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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

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BULLETIN NO. 041-25 OFFICE OF LEGAL AFFAIRS

TO: Educational Service District Superintendents
School District Superintendents
Charter School Directors
School District Business Managers
School District Civil Rights Compliance Coordinators

FROM: Chris Reykdal, Superintendent of Public Instruction

RE: Expanded Nondiscrimination Protections in State Law

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PURPOSE

In May 2025, the Legislature passed [Engrossed Substitute House Bill \(ESHB\) 1296](#) regarding rights in the public education system. Among other new and amended rights and requirements related to Washington K–12 public schools, ESHB 1296 revised Washington’s Equal Education Opportunities Law, [chapter 28A.642 RCW](#), to include new protected classes and related definitions.

This bulletin outlines the changes to state nondiscrimination law and explains the steps each school district should take to update essential notification materials to reflect these changes.

New Groups Protected from Discrimination

[ESHB 1296](#) revises [RCW 28A.642.010](#) to articulate additional protected classes. A protected class refers to a group of people who share common characteristics, and who are protected from discrimination and harassment under state and federal laws.

As of May 20, 2025, **ethnicity, homelessness, immigration or citizenship status, and neurodivergence** are new protected classes in Washington public schools. Additionally, the existing protected class of “sexual orientation including gender expression or identity” is now

separated into three classes: sexual orientation, gender expression, and gender identity. Including these new protected classes, discrimination in Washington public schools is now prohibited on the following bases: sex;¹ race; ethnicity; creed; religion; national origin; honorably discharged veteran or military status; sexual orientation; gender expression; gender identity; homelessness; immigration or citizenship status; the presence of any sensory, mental, or physical disability; neurodivergence; or the use of a trained dog guide or service animal by a person with a disability.²

Definitions

[ESHB 1296](#) also revises [chapter 28A.642 RCW](#) to include definitions for these newly articulated protected classes as they apply in the public school setting:

"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, [42 U.S.C. Sec. 11301 et seq.](#)

"Immigration or citizenship status" has the same meaning as defined in [RCW 43.17.420](#).

"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.

"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.

¹ [RCW 28A.640.010](#).

² While not included as a protected class in [RCW 28A.642.010](#), "age" is also a protected class in public schools as places of employment under [chapter 49.60 RCW](#), the Washington Law Against Discrimination.

[RCW 28A.642.010](#) relies on the Washington Law Against Discrimination, [chapter 49.60 RCW](#), for definitions for the other existing protected classes, unless the context clearly requires otherwise.

Essential Updates to Policies and Notification Materials

School districts should ensure their nondiscrimination policies, as well as annual and continuous notices of nondiscrimination, include the new protected classes in [RCW 28A.642.010](#). At a minimum, school districts should update:

- Policies for Nondiscrimination for Students (WSSDA's 3210) and Employees (WSSDA's 5010)
- Nondiscrimination statement³
- Notices in student handbook and school and school district websites⁴
- Staff training on nondiscrimination⁵

OSPI's sample nondiscrimination statement (translated into 14 languages), model student handbook language (translated into 10 languages), and sample staff training slide deck are updated and available on OSPI's [Notification Requirements, Staff Training, and Outreach Materials](#) webpage.

INFORMATION AND ASSISTANCE

For questions regarding this bulletin, please contact Sarah Albertson, Managing Attorney, Equity and Civil Rights, at 360-725-6162 or email sarah.albertson@k12.wa.us. The OSPI [Telecommunication Relay Services](#) number is 711 or 1-800-833-6384.

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

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³ [WAC 392-190-060](#).

⁴ [WAC 392-190-060](#) and [RCW 28A.300.286](#).

⁵ [WAC 392-190-020](#).

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