

# HOUSE BILL REPORT

## ESHB 1296

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### As Passed Legislature

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

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

**Sponsors:** House Committee on 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).

### Brief History:

#### Committee Activity:

Education: 1/23/25, 1/30/25 [DPS].

#### Floor Activity:

Passed House: 3/12/25, 56-37.

Senate Amended.

Passed Senate: 4/11/25, 30-19.

House Concurred.

Passed House: 4/24/25, 59-39.

Passed Legislature.

### Brief Summary of Engrossed Substitute Bill

- Requires school district, charter school, and state-tribal education compact school (STEC) policies and procedures to prioritize the protection of students' safety, access to a discrimination-free academic environment, access to the program of basic education, and privacy.
- Makes changes to delineated rights of parents and legal guardians of public school children.
- Directs the Office of the Superintendent of Public Instruction (OSPI) to

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

establish a process for receiving and investigating complaints alleging willful noncompliance with certain state laws and permits the OSPI to impose resulting penalties.

- Modifies the list of protected classes in nondiscrimination provisions that apply to public schools.
- Establishes a statement of student rights and associated duties for school districts, charter schools, and STECs.
- Establishes retaliation protections for public school employees supporting students in the exercise of their legal rights and performing work in accordance with certain requirements.

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## HOUSE COMMITTEE ON EDUCATION

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

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

**Staff:** Ethan Moreno (786-7386).

### **Background:**

#### Declaration of Parental and Legal Guardian Rights.

Legislation enacted in 2024 (Initiative Measure No. 2081) declared parents and legal guardians of public school children younger than age 18 to have 15 specified rights. The delineated rights related to: receiving or being notified of academic, medical, campus removal, and law enforcement matters; examining and inspecting certain materials and records; and opting their children out of certain activities.

#### Examining and Inspecting Instructional Materials and Student Records.

In accordance with the 2024 legislation, parents and legal guardians of public school children younger than age 18 have the right to examine the textbooks, curriculum, and supplemental material used in their child's classroom. Parents and legal guardians also have the right to inspect their child's public school records and to receive a copy of their child's records within 10 business days of submitting a written request, either electronically or on paper.

For purposes of the inspection and copying right, public school records include eight

classifications of records:

- academic records including, but not limited to, test and assessment scores;
- medical or health records;
- records of any mental health counseling;
- records of any vocational counseling;
- records of discipline, including expulsions and suspensions;
- records of attendance, including unexcused absences;
- 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 federal Rehabilitation Act of 1973; and
- any other student-specific files, documents, or other materials maintained by the public school.

#### Parental and Legal Guardian Notification.

State laws establish numerous requirements for notifying the parents and legal guardians of children enrolled in public schools related to academic, medical, campus removal, and law enforcement matters, and opting their children out of certain activities. Some notification requirements are expressly established in statute as parental and legal guardian rights. Examples of those, by classification type, are described below.

##### *Academic.*

- To be informed of their child's academic performance, including 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 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.

##### *Medical.*

- 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.
- 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.
- 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.

##### *Removal from School Campus.*

- 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.

#### *Law Enforcement.*

- To receive immediate notification if a criminal action is deemed to have been committed against or by their child.
- To receive immediate notification if law enforcement personnel question their child, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child.

#### *Nondiscrimination.*

- 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 state nondiscrimination laws applying to public schools.

#### *Opt-Out.*

- To receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with provisions governing comprehensive sexual health education.
- 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:
  - the child's sexual experiences or attractions;
  - the child's family beliefs, morality, religion, or political affiliations;
  - any mental health or psychological problems of the child or a family member; and
  - all surveys, analyses, and evaluations subject to areas covered by the federal Protection of Pupil Rights Amendment.

#### Student Education Records: Privacy and Parental Access Rights.

Federal laws protect the privacy of children's education records in public schools and provide parental access to those records. State laws either follow or are more protective of children's privacy than federal laws.

