

# *Initiative Measure No. 2081*

## **Statutory and/or Budget Language**

\$200,000 of the general fund—state appropriation for fiscal year 2024 and \$300,000 of the general fund—state appropriation for fiscal year 2025 are provided solely for the office of the superintendent of public instruction to develop guidance and provide technical assistance to school districts on the implementation of Initiative Measure No. 2081. To ensure that public schools and school districts are in compliance with state and federal laws related to student privacy, antidiscrimination, and harassment, intimidation and bullying, the office shall provide technical assistance and monitor local school district implementation, as needed. By July 1, 2024, the office shall develop a tool and identify a process for community members to send and for the office to receive and track questions and concerns related to implementation. The process must be publicly available on the agency website. The office shall submit monthly reports to the legislature which include a status update on implementation including challenges, frequently asked questions, and a summary of technical assistance.

## **Purpose**

To provide technical guidance to school districts on the proper interpretation and implementation of I-2081, including the creation of a website and reporting tool. Such technical assistance will hopefully help educators and the public understand and comply with the provisions of I-2081, especially in light of other applicable state and federal law that may inform student privacy and parental rights.

## **Description of Services Provided**

Initial technical guidance through Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081, published June 7, 2024.

Creation of OSPI webpage, Implementation of I-2081, the Parents' Bill of Rights, published July 1, 2024.

Creation of OSPI website reporting tool, activated for the public July 1, 2024.

Monitoring and, as appropriate, response to public inquiries and feedback, through the website reporting tool and through OSPI's other programs and points of contact.

Provision of ad hoc technical guidance in response to inquiries from educators and others.

Development of template for monthly report to legislature; initial report approved for publication in October 2024.



## Criteria for Receiving Services and/or Grants

n/a - technical guidance is provided upon request if applicable.

### Beneficiaries in the 2023-24 School Year

<b>Number of School Districts</b>	Guidance is statewide
<b>Number of Schools</b>	All
<b>Number of Students</b>	All
<b>Number of Educators</b>	All
<b>Other</b>	N/A

## Are Federal or Other Funds Contingent on State Funding?

No

## State Funding History

Fiscal Year	Amount Funded	Actual Expenditures
2024	\$200,000	\$47,885

## Number of Beneficiaries Per Fiscal Year (e.g. School Districts, Schools, Students, Educators, Other)

Fiscal Year	Number of Beneficiaries
2024	N/A

## Programmatic Changes Since Inception (If Any)

On June 21, 2024, the King County Superior Court granted a preliminary injunction mandating that "Washington State shall cease all implementation and enforcement" of Initiative 2081 "to the extent that it requires disclosure of medical, health, and mental health records and/or information protected by RCW 70.02.020" as well as "Initiative 2081's portions related to the time in which schools must provide records." As a result, OSPI necessarily ceased all efforts of implementation relating to the enjoined subject matters.

Otherwise, none.

## Program Evaluation or Evaluation of Major Findings

Thus far, there is clear concern from educators and interested parties that the initiative may undermine student privacy rights, particularly surrounding gender identity and sexual orientation. There is also concern that the timelines for providing records to requesting parents are too short compared to FERPA standards (10 days versus 45). Some of the concerns are alleviated somewhat by the current injunction from King County Superior Court.

OSPI's webpage and reporting tool has limited engagement in the nearly four months it has been active, despite efforts by OSPI to encourage interested persons to use this tool to contact the agency and share questions or concerns. More engagement from the public would hopefully provide better data to OSPI to help shape further technical guidance.

## Major Challenges Faced by the Program

The lack of defined terms, and an absence of consensus as to the proper definition of such terms, throughout the initiative has been a hinderance to interpretation and implementation. Some stakeholders have communicated a desire that OSPI construe key terms narrowly, so as to not impact student privacy unnecessarily, while others seek a broad understanding of parents' rights under I-2081. OSPI has endeavored to construe the statutory text fairly, in light of existing Washington and federal law, such as guidance on gender-inclusive schools, that both gives rights of access to parents and rights to privacy to students.

The King County Superior Court injunction has been a challenge, since OSPI is not allowed to implement or interpret certain sections of I-2081 that are of primary importance to most who submitted comments thus far (mental health and medical records, and the timeline for responses).

As noted above, OSPI's webpage and reporting tool has limited engagement, despite outreach efforts by OSPI. This lack of engagement limits the data available to OSPI to help shape further technical guidance.

## Future Opportunities

Contracting to carry out tasks of implementation (such as monitoring website comment tool and responding thereto) or developing helpful forms in response to feedback from districts. Further technical guidance may also become appropriate as OSPI gains a better understanding of the particular challenges districts are encountering, and also if the injunction on parts of I-2081 is lifted or modified.

## Other Relevant Information

N/A

## Schools/Districts Receiving Assistance

[Click here to see a list of all OSPI grant recipients in the 2024 Fiscal Year.](#)

## Program Contact Information

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