



Washington Office of Superintendent of
PUBLIC INSTRUCTION

ESHB 1296

Student Rights, Rights of Parents and Legal
Guardians, and State Law

Purpose

This page provides guidance to Washington public school districts and charter schools on implementing Engrossed Substitute House Bill (ESHB) 1296 and related provisions in RCW 28A.605.005 and associated statutes.

This guidance is intended to:

- Clarify statutory requirements established or modified by ESHB 1296
- Assist districts in aligning practices with state and federal law
- Provide interpretation and context for implementation
- Promote consistent, equitable application across districts

This document does not create new legal requirements. Districts remain responsible for complying with all applicable federal and state laws and should consult legal counsel as appropriate.

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 seeking to enjoin I-2081 before it became effective. On January 27, 2025, the King County Superior Court issued an order dissolving the I-2081 injunction and dismissing that lawsuit. With the litigation resolved and I-2081 in effect, on February 13, 2025, OSPI issued [Updated Guidance for Implementation of Initiative 2081](#).

The legislature proposed bills with multiple modifications to I-2081, including additional provisions related to student rights, parental and guardian rights, employee protections, and requirements for OSPI and other state and local education entities. The legislature ultimately consolidated and passed [ESHB 1296](#). The resulting bill was signed by Governor Ferguson on May 20, 2025.

The new legislation created a statement of student rights, outlined rights of parents and legal guardians, expanded the bases covered by State nondiscrimination provision, and explicitly protects employees from retaliation. Additionally, the legislature articulated new standards for district superintendents, local school board members, and individual school board members regarding possible "noncompliance with state law." Effective July 1, 2026, OSPI is charged with investigating and securing equitable resolutions for complaints alleging "willful" noncompliance with certain state laws.

General Considerations for OSPI Guidance

OSPI has sought to harmonize the provisions of RCW 28A.605.005 with both federal and state law that preexisted ESHB 1296. 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. If a situation arises where the meaning is uncertain or appears to conflict with existing law, OSPI recommends that districts consult their legal counsel. Districts should implement ESHB 1296 consistent with the federal Family Educational Rights and Privacy Act (FERPA), federal Health Insurance Portability and Accountability Act (HIPAA), and other applicable federal law.

Rights of Parents and Legal Guardians

The following chart clarifies rights related to parent and guardian access to classrooms, instructional materials, and school-sponsored activities.

RCW 28A.605.005	OSPI Guidance
Parents have the right to access their child’s classroom and school-sponsored activities in accordance with RCW 28A.605.020 and to examine textbooks, curriculum, and supplemental material used in their child’s classroom. RCW 28A.605.005(2)(a)	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. 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.
Parents have the right to inspect and review their child’s public school records in accordance with RCW 28A.605, and to receive a copy of their child’s records within a reasonable period of time, but not more than 45 days, of submitting a request, in	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,

RCW 28A.605.005	OSPI Guidance
accordance with FERPA either electronically or on paper. RCW 28A.605.005(2)(b)(i)	records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs; 28A.605.005 (2)(b)(iv): 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; 28A.605.005(2)(b)(v): The revised definition of education records eliminated the list of types of records, such as “medical and health care records” and “mental health counseling records” that was previously contained in RCW 28A.605.005.
No changes to access or disclosures established in chapter 70.02 RCW related to health care information. 28A.605.005 (2)(b)(vi):	See chapter 70.02 RCW related to health care information and chapter 71.34 RCW behavioral health services for minors. Districts must comply with chapter 28A.210 RCW related to health screens, immunizations, medications, treatments, as well as diabetes, asthma, and anaphylaxis.

RCW 28A.605.005	OSPI Guidance
	For specific information and resources, see OSPI's Health & Safety & Health Services Resources https://ospi.k12.wa.us/student-success/health-safety
Parents have the right to receive immediate notification if a criminal action is alleged to have been committed against their child. 28A.605.005 (2)(c)	This notification requirement applies upon receipt of a report that criminal action is alleged to have been committed against their child on school property or during a school sponsored activity. This includes immediate notification if there has been a shooting on school property or if their child has been detained regarding involvement in criminal activity on school property during the school day.
Parents have the right to receive immediate notification if their child is an alleged victim or target of physical or sexual abuse or sexual misconduct by a school employee. 28A.605.005(2)(d):*	This provision requires that school districts immediately notify parents or legal guardians after a report of allegation that a student is the victim or target of physical or sexual abuse, sexual misconduct, or sexual assault by a school employee or contractor as required by RCW 28A.320.160.
Parents have the right to receive immediate notification if law	