The federal Family Educational Rights and Privacy Act (FERPA) gives parents the right to inspect and review the public school education records of their minor children within 45 days of requesting access to the records, unless a court order, state statute, or other legally binding document specifically revokes this right. If circumstances effectively prevent a parent from exercising this right, the school must either provide the parent with a copy of the requested records or make other arrangements for the parent to access the records.

Under state law, the parent or legal guardian of a student has the right to review all education records of the student, which are comprised of academic, attendance, and disciplinary records. Additionally, school district boards of directors must establish a procedure in conformity with FERPA for granting a request by a parent or legal guardian for access to the education records of their child, and prohibiting the release of student

information without the written consent of the student's parent or legal guardian.

Protection of Pupil Rights Amendment.

The federal Protection of Pupil Rights Amendment (PPRA) requires public schools to notify parents and legal guardians and offer the option to opt their children out of the administration of surveys, analyses, and evaluations that may reveal certain information about the child or parent, such as: political or religious beliefs, psychological problems, or sex attitudes. The PPRA also requires that certain instructional materials used in connection with the surveys, analyses, and evaluations be available for inspection by parents.

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

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

Alleged Sexual Misconduct by School Employee: Notification Requirements.

School districts must, at the first opportunity but in all cases within 48 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. School districts must also provide parents with information regarding their rights under Washington's Public Records Act to request the public records regarding school employee discipline.

Physical Abuse or Sexual Misconduct by School Employees: Reporting Requirements.

School employees who have knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee must report the abuse or misconduct to the appropriate school administrator. The school administrator, as required by statutory provisions governing mandatory reporting obligations, must cause a report to be made to the proper law enforcement agency if the administrator has reasonable cause to believe that the misconduct or abuse has occurred.

Professional school personnel are also required to report all suspected child abuse and neglect, which includes sexual abuse and assault, to law enforcement or the Department of Children, Youth, and Families.

Public School Employees: Employment Protections.

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

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

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

#### Private Right of Action.

A private right of action is the right of a person to bring a civil legal claim in court to obtain a remedy for a specific harm to that person. Private rights of action can be created and recognized by the courts or through legislation. Examples of statutory private rights of action include the right to obtain legal relief for violations of the Washington Consumer Protection Act and the WLAD.

#### Complaints and Investigations Generally.

There are several complaint and investigation processes related to public school employees and students, for example: the special education community complaint process; discrimination complaint processes; the process for making complaints related to student harassment, intimidation, and bullying (HIB); and the complaint and investigation provisions related to revocation or suspension of educator certificates, such as for sexual misconduct towards a child. Some complaints may be made directly to the local school district superintendent or school district board of directors, while other complaints must be made to the Office of the Superintendent of Public Instruction (OSPI) or to another state or federal agency.

In 2023 the OSPI was directed to develop model student handbook language that includes information about policies and complaint procedures related to discrimination; information about policies and complaint procedures related to HIB; and a description of services available through Office of the Education Ombuds (OEO).

#### Complaint, Compliance, and Enforcement Mechanisms.

State law includes various provisions related to ensuring that school districts, public schools, staff, and school directors comply with education requirements prescribed in statute. Examples of these complaint, compliance, and enforcement mechanisms, some of which are directly accessible to parents and students, are described below.

*Complaint Access Point.* In 2024 the OEO was directed to create a simple and uniform access point for the receipt of complaints involving the elementary and secondary school system by July 1, 2025. The stated 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.

*Basic Education Compliance.* The State Board of Education (SBE) is required to adopt rules to implement and ensure compliance with the state's statutory program of basic education and related supplemental program approval requirements the SBE may establish.

*Charter School Complaint System.* Since 2023 the Washington State Charter School Commission has been required to maintain on its website an online system for students who attend charter schools and their parents to submit complaints about the operation and administration of charter schools, including complaints alleging noncompliance with laws governing charter schools. The commission must perform any inquiries or other actions it deems necessary and appropriate to respond to each received complaint.

