RCW 28A.150.220 for complaints regarding willful noncompliance with curriculum requirements as described in section 302(4)(c) of this act.

(ii) The office of the superintendent of public instruction must consult with the office of the education ombuds about how to include the complaint process established under this section into the simple and uniform access point for the receipt of complaints created under RCW 43.06B.070.

(c) The office of the superintendent of public instruction may adopt rules to expedite the investigation of complaints related to an immediate health or safety concern.

(d) The office of the superintendent of public instruction may not take action against a school district or school district superintendent under the provisions established in section 305 of this act unless there is evidence that the school district superintendent, school district board of directors, or individual member or members of a board of directors acted in a willful manner or the school district has received a second notice of continued noncompliance.

NEW SECTION. **Sec. 304.** (1)(a) Upon receipt of a complaint filed under section 303 of this act, the office of the superintendent of public instruction must make an initial determination as to whether the complaint reasonably contains enough facts to allege noncompliance with state law as defined in section 302 of this act and whether other available complaint procedures have been exhausted as required by section 303 of this act.

(b) If the requirements in (a) of this subsection are met, the office of the superintendent of public instruction shall conduct a full investigation of the allegations in the complaint.

(c) If the requirements in (a) of this subsection are not met, the office of the superintendent of public instruction shall notify the complainant of that finding and is not required to investigate further.

(2)(a) If, after a full investigation as required under subsection (1)(b) of this section, the office of the superintendent

of public instruction finds noncompliance with state law, but determines the noncompliance is not willful, the office of the superintendent of public instruction shall provide the school district with a first notice stating its determination of noncompliance and identify corrective actions and a timeline that the school district may take to come into compliance.

(b) If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the office of the superintendent of public instruction shall provide the school district a second notice stating that continued failure to comply with corrective actions may result in consequences as established in section 305 of this act. Upon receipt of a second notice, the school district superintendent and school district board of directors must adopt and submit a compliance action plan to the office of the superintendent of public instruction for approval. The compliance action plan must describe how the school district will implement the corrective actions identified by the office of the superintendent of public instruction. Unless otherwise required by subsection (4) of this section, the compliance action plan must be submitted under a timeline as required by the office of the superintendent of public instruction.

(c) Before submitting the compliance action plan to the office of the superintendent of public instruction for approval, the school district board of directors must hold a public meeting to present the proposed compliance action plan to the community and allow for public comment on the proposed plan. For all such public meetings, individual students may not be identified without their consent, and the public meetings and materials prepared for such meetings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(3)(a) If, after a full investigation as required under subsection (1)(b) of this section, the office of the superintendent of public instruction finds willful noncompliance with state law, the office of the superintendent of public instruction shall provide the school district with a first notice stating its determination of willful noncompliance and identify corrective actions and a timeline that the school district may take to come into compliance. Upon receipt of the first notice, the school district board of directors shall hold a public meeting to present the finding of willful noncompliance with state law, the identified corrective actions and

timeline for those actions, and take public comment on what additional actions the public thinks may be needed to come into compliance with state law.

(b) If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the office of the superintendent of public instruction shall provide the school district a second notice stating that continued failure to comply with corrective actions may result in consequences as established in section 305 of this act. Upon receipt of a second notice, the school district superintendent and school district board of directors must adopt and submit a compliance action plan to the office of the superintendent of public instruction for approval. The compliance action plan must describe how the school district will implement the corrective actions identified by the office of the superintendent of public instruction. Unless otherwise required by subsection (4) of this section, the compliance action plan must be submitted under a timeline as required by the office of the superintendent of public instruction. The compliance action plan must be developed in collaboration with the office of the superintendent of public instruction. In developing the compliance action plan, the school district must provide school district administrators, teachers, and other staff, parents of children attending a school within the school district, unions representing employees within the school district, students from the school district, and other impacted communities as appropriate with an opportunity to provide input on the development of the plan.