RCW 28A.605.005	OSPI Guidance
enforcement personnel question their child at school during the school day, except in cases where the parent or legal guardian has been accused of abusing or neglecting the child. 28A.605.005(2)(e)	See OSPI Guidance - Protections for Immigrant Students in Washington's K-12 Public Schools and Washington State office of the Attorney General (AGO) Guidance on the Keep Washington Working Act for guidance on immigration officers in schools. Also, 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.
Parents have the right to not have their child removed from school campus grounds or building, during school hours without authorization of a parent or legal guardian. 28A.605.005(2)(f)	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.
Parents have the right to have their child receive a public education in a setting which prohibits discrimination. 28A.605.005(2)(g)	RCW 28A.640.010 and 28A.642.010 prohibit discrimination in Washington public schools on the basis of sex; race; ethnicity; creed; religion; color; 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

RCW 28A.605.005	OSPI Guidance
	trained dog guide or service animal by a person with a disability.
Parents have the right to receive written notice and the option to opt their child out of any survey, analysis, or evaluation that reveals specific types of information. 28A.605.005(2)(h)	Written notice and the opportunity to opt their child out of any survey, analysis, or evaluation that reveals information concerning (i) Political affiliations or beliefs of the student or parent; (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. This notification requirement is only triggered when the survey, analysis, or evaluation solicits information about the listed categories. A student volunteering information listed in subsections (i)-(viii), without the information being solicited, does not trigger a notification requirement.

RCW 28A.605.005	OSPI Guidance
	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. 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. Similarly, 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.
Release not required 28A.605.005 (3)	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.

Rights of Students

Statement of Student Rights

RCW 28A.230.094 establishes a [Statement of Student Rights](#). Under RCW 28A.230.094, districts must incorporate the statement of student rights into student-focused educational and promotional materials that are (1) available on the school websites and social media platforms; (2) incorporated into civics education materials; and (3) incorporated into the mandatory ½ credit stand-alone civics course.

Student Privacy Rights

Section 101(2): Privacy Rights of Minors

Student education records remain subject to state and federal privacy protections.

The Family Educational Rights and Policy Act (FERPA) is the federal law providing certain rights for parents regarding their children's education records. Among other provisions, FERPA requires schools to get permission from a parent or eligible student (a student who is at least 18 years old) before the school releases data that personally identifies that student. FERPA allows for the sharing of student information without permission in limited circumstances.

Under state law, records retained by state and local agencies are generally subject to disclosure under the Public Records Act. This requirement, however, doesn't apply to personal information in any files maintained for students in public schools ([RCW 42.56.230](#)).

Section 304: Identification of Students During Public Meetings

For all public meetings under the willful noncompliance procedures, individual students may not be identified without their consent, and the public meetings and materials prepared for such meetings must adhere to nondisclosure of personally identifiable information consistent with state and federal student privacy laws.

Willful Noncompliance with State Law

Complaint Process

Sections 301–305 of ESHB 1296 establish requirements related to noncompliance and willful noncompliance with state law, including definitions, complaint procedures, investigation requirements, and potential consequences.

The OSPI rules related to the complaint process, timelines, compliance action plans, and consequences for investigation and resolution of such complaints, are available at [Chapter 397-187](#)

[WAC](#). More details about the complaint process, including an OSPI complaint form, are available on the OSPI webpage.

OSPI Investigation Determination

Determination of Noncompliance (Not Willful)

If OSPI finds noncompliance with state law, but determines the noncompliance is not willful, OSPI must provide the school district with a first notice that states the determination of noncompliance and identifies corrective actions and a timeline to achieve compliance. If the district fails to comply, OSPI must issue a second notice stating that continued failure may result in OSPI imposed consequences. Upon receipt of a second notice, the superintendent and school board must adopt and timely submit a compliance action plan to OSPI, and the school board must hold a public meeting and allow for public comment on the proposed plan.