*Code of Professional Conduct.* The Professional Educator Standards Board has established a Code of Professional Conduct to protect the health, safety, and general welfare of students; to assure citizens that education practitioners are accountable for acts of unprofessional conduct; and to define and provide notice to certificated educators of the acts of unprofessional conduct for which they are accountable.

*School Director's Oath of Office and Recall.* Every school director must take an oath or affirmation to support the United States and Washington Constitutions and to faithfully discharge the duties of the office according to the best of their ability. A voter may demand the recall of an elected public official by preparing a written charge that the official has committed an act of malfeasance, an act of malfeasance while in office, violated the oath of the office, or has been guilty of any two or more acts specified in the Washington Constitution as grounds for a recall.

Discrimination Prohibitions: Public Schools.

Discrimination in Washington public schools on the basis of sex; race; creed; religion; color; national origin; honorably discharged veteran or military status; sexual orientation including gender expression or identity; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a person with a disability is prohibited.

The Superintendent of Public Instruction is charged with developing rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

The OSPI is required to monitor local compliance with nondiscrimination provisions and may enforce state laws and guidelines prohibiting discrimination by instituting corrective action, terminating the offending program, placing the school district on probation, or withholding state funds.

Any person aggrieved by a violation of nondiscrimination provisions, or aggrieved by the



violation of any rule or guideline adopted in accordance with the nondiscrimination provisions, has a right of action in superior court for civil damages and such equitable relief as the court determines.

### **Summary of Engrossed Substitute Bill:**

#### **I. State Policy: Establishing Specified Priorities for Locally Adopted Policies and Procedures.**

It is the policy of the State of Washington that policies and procedures adopted by school districts, charter schools, and state-tribal education compact schools (STECs) must, to the fullest extent possible and except as required by state or federal law, 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, and privacy. This state policy is supplemental to existing and future policies and procedures and must be considered an integral part of those policies and procedures.

The Office of the Superintendent of Public Instruction (OSPI) must develop technical assistance and related materials to assist with the implementation of the policy and procedure requirements, and may enforce and obtain compliance through a newly required complaint process of the OSPI described below.

#### **II. Parental and Legal Guardian Rights: Modifications and No Private Right of Action.**

Additions, modifications, and deletions are made to the list of declared rights for parents or legal guardians of children enrolled in public schools. Those rights do not create a private right of action.

*Additional Rights.* Examples of additionally declared rights include to:

- have their child receive a public education in a setting in which discrimination on the basis of a protected class is prohibited;
- file a complaint on behalf of their child relating to harassment, intimidation, and bullying (HIB);
- have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state in accordance with specified requirements;
- have their child qualify without a legal residence for enrollment in a school district;
- request enrollment for their child in a charter school;
- receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under federal law, and the contact information for any language access services; and
- request information about special education programs and assistance for their child if their child is eligible for, but not receiving, special education services, including due to illness.

*Modified Rights.* Examples of modified rights include to:



- access their child's classroom and school-sponsored activities to observe class procedure, teaching materials, and class conduct, and to examine curriculum, textbooks, instructional materials, and supplemental instructional materials in accordance with policies and procedures (rather than examining textbooks, curriculum, and supplemental materials used in their child's classroom);
- inspect and review their child's education records and request and receive a copy of those records within a reasonable period of time, but not more than 45 days, of submitting a request under the federal Family Educational Rights and Privacy Act as in effect on January 1, 2025, and as provided in requirements governing student education records (rather than to inspect their child's public school records and receive a copy within 10 days);
- not have their child removed from school grounds or buildings during school hours without the authorization of a parent or legal guardian and according to statutory provisions governing permitted school campus removals (rather than receive immediate notification if their child is taken or removed from the public school campus without parental permission, including to stay at a youth shelter or host home);
- receive immediate notification upon receipt of a report that a criminal action is alleged to have been committed against their child on school property during the school day or 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 (rather than receiving immediate notification if a criminal action is deemed to have been committed against or by their child);
- receive immediate notification, as required by state law, 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 (rather than receiving immediate notification if a criminal action is deemed to have been committed against or by their child); and
- in accordance with the federal Protection of Pupil Rights Amendment (PPRA), receive written notice and opt their child out of any survey, analysis, or evaluation that reveals information concerning certain personal or family information (rather than 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 specified personal or family information, and surveys, analyses, and evaluations subject to areas covered by the PPRA).

