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**SUBSTITUTE SENATE BILL 5181**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators C. Wilson, Pedersen, Dhingra, Frame, Liias, Lovick, Nobles, Stanford, Trudeau, and Wellman)

AN ACT Relating to amending the parents rights initiative to bring it into alignment with existing law; amending RCW 28A.605.005; and declaring an emergency.

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

**Sec.**  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 a criminal action is deemed to have~~)) at the first opportunity, but in all cases within 48 hours of the school district or public school receiving information that a criminal action has been committed against their child ((~~or by their child~~)) on school property during the school day 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 at the first opportunity, but in all cases within 48 hours 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)~~)) (e) 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;

(f) 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~~)) (g) 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)~~)) (h) 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)~~)) (i) 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)~~)) (j) 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;

(k) 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)~~)) (l) 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;

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

(n) 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;

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

(p) 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;

(q) To receive annual notice of the public school's language access policies and services, the parents' rights to free language access services under Title IV 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;

(r) 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;

(s) 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;

(t) 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;

(u) 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

(v) 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.

NEW SECTION. **Sec.**  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.

**--- END ---**