Determination of Willful Noncompliance

If OSPI finds willful noncompliance, OSPI must provide a first notice that states the determination of willful noncompliance and identifies corrective actions to be taken and a prescribed timeline. Upon receipt of the first notice, the school board must hold a public meeting to present the finding, corrective actions and timelines, and take public comment on additional actions needed. If the district fails to comply within the prescribed timeline, OSPI must issue a second notice stating that further failure may result in penalty consequences. Upon receipt of a second notice, the superintendent and school board must adopt and submit a compliance action plan. The plan must be developed in collaboration with OSPI and the district must provide opportunities for input from administrators, teachers, employee unions, parents, students, and other stakeholders.

Consequences and Appeals

After a district receives a second notice of noncompliance under Section 304, OSPI may impose consequences under Section 305, including:

- Requiring the district to adopt or readopt policies and procedures to come into compliance;
- Finding that a superintendent committed an act of unprofessional conduct, subject to rules adopted by the Professional Educator Standards Board; and
- As a last resort, withholding and redirecting up to 20 percent of state basic education funds, with prior written notice.

Any party to a complaint may file a notice of appeal with OSPI within 30 days of the final decision. An administrative law judge must hear and determine the appeal.

Protections Against Retaliation

Statutory Framework

Section 401 of ESHB 1296 establishes protections against retaliation by school district employees and directors against school district employees in connection with supporting students' legal rights and carrying out their professional responsibilities, including for:

1. Supporting Student Rights: For supporting students in the exercise of their legal rights, including the right to a learning environment with historically and scientifically accurate information that:

- Includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups, as provided in [RCW 28A.345.130](#); and
- Provides students with an appreciation for the contributions and perspectives of diverse, global cultures.

2. Performing work in a manner consistent with [RCW 28A.642.080](#), [RCW 28A.642.020](#), [RCW 28A.605.005](#), and Sections 101, 201, and 202 of ESHB 1296.

3. Instruction Consistent with State Standards: School district employees and directors may not take an adverse employment action against a teacher for:

- Instructing students in a manner consistent with state learning standards; or
- Using instructional materials approved in accordance with [RCW 28A.320.230](#) that are culturally and experientially representative, including materials on the study of the role and contributions of individuals or groups that are part of a protected class under [RCW 28A.642.010](#) and [RCW 28A.640.010](#).

Relationship to OSPI Civil Rights Rules

OSPI's civil rights rules, chapter [392-190 WAC](#), also prohibit retaliation.

School districts and public charter schools must not:

- Adopt any policy, procedure, or practice that would limit a person's right to file a complaint alleging discrimination or a violation of chapter [392-190 WAC](#);
- Adopt any policy, procedure, or practice that would have the effect of discouraging any person from utilizing the complaint procedures in [WAC 392-190-065](#) through [392-190-075](#); or
- Intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right secured by OSPI civil rights rules or because the individual has:
 - Made a complaint; or
 - Participated in an investigation.

Additional student protections and privacy requirements

In addition to the complaint and enforcement procedures described above, ESHB 1296 includes provisions related to nondiscrimination protections, student privacy, and the protection of personally identifiable student information. School districts should review these requirements in conjunction with existing state and federal laws governing student rights, educational records, and public disclosure.

Expanded Nondiscrimination Protections

Section 103 expands the definition of prohibited discrimination in Washington public schools to include ethnicity, homelessness, immigration or citizenship status, and neurodivergence. See [OSPI Bulletin 041-25, Expanded Nondiscrimination Protections in State Law \(8/21/2025\)](#).

The expanded nondiscrimination protection for homelessness is in addition to existing rights for homeless children and youth under the McKinney-Vento Education of Homeless Children and Youth Assistance Act. Under McKinney-Vento, homeless students have the right to remain in their schools of origin or to change schools and must be immediately enrolled in a new school, even if they do not have the records normally required for enrollment. Homeless students must also be provided transportation to or from a student's school of origin and must have access to all programs and services for which they are eligible. For more information regarding McKinney-Vento, including program contact information, see [OSPI – Student Experiencing Homelessness](#).

For more information on the protections for immigrant students, see [OSPI Guidance - Protections for Immigrant Students in Washington's K-12 Public Schools](#) and [Washington State office of the Attorney General \(AGO\) Guidance on the Keep Washington Working Act](#).

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