(c) Before submitting the compliance action plan to the office of the superintendent of public instruction for approval, the school district board of directors must hold a public meeting to present the proposed compliance action plan to the community and allow for public comment on the proposed plan. For all such public meetings, individual students may not be identified without their consent, and the public meetings and materials prepared for such meetings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

(d) After submission and approval of the compliance action plan, the school district shall conduct additional public meetings with an opportunity for public comment at least once every six months to present school district progress on implementation of the compliance

action plan until the superintendent of public instruction finds that the school district has come into compliance with state law.

(4) A compliance action plan developed under this section must, at a minimum, include the following:

(a) A description of the changes in the school district's or school's existing policies, structures, agreements, processes, and practices needed to come into compliance with state law; and

(b) The timeline for coming into compliance with state law.

(5) Compliance action plans must be developed in accordance with chapters 41.56 and 41.59 RCW where applicable.

(6) The office of the superintendent of public instruction may develop and publish additional guidelines for the development of compliance action plans as required by this section for use by school districts.

NEW SECTION. **Sec. 305.** (1) The office of the superintendent of public instruction may impose any of the following consequences on a school district if the district has been sent a second notice under the provisions of section 304 of this act:

(a) Require the school district to adopt or readopt policies and procedures to come into compliance with state law;

(b) Find that a local school district superintendent committed an act of unprofessional conduct under section 309 of this act and may be held accountable for such conduct under rules established under section 309 of this act; and

(c) As a last resort, withhold and redirect up to 20 percent of state funds allocated to the school district for basic education to support the compliance action plan required in section 304 of this act until the office of the superintendent of public instruction finds that the school district has come into compliance with state law. The office of the superintendent of public instruction must consider the school district's overall financial health when determining the amount of funds to withhold and redirect under this subsection. Written notice of the intent to withhold and redirect state funds, with reasons stated for this action, must be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld and redirected.

(2) Willful or negligent noncompliance with state law constitutes a violation of the oath of office under RCW 29A.56.110, and a member

of a board of directors may be subject to recall and discharge under chapter 29A.56 RCW.

(3) Sections 303 and 304 of this act and this section do not restrict any existing authority the office of the superintendent of public instruction has to enforce compliance with state law, including health and safety requirements.

(4) Any party to a complaint may file a notice of appeal with the office of the superintendent of public instruction within 30 days of the final decision. An administrative law judge of the office of administrative hearings will hear and determine the appeal. Appeal proceedings must be conducted pursuant to chapter 34.05 RCW. An appeal of the administrative law judge's determination or order shall be to the superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

NEW SECTION. **Sec. 306.** The office of the superintendent of public instruction may enact rules for implementation of sections 302 through 305, 312, and 313 of this act.

Sec. 307. RCW 43.06B.070 and 2024 c 219 s 1 are each amended to read as follows:

(1) By July 1, 2025, and in compliance with this section, the office of the education ombuds shall create a simple and uniform access point for the receipt of complaints involving the elementary and secondary education system. The purpose of the access point is to provide a single point of entry for complaints to be reported and then referred to the most appropriate individual or entity for dispute resolution at the lowest level of intercession.

(2) Any individual who has firsthand knowledge of a violation of federal, state, or local laws, policies or procedures, or of improper or illegal actions related to elementary or secondary education and performed by an employee, contractor, student, parent or legal guardian of a student, or member of the public may submit a complaint to the office of the education ombuds.

(3)(a) The office shall delineate a complaint resolution and referral process for reports received through the access point. The process must:

(i) Require that the office of the education ombuds assign a unique identifier to a complaint upon receipt before referring the

complaint to the appropriate individual or entity for dispute resolution at the lowest level of intercession;

(ii) Link to all existing relevant complaint and investigative processes, such as the special education community complaint process, the discrimination complaint process, the process for reporting complaints related to harassment, intimidation, and bullying, the complaint process established under section 303 of this act, and the complaint and investigation provisions under RCW 28A.410.090 and 28A.410.095; and

(iii) Discourage frivolous complaints and complaints made in bad faith.

(b) The establishment of a process as required in this section does not confer additional authority to the office of the education ombuds to mitigate or oversee disputes.

(4) The office of the education ombuds, in collaboration with the office of the superintendent of public instruction, must develop protocols for the receipt, resolution, and referral of complaints and must design a communications plan to inform individuals who report complaints through the access point about the steps in the complaint resolution and referral process, including when to expect a response from the individual or entity charged with resolving the complaint.