"Education records" is defined as 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 (rather than specified records and any student-specific

files, documents, or other materials that are maintained by the public school). "Education records" do not include records that are kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record.

*Eliminated Rights.* Examples of eliminated rights include to:

- receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required;
- receive notification when any medical service or medications have been provided to their child that could result in any financial impact to the parent's or legal guardian's health insurance payments or copays; and
- receive notification when the school has arranged directly or indirectly for medical treatment that results in follow-up care beyond normal school hours.

Nothing in the list of declared rights for parents and legal guardians changes access and disclosure provisions established in specified state laws related to health care information, or affects specified provisions in state law related to host homes, youth shelters, and children being taken into custody in relation to abuse or neglect allegations.

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

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

### IV. Complaint Process for Allegations of Willful Noncompliance with State Law.

*Establishment of Process and Filing Requirements.* By July 1, 2026, the OSPI must establish a process to receive, investigate, and secure equitable resolution of complaints alleging willful noncompliance with certain state laws by a school district superintendent, school board, or member of a school board. The process must address two types of complaints:

- limited complaints that impact an individual student or students; and
- broad complaints that impact an entire student body, subgroup of students within a student body, school, or school district.

The OSPI must adopt rules that ensure due process regarding the complaint process, timelines, compliance actions plans, and imposed consequences. In adopting the rules, the OSPI must satisfy consultation requirements with the State Board of Education and the Office of Education Ombuds (OEO).

Complaints may be made about noncompliance with state laws on the following topics: civil rights and nondiscrimination; HIB; certain curriculum and instructional materials requirements; the use of student restraint and isolation; or student discipline.

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 OSPI alleging willful noncompliance with an applicable state law or laws. Anyone residing within the boundaries of the school district may file a broad complaint with the OSPI alleging willful noncompliance with an applicable state law or laws.

Before a person may file a complaint, the person must exhaust existing complaint procedures, if such procedures exist. If there are no existing 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 OSPI.

*Determinations of Non-Willful Noncompliance.* Upon receipt of a complaint, the OSPI must make an initial determination as to whether the complaint reasonably contains enough facts to allege noncompliance with an applicable state law or laws and whether other available complaint procedures have been exhausted. If both of those conditions are met, the OSPI must conduct a full investigation of the allegations in the complaint.

If, following the investigation, the OSPI finds noncompliance with state law, but determines the noncompliance is not willful, the OSPI must provide the school district with a first notice stating its determination of noncompliance and identifying corrective actions and a timeline that the school district may take to achieve compliance.

*Compliance Action Plans.* If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the OSPI must issue a second notice stating that continued failure to comply with corrective actions may result in permitted consequences. 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 OSPI for its approval. The plan, which must be developed in accordance with public meeting requirements, must describe how the school district will implement the applicable corrective actions.

*Determinations of Willful Noncompliance.* If, following the investigation, the OSPI finds willful noncompliance with state law, the OSPI must 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 achieve compliance. Upon receipt of the first notice, the school district board of directors must 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 achieve compliance with state law.

If the school district fails to comply with the corrective actions identified in the first notice within the prescribed timeline, the OSPI and the school district must generally follow the same compliance action plan requirements that apply when the noncompliance is not willful, except that the plan must be developed in collaboration with the OSPI and the school district must satisfy additional public meeting and public input requirements.

*Penalties for Noncompliance with State Law.* If a school district does not comply with corrective actions identified by the OSPI, the OSPI, after the district has received a second notice of noncompliance, may impose certain consequences. The OSPI may:

- require the school district to adopt or readopt policies and procedures to achieve compliance with state law;
- find that a local school district superintendent committed an act of unprofessional conduct and may be held accountable for the conduct under rules adopted by the Professional Educator Standards Board; and
- as a last resort, withhold up to 20 percent basic education allocations, with prior written notice, and redirect those funds to support the compliance action plan.

