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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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Action Required
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 Informational

BULLETIN NO. 009-25 OFFICE OF LEGAL AFFAIRS

TO: Educational Service District Superintendents
School District Superintendents
School District Civil Rights Compliance Coordinators
School Principals
School Counselors
School Nurses

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Updated Guidance for Implementation of Initiative 2081

CONTACT: Darryl Colman, Deputy Chief Legal Officer,
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BACKGROUND

In March 2024, the Legislature passed [Initiative 2081](#), entitled the Parents' Bill of Rights, which went into effect on June 6, 2024. Various plaintiffs filed a lawsuit in King County Superior Court, *Legal Counsel for Youth and Children, v. State*, seeking to enjoin I-2081 before it became effective.

On June 7, 2024, OSPI issued initial technical guidance through [Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081](#).

On June 21, 2024, the Court granted a preliminary injunction on certain sections of I-2081 pertaining to student medical and mental health records and the timeline for school districts to respond to requests for records from parents/guardians. The law otherwise went into effect and was codified in [RCW 28A.605.005](#). In alignment with the Judge's order, OSPI continued

implementation efforts on provisions not covered by the injunction, and did not provide further guidance on the components of the Initiative that were enjoined.

On July 1, 2024, OSPI's [webpage and public comment tool](#) regarding I-2081 was published. OSPI has received several comments and questions from educators and members of the public through this tool.

On January 27, 2025, the King County Superior Court issued an order dissolving the I-2081 injunction and dismissing that lawsuit. Now, school districts must implement the Initiative as written, unless and until the order is stayed or appealed to an appellate court or the Legislature amends the law.

Accordingly, OSPI is sharing the below guidance on the sections of I-2081 (RCW 28A.605.005) that are newly in effect following the end of the injunction, as well as provisions that have generated a significant number of comments or questions from educators and community members.

GENERAL CONSIDERATIONS FOR OSPI GUIDANCE

Taking into account both federal and state law that preexisted I-2081 (RCW 28A.605.005), OSPI has sought to harmonize the provisions of RCW 28A.605.005 with those laws. OSPI will also avoid any interpretation that diminishes student privacy and safety rights, to the maximum extent allowed by the language of RCW 28A.605.005.

As school districts work with their legal counsel on the implementation of RCW 28A.605.005, they should understand that it is possible that the law will be modified to better align with both state and federal law. There are multiple bills proposing modifications actively moving through the legislative process.

If a situation arises where the meaning of RCW 28A.605.005 is uncertain or appears to conflict with existing law, OSPI recommends that districts consult their legal counsel. Districts should implement RCW 28A.605.005 consistent with the federal Family Educational Rights and Privacy Act (FERPA), federal Health Insurance Portability and Accountability Act (HIPAA), and other applicable federal law. RCW 28A.605.005 did not change, reduce, or diminish student privacy rights in Washington schools that are protected by such federal law.

RCW 28A.605.005 Statutory References

RCW 28A.605.005 Section	OSPI Guidance
<p>Sec. (2)(a): Parent’s right to examine textbooks, curriculum, and supplemental material used in their child’s classroom.</p>	<p>This provision should be interpreted consistently with RCW 28A.605.020, which requires districts to enact a policy providing for parent/guardian access to their child’s classroom, including teaching material, and school-sponsored activities.</p> <p>Please note: This provision does not create a new right or process for parents/guardians to challenge a district’s use of certain textbooks, curriculum, or supplemental material.</p>
<p>Sec. (2)(b)(i): Parent’s right to inspect their child’s <i>public school records</i> in accordance with RCW 28A.605, and to receive a copy of their child’s records within 10 business days of submitting a written request, either electronically or on paper.</p>	<p style="text-align: center;">(NEWLY IN EFFECT)</p> <p>Please note: The 10-day response timeline is significantly shorter than allowed under current federal law and previous state law. Districts must adjust their practices to comply with this new requirement.</p> <p>“Public school records” are encompassed in the meaning of “education records” under RCW 28A.605.030 and 20 U.S.C. § 1232g and 34 CFR Part 99 (FERPA and related regulations), which are defined in FERPA as records that “directly relate to a student”. This provision does not provide parents/guardians with greater access to their students’ education records than they already have under FERPA and IDEA. <i>See also</i> 20 U.S.C. § 1400 et. seq. (IDEA) and WAC 392-172A-05190 (access to special education records).</p>
<p>Sec. (2)(c): Parent’s right to receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required, where the parent and legal guardian must be notified as soon as</p>	<p style="text-align: center;">(NEWLY IN EFFECT)</p> <p>This provision applies only to medical services that are offered by the school to a student, or to medical services offered on school property or at a school event where the school has actual notice of the services being provided. It does not apply to medical clinics which are not operated by schools, even if located nearby or on campus.</p>