(5) For the purposes of this section, "employee" or "contractor" means employees and contractors of the state educational agencies, educational service districts, public schools as defined in RCW 28A.150.010, the state school for the blind, and the center for deaf and hard of hearing youth.

Sec. 308. RCW 28A.300.286 and 2023 c 242 s 1 are each amended to read as follows:

(1) The office of the superintendent of public instruction shall develop, and periodically update, model student handbook language that includes information about ((~~policies~~)):

(a) Policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and information about policies and complaint procedures related to harassment, intimidation, and bullying, as well as the overlap between the policies and complaint procedures((~~. The model student handbook language must also include a~~));

(b) A description of the services available through the office of the education ombuds and the contact information for the office of the education ombuds; and

(c) The complaint process established under section 303 of this act.

(2) The model student handbook language must be aligned with existing requirements in state law including chapters 28A.640 and 28A.642 RCW and RCW 28A.600.477 and 28A.600.510. The model student handbook language must be jointly developed with the Washington state school directors' association, and in consultation with the office of the education ombuds. The model student handbook language must be posted publicly on the office of the superintendent of public instruction's website beginning July 1, 2024.

((~~(2)~~)) (3) Beginning with the 2024-25 school year, each school district must include the model student handbook language developed under subsection (1) of this section in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any school's website, if a school or the school district maintains a website. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language developed under subsection (1) of this section to each student, parent, employee, and volunteer at least annually.

NEW SECTION. **Sec. 309.** A new section is added to chapter 28A.410 RCW to read as follows:

(1) The Washington professional educator standards board must adopt rules that make a local school district superintendent's or chief administrator's willful noncompliance with state law an act of unprofessional conduct and provide that a superintendent or chief administrator, whether certificated or not, may be held accountable for such conduct under rules established under this section. It is a defense to a finding of willful noncompliance with state law if the superintendent or chief administrator can show that they were actively attempting to bring the school district, charter school, or state-tribal education compact school into compliance with the applicable state law.

(2) For the purposes of this section, "willful" and "noncompliance with state law" have the same meaning as in section 302 of this act.

Sec. 310. RCW 28A.343.360 and 1990 c 33 s 314 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and the laws of the state of Washington and to faithfully discharge the duties of the office according to the best of his or her ability. In case any official has a written appointment or commission, the official's oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the county auditor. Every person elected to the office of school director shall begin his or her term of office at the first official meeting of the board of directors following certification of the election results.

Sec. 311. RCW 28A.710.185 and 2023 c 356 s 11 are each amended to read as follows:

(1)(a) By November 1, 2023, the commission shall establish and maintain on its website an online system for students who attend charter schools, and the parents of those students, to submit complaints about the operation and administration of one or more charter schools, including complaints about the provision of education services and complaints alleging noncompliance with the requirements of this chapter or other provisions governing charter schools.

(b)(i) The commission shall acknowledge the receipt of each received complaint within 10 business days and shall, in a timely manner, perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint, unless the complaint is alleging willful noncompliance with state law as defined in section 302 of this act.

(ii) After determining that a person has exhausted any available complaint procedures in accordance with section 303(2)(c) of this act, the commission shall forward any complaints alleging willful noncompliance with state law as defined in section 302 of this act to the office of the superintendent of public instruction and these

complaints must follow the process established under sections 303 through 305 of this act.

(2) The commission shall adopt and revise as necessary rules to implement this section.

NEW SECTION. **Sec. 312.** A new section is added to chapter 28A.710 RCW to read as follows:

(1) Except as provided otherwise by this section, sections 302 through 305 of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

(2) Section 302(4) of this act governs school operation and management under RCW 28A.710.040 and applies to charter schools to the extent that a statute or chapter listed in section 302(4) of this act applies to charter schools under RCW 28A.710.040.

NEW SECTION. **Sec. 313.** A new section is added to chapter 28A.715 RCW to read as follows:

(1) Except as provided otherwise by this section, sections 302 through 305 of this act govern school operation and management under RCW 28A.715.020 and apply to state-tribal education compact schools subject to this chapter to the same extent as it applies to school districts.