The OSPI may not take action against a school district or superintendent unless there is evidence that the superintendent, 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 noncompliance.

A member of a school district board of directors may be subject to recall and discharge for willful or negligent noncompliance with state law.

*Appeals.* Any party to a complaint may file a notice of appeal with the OSPI within 30 days of the final decision. An administrative law judge must hear and determine the appeal. An appeal of the judge's determination or order must be to a superior court. The superior court's decision is subject only to discretionary review under the rules of appellate procedure.

*Applicability to Charter Schools and State-Tribal Education Compact Schools.* The provisions of the complaint process generally apply to the operation and management of charter schools and STECs. Additionally, the Washington State Charter School Commission must send qualifying complaints alleging willful noncompliance with an applicable state law or laws to the OSPI for action in accordance with the complaint process requirements.

*Availability and Notification of Complaint Processes.* The OEO must link the complaint process to the OEO's access point for the receipt of complaints involving the elementary and secondary education system.

Effective August 1, 2025, the OSPI must include information about the complaint process in the model student handbook language.

*School Director Oath of Office.* In addition to supporting the United States and Washington Constitutions, the school director oath or affirmation of office must include support of the laws of Washington.

*Noncompliance with State Law and Unprofessional Conduct.* The 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. The rules must also provide that the superintendent or chief administrator, whether certificated or not, may be held accountable for the conduct through the rules.

#### V. Statement of Student Rights.

The Statement of Student Rights (Statement) is established for public school students. The Statement provides that public school students are the beneficiaries of the foundational principles of individual liberty and equality, 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. Example rights specified in the Statement include:

- the right to access an amply funded program of basic education;
- the right to learn in a safe, supportive learning environment free from HIB; and
- the right of students with qualifying disabilities to receive special education and related services that address their individual needs.

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

Nothing in the provisions establishing the Statement creates a private right of action.

#### VI. Discrimination Prohibitions: Public Schools.

The following protected classes are added to the nondiscrimination provisions that apply to Washington's public schools: ethnicity; homelessness; immigration or citizenship status; and neurodivergence.

The protected class of "sexual orientation including gender expression or identity" is separated into three classes: sexual orientation, gender expression, and gender identity.

Definitions are provided for these protected classes that apply to public schools:

- "ethnicity" means a connection to a population group that shares a common cultural heritage or ancestry;
- "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;
- "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;
- "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;
- "immigration or citizenship status" means as the status has been established to an individual under the federal Immigration and Nationality Act;
- "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; and
- "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.

#### VII. Public School Employees: Antiretaliation Protections.

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

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

#### VIII. Alleged Abuse, Misconduct, or Assault by School Employees: Notification Requirements.

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 (rather than at the first opportunity but in all cases within 48 hours of receiving a report of sexual misconduct by a school employee). Additionally, requirements of school districts to notify parents about their public records rights regarding school employee discipline records are explicitly made applicable to legal guardians, and the abuse, misconduct, assault, and public records notification requirements for school districts are made applicable to charter schools and STECs.

#### IX. Abuse, Sexual Misconduct, or Assault by School Employees or Contractors: Reporting Requirements.

School employees or contractors who have knowledge or reasonable cause to believe that a student has been a victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or contractor, must report the abuse,



misconduct, or assault to the appropriate school administrator. The school administrator, in accordance with statutory provisions governing mandatory reporting obligations, must cause a report to be made to the proper law enforcement agency if the administrator has reasonable cause to believe that the abuse, misconduct, or assault occurred. During the process of making a reasonable cause determination, the school administrator must immediately notify the parents and legal guardians.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect immediately, except for section 308 which takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

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

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

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

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

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

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

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



natural law.

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

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

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

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

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

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