



Initiative 2081 Implementation

BACKGROUND

In March 2024, the Washington State Legislature passed [Initiative 2081](#) (I-2081), entitled the Parents' Bill of Rights, which became effective on June 6, 2024. Also in March 2024, the Legislature passed the 2024 Supplemental Operating Budget, which included an investment for the Office of Superintendent of Public Instruction (OSPI) "to develop guidance and provide technical assistance to school districts on the implementation of Initiative Measure No. 2081" ([Senate Bill 5950, Sec. 501\(4\)\(uu\)](#)). The Legislature

directed OSPI to create a process and website reporting tool to track questions and concerns about implementation of I-2081, as well as provide technical assistance to school districts.

The purpose of this report is to provide updates to the Legislature about OSPI's implementation of Initiative 2081, and to summarize questions and concerns raised by the public.

OSPI issued initial technical guidance through [Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081](#) on June 7, 2024. OSPI's [webpage and public comment tool](#) regarding I-2081 was published and went live on July 1, 2024. OSPI has received several comments and questions from interested educators and members of the public through this tool.

In the midst of OSPI's implementation efforts, various plaintiffs filed a lawsuit in King County Superior Court, seeking to enjoin I-2081 before it became effective. On June 21, 2024, the 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."

OSPI complied with the judge's order and continued implementation efforts on provisions not covered by the injunction. On January 27, 2025, Judge Scott signed an order granting summary

judgment to the defendants. Judge Scott's ruling dismissed the lawsuit and stated that I-2081, codified at [RCW 28A.605.005](#), does not violate the Washington State Constitution. This order means that all sections of I-2081 are now in effect. In the meantime, OSPI will continue to monitor this case as well as potential actions by the Legislature. On February 13, 2025, OSPI published [Supplemental Guidance for Implementing Initiative 2081](#), incorporating feedback from the public comment tool to further clarify the provisions of I-2081.

SUMMARY OF KEY THEMES

To date, OSPI has received 239 questions and comments through its I-2081 website tool.¹ Ever since activating the tool, OSPI has received the largest amount of engagement from community members and parents/families, followed by school district staff. Most respondents indicated that they had either concerns (57%) or comments (28%), followed by some questions (11%) about implementation.

Submissions to the reporting tool originated from geographically diverse counties across the state of Washington. When prompted to specify a topic for their question or concern, the most numerous category was student privacy and curriculum, followed by "write-in," and student records.

The questions posed to OSPI include a common theme of concern from educators that the undefined terms and lack of specificity in I-2081 made implementation difficult. This included concerns surrounding the meaning of the terms that prompt a notification requirement under the Initiative, as well as a concern about delaying non-emergency medical treatment in order to provide parental notification. OSPI also received concerns from parents/guardians and community members expressing support for parental rights and advocating for unrestricted access to student records by parents/guardians, as well as those objecting to student participation in common interest groups such as Gay-Straight Alliance.

FREQUENTLY ASKED QUESTIONS

The most common questions OSPI has received regarding the provisions within I-2081 are surrounding parent/guardian access to their student's public-school records, an existing right under state and federal law that is expanded significantly in the new law.

Outside of records, the most common type of question received by OSPI concern the definitions that prompt a notification requirement for a school district. For example, OSPI was asked whether information about a student's pronouns alone prompted a requirement for the school to notify the student's parent/guardian. OSPI confirmed that it does not, which is discussed in the technical assistance section below. Additionally, the questions reveal the difficulties that school district staff encounter when the key terms that intend to prompt notification requirements are undefined.

¹ This represents an increase of 13 since the February 2025 report showing OSPI had received 226 questions and comments through the I-2081 tool.

SUMMARY OF TECHNICAL ASSISTANCE

To assist with implementation and as required by the Legislature, OSPI made its [webpage and dedicated tool](#) for I-2081 available to the public on July 1, 2024. This publication built on OSPI's initial bulletin on I-2081, [Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081](#), which was published on June 7, 2024. On February 13, 2025, OSPI published [Supplemental Guidance for Implementing Initiative 2081](#), building on the initial guidance and feedback from the public to help clarify questions of interpretation that have repeatedly arisen around I-2081.

Since OSPI cannot provide legal advice, OSPI advises that school districts consult their own legal counsel and attempt to comply with existing law as well as the Initiative when taking action under I-2081. OSPI also reiterated its guidance that school districts should not make changes to any policies or procedures implicated by I-2081 unless further guidance is provided by the Court, the Legislature, the Attorney General's Office, or OSPI.

OSPI also provides technical assistance on specific implementation questions raised by school district staff. The areas of primary concern with implementation reported to OSPI continue to relate to provisions of I-2081 involving student medical and mental health records.

OSPI will also share examples of technical assistance that may be of general interest. For example, OSPI shared guidance in the October issue of this report that simply asking or learning a student's pronouns does not prompt a notification requirement under I-2081. The reason is that a student's gender identity or expression is distinct from their sexual orientation, and I-2081 does not discuss gender identity or expression. This interpretation aligns with existing state civil rights guidance about a student's privacy related to their gender identity expressed at school.²

OSPI updated guidance surrounding Community Engagement Boards ([RCW 28A.225.025](#) et. seq.) to bring certain forms into alignment with I-2081 and make clear that parents have the right to opt out of participation in Community Engagement Boards under RCW 28A.605.005(2)(j). Topics for CEBs can typically include the child's family beliefs, and any mental health or psychological problems of the child or a family member. Participation in the CEBs is optional and intended to benefit children and may reduce the need for court intervention.

OSPI also clarified whether the definitions of "medical services" for section (2)(c) and (2)(d), as well as "medical treatment" under section (2)(e), encompass mental health and/or behavioral health (inclusive of substance use) for purposes of RCW 28A.605.005. A parental notification requirement is required under these sections if the services performed or treatments given go beyond what school nurses and school counselors are currently authorized to provide by state law.

² Information about a student's transgender status, legal name, or gender assigned at birth may constitute confidential medical or education information. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 C.F.R. Part 99). School staff should not disclose information that may reveal a student's transgender status to others, including parents and other school staff, unless legally required to do so or unless the student has authorized such disclosure.

School nurses are relatively constrained in the services they may provide to students—unless they obtain provider authorization. See, e.g., [Chapter 28A.210](#); [RCW 28A.210.305](#). [OSPI's updated guidance](#) clarifies that the simple medical treatments that school nurses may provide do not trigger an additional notification requirement under [RCW 28A.605.005](#).

School counselors are not licensed to provide mental or behavioral health treatments. The scope of the mental or behavioral health services a school counselor may provide are outlined in [RCW 28A.410.043](#) and [RCW 28A.320.280](#). If school staff provide mental or behavioral health services beyond these relatively minimal services, then parental notification is required.

PREVIOUS REPORTS

- [Initiative 2081 Monthly Report: October 2024](#)
- [Initiative 2081 Monthly Report, November 2024](#)
- [Initiative 2081 Monthly Report for December 2024](#)
- [Initiative 2081 Monthly Report for January 2025](#)
- [Initiative 2081 Monthly Report for February 2025](#)

ADDITIONAL RESOURCES

- [Implementation of I-2081, the Parents' Bill of Rights \(OSPI Webpage and Tool\)](#)
- [Bulletin 037-24: Initial Guidance for Implementation of Initiative 2081](#)
- [Prohibiting Discrimination in Washington Public Schools](#), February 2012
- [Supplemental Guidance for Implementing Initiative 2081](#)



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