<p>RCW 28A.605.005 Section</p>	<p>OSPI Guidance</p>
<p>practicable after the treatment is rendered.</p>	<p>This provision does not apply to simple treatments that do not require health care provider approval, such as application of a band-aid, cleaning of a simple wound, or allowing a student to rest in the health room.</p> <p>Districts meet this requirement when a parent/guardian has explicitly authorized the provision of the services, such as scheduled provision of prescribed medication pursuant to a health plan on file. A new notification is not required.</p> <p>Districts also meet this requirement by compliance with Chapter 28A.210 RCW and related regulations for medications, treatments, and procedures covered by those authorities.</p>
<p>Sec. (2)(d): Parent’s right 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.</p>	<p style="text-align: center;">(NEWLY IN EFFECT)</p> <p>This provision applies only to medical services that are provided by the school to a student. It does not apply to medical clinics which are not operated by schools, even if located nearby or on campus.</p> <p>This provision does not apply to simple treatments that do not require health care provider approval, such as application of a band-aid, cleaning of a simple wound, or allowing a student to rest in the health room.</p> <p>Districts meet this requirement when a parent/guardian has explicitly authorized the provision of the services, such as scheduled provision of prescribed medication pursuant to a health plan on file. A new notification is not required.</p> <p>Districts also meet this requirement by compliance with Chapter 28A.210 RCW and related regulations for medications, treatments, and procedures covered by those authorities.</p>
<p>Sec. (2)(e): Parent’s right to receive notification when the school has</p>	<p style="text-align: center;">(NEWLY IN EFFECT)</p>

<p>RCW 28A.605.005 Section</p>	<p>OSPI Guidance</p>
<p>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.</p>	<p>This provision only applies when the school assists a student in obtaining treatment, either directly or indirectly, and the student receives follow up care as defined in this section. It does not apply when a student independently obtains medical treatment without involvement by the school.</p> <p>This provision does not apply to medical clinics which are not operated by schools, even if located nearby or on campus.</p> <p>This provision does not apply to simple treatments that do not require health care provider approval, such as application of a band-aid, cleaning of a simple wound, or allowing a student to rest in the health room.</p> <p>Informing students of the availability, location, and contact information for health care providers does not require parent/guardian notification, so long as the school does not act further to arrange treatment. For example, identifying “local youth-friendly sexual health services” pursuant to the Washington State K–12 Health and Physical Education Learning Standards does not require parent/guardian notification.</p> <p>Districts meet this requirement when a parent/guardian has explicitly authorized the provision of the services, such as scheduled provision of prescribed medication pursuant to a health plan on file. This provision does not add a new notification requirement in such situations beyond what is already included in law.</p> <p>Districts also meet this requirement by compliance with Chapter 28A.210 RCW and related regulations for medications, treatments, and procedures covered by those authorities.</p>
<p>Sec. (2)(f): Parent’s right to receive immediate notification if a <i>criminal action</i> is deemed to have been committed against</p>	<p>This notification requirement applies when a person is charged or convicted of a crime. It does not apply upon suspicion, interrogation, or arrest unless charges are brought.</p> <p>This section overlaps the requirement in RCW 28A.320.160 that school districts notify parents/guardians of alleged sexual</p>

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<p>their child or by their child.</p>	<p>misconduct by a school employee at first opportunity but in all cases within 48 hours. WAC 392-400-455 and WAC 392-400-515 require notice to parents/guardians of discipline or emergency removals, which are sometimes in connection with a crime committed by a child.</p>
<p>Sec. (2)(g): Parent’s right 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.</p>	<p>For purposes of this section, “law enforcement personnel” means a “General authority Washington peace officer” as defined under RCW 10.93.020(4).</p> <p>RCW 28A.600.475 requires school districts to notify parents/guardians and students in advance of turning over student records to law enforcement pursuant to a subpoena or court order.</p>
<p>Sec. (2)(h): Parent’s right 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.</p>	<p>Please note: RCW 28A.605.010 provides that school districts must not allow students to be removed from school grounds during school hours unless authorized by a parent/guardian with legal custody, with a limited exception for removal by school security personnel.</p>
<p>Secs. (2)(i): Parent’s right to receive assurances that their child will be free from religious discrimination.</p>	<p>Unchanged from Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081</p>
<p>Sec. (2)(j): Parent’s right to receive written notice</p>	<p>This notification requirement is only triggered when the survey, assignment, questionnaire, activity, recording, or other student</p>

<p>RCW 28A.605.005 Section</p>	<p>OSPI Guidance</p>
<p>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:</p> <p>(i) The child’s sexual experiences or attractions;</p> <p>(ii) The child’s family beliefs, morality, religion, or political affiliations;</p> <p>(iii) any mental health or psychological problems of the child or a family member; and</p> <p>(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.</p>	<p>engagement includes questions about the listed categories. A student volunteering information listed in subsections (j)(i)-(iv), without being questioned, does not trigger a notification requirement.</p> <p>Further, a student engagement that does not include explicit questions does not trigger a notification requirement. For example, a student attending a Gay-Straight Alliance would not, by itself, trigger a notification requirement. If such engagements include questioning participants on the topics found in subsections (j)(i)-(iv), it will trigger a notification requirement.</p> <p>OSPI has previously shared guidance that the reference to “sexual experiences or attractions” does not include gender identity, which is not referenced in the law’s text. Thus, simply asking or learning a student’s pronouns does not prompt a notification requirement.</p> <p>WAC 392-500-030 requires written consent of parent/guardian prior to any written or oral test, questionnaire, survey, or examination to elicit the personal religious beliefs or practices of a student or parents/guardians.</p> <p>WAC 392-500-035 requires each school district to keep on file the written consent of the parent/guardian prior to the administering of any diagnostic personality test.</p> <p>The federal Protection of Pupil Rights Amendment (PPRA) requires prior written consent by parents/guardians under similar circumstances. See 20 U.S.C. § 1232h. See also 34 CFR Part 98. Please note: The above federal provisions only apply to programs administered with federal funds, and only to “a survey, analysis, or evaluation.”</p> <p>OSPI has also recently provided guidance surrounding Community Engagement Boards (RCW 28A.225.025 et. seq.) to make clear that parents/guardians have the right to opt out of participation in Community Engagement Boards (CEBs) under RCW 28A.605.005(2)(j). (Topics for CEBs can include the child’s</p>

<p>RCW 28A.605.005 Section</p>	<p>OSPI Guidance</p>
	<p>family beliefs as well as the mental health of the child or a family member.</p>
<p>Sec. (2)(k): Parent’s right to receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with RCW 28A.300.475.</p>	<p>This provision should be interpreted as consistent with RCW 28A.300.475(7), which allows parents/guardians to view materials and opt their children out of instruction on comprehensive sexual health education.</p> <p>Please note that this right applies only to planned instruction and not discussion or conversation that incidentally covers such topics, consistent with RCW 28A.300.475.</p>
<p>Sec. (2)(l): Parent’s right 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.</p>	<p>This provision should be interpreted to include notification through electronic means, such as email addresses or phone numbers provided by a parent/guardian to the school as contact information.</p>
<p>Secs. (2)(o): Parent’s right to be informed of their child’s academic 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</p>	<p>Unchanged from Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081</p>

RCW 28A.605.005 Section	OSPI Guidance
encourage the child's academic improvement.	

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Darryl Colman, Deputy Chief Legal Officer, at darryl.colman@k12.wa.us, or Jennifer Stevens, Executive Assistant, at jennifer.stevens@k12.wa.us. The OSPI TTY number is 360-664-3631.

This bulletin is also available on the [Bulletins](#) page of the OSPI website.

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