Summary of Initiative 26-001

Prepared for members of the Washington House of Representatives by the House Office of Program Research.

This information has been prepared in response to various requests for a summary of Initiative 26-001. It is provided for analytical and legislative policy purposes only. It is not provided as an expression of support for or opposition to any ballot measure. These materials are intended to provide general information and are not intended to be an exhaustive analysis of all issues presented by the measure.

BRIEF SUMMARY

- Restores the provisions of Initiative 2081 to their original form as enacted in 2024.

BACKGROUND

Initiative 26-001

Initiative 26-001 was filed in 2025 as an initiative to the Legislature. Once certified, an initiative to the Legislature is submitted to the Legislature at its next regular session, at which time the Legislature must take one of three actions:

- adopt the initiative as proposed, in which case it becomes law without a vote of the people;
- reject or take no action on the proposed initiative, in which case the initiative must be placed on the ballot at the next state general election; or
- approve an alternative to the proposed initiative, in which case both the original proposal and the Legislature's alternative must be placed on the ballot at the next state general election.

The Legislature did not act on Initiative 26-001 during its 2026 Regular Session. This initiative is, therefore, being submitted to the people for approval or rejection at the November 2026 general election.

The ballot title and ballot measure summary are as follows:

Ballot Title
Statement of Subject: Initiative Measure No. IL26-001 concerns parental rights relating

to their children in public school.

Concise Description: This measure would repeal amendments to a statute listing certain rights of parents and guardians of public-school children and re-enact the law as it was originally enacted by Initiative to the Legislature 2081.

Should this measure be enacted into law? Yes [ ] No [ ]

Ballot Measure Summary
This measure would re-enact RCW 28A.605.005 as it was originally enacted in Initiative to the Legislature 2081. The re-enacted law would list certain rights of parents and guardians of public-school children, including rights to review materials and student records, receive certain notifications and opt students out of certain activities. It would repeal amendments to the statute, which modified school obligations and access to certain student records and added certain parental rights.

Initiative 2081

Initiative 2081 (Initiative) was enacted by the Legislature in 2024. The Initiative established a list of rights for parents and legal guardians of public school children under age 18 (parents and guardians) relating to accessing instructional materials and student records, being notified of specified actions, and opting their child out of certain activities.

Examining and Inspecting Instructional Materials and Student Records. The Initiative provided that parents and guardians have the right to examine the textbooks, curriculum, and supplemental material used in their child's classroom. It also provided parents and guardians with the right to inspect their child's public school records within 10 business days of submitting a written request.

"Public school records" was defined to include academic, health, vocational counseling, disciplinary, attendance, and special education records and any other student-specific files, documents, or materials maintained by the school.

Parental and Guardian Notification. The Initiative established numerous notification requirements as parental and guardian rights. Examples of those, by type, are described below.

Academic.

- To be informed of academic performance, including whether the performance is such that it could threaten their child's ability to be promoted to the next grade level, and to be

offered an in-person meeting with the classroom teacher and principal to discuss any resources or strategies available to support and encourage academic improvement.

Medical.

- To receive prior notification when medical services are offered, except where emergency medical treatment is required. In such cases the parent or guardian must be notified as soon as practicable.
- To receive notification when medical service or medications have been provided that could result in a financial impact to the parent or guardian's health insurance payments or copays.
- To receive notification when the school has arranged for medical treatment that results in follow-up care beyond normal school hours.

Removal from School Campus.

- To receive immediate notification if their child is taken or removed from the campus without parental or guardian permission, including to stay at a youth shelter or host home.

Law Enforcement.

- To receive immediate notification if a criminal action is deemed to have been committed against or by their child.
- To receive immediate notification of law enforcement personnel questioning their child, except in cases where the parent or guardian has been accused of abuse or neglect.

Nondiscrimination.

- To receive assurance that the school will not discriminate based upon the sincerely held religious beliefs of the family in