(2) Section 302(4) of this act governs school operation and management under RCW 28A.715.020 and applies to state-tribal education compact schools subject to this chapter to the extent that a statute or chapter listed in section 302(4) of this act applies to state-tribal education compact schools under RCW 28A.715.020.

NEW SECTION. **Sec. 314.** Sections 302 through 305 of this act are each added to chapter 28A.300 RCW.

NEW SECTION. **Sec. 315.** Section 308 of this act takes effect August 1, 2025.

PART FOUR
RETALIATION PROTECTIONS

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

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

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

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

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

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

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

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

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

PART FIVE
RIGHTS OF PARENTS AND LEGAL GUARDIANS

Sec. 501. RCW 28A.605.005 and 2024 c 4 s 1 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) To have their child receive a public education in a setting in which discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use

of a trained dog guide or service animal by a person with a disability is prohibited under chapters 28A.640 and 28A.642 RCW;

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

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

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

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

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

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

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

(iii) Sex behavior and attitudes;

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

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

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

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

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

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

((~~(l)~~)) (j) To receive from the public school the annual school calendar, no later than 30 days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any

revisions to such calendar. Such calendar must be posted to the public school's website and must include, at a minimum, student attendance days and any known event that requires parent, legal guardian, or student attendance outside of normal school days or hours;

((~~(m)~~)) (k) To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be ((~~addressed;~~

~~(n)~~)) considered in the administration of fees;

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

~~(o)~~)) (m) To be informed if their child's academic ((~~performance, including whether their child is provided a student learning plan under RCW 28A.655.270~~)) progress, including the right to receive periodic reports on their child's educational growth and development in accordance with RCW 28A.150.240 and to receive notice of their child's performance on state learning standards tests and assessments in accordance with RCW 28A.230.195, and whether the performance, is such that it could threaten the child's ability to be promoted to the next grade level ((~~and to be offered~~)). A parent or legal guardian also has the right to request an in-person meeting with the child's classroom teacher and principal to discuss any resources or strategies available to support and encourage the child's academic improvement;

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

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

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

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

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

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

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

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

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

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

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

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

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

PART SIX

MISCELLANEOUS PROVISIONS

Sec. 601. RCW 28A.320.160 and 2005 c 274 s 244 are each amended to read as follows:

((~~School districts must, at the first opportunity but in all cases within forty-eight hours of receiving a report alleging sexual misconduct by a school employee, notify the parents of a student alleged to be the victim, target, or recipient of the misconduct.~~))

(1) After receiving a report of an allegation that a student is a victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or school contractor, the school district must immediately notify the parents or legal guardians of that student.

(2) School districts shall provide parents and legal guardians with information regarding their rights under the public records act, chapter 42.56 RCW, to request the public records regarding school employee discipline. This information ((~~shall~~)) must be provided to all parents and legal guardians on an annual basis.

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

Sec. 602. RCW 28A.400.317 and 2013 c 10 s 4 are each amended to read as follows:

(1) A certificated or classified school employee or school contractor who has knowledge or reasonable cause to believe that a student has been a victim, target, or recipient of physical or sexual abuse ((~~or~~)), sexual misconduct, or assault by another school employee or contractor, shall report such abuse ((~~or~~)), misconduct, or assault to the appropriate school administrator. The school administrator shall cause a report to be made to the proper law enforcement agency if he or she has reasonable cause to believe that the sexual misconduct ((~~or~~)), physical or sexual abuse, or assault has occurred as required under RCW 26.44.030. During the process of making a reasonable cause determination, the school administrator shall contact all parties involved in the complaint and immediately notify parents and legal guardians as required by RCW 28A.320.160.

(2) Certificated and classified school employees shall receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years

thereafter. The training required under this subsection may be incorporated within existing training programs and related resources.

(3) Nothing in this section changes any of the duties established under RCW 26.44.030.

NEW SECTION. **Sec. 603.** Except for section 308 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Passed by the House April 24, 2025.
Passed by the Senate April 11, 2025.
Approved by the Governor May 20, 2025.
Filed in Office of Secretary of State May 21, 2025.

--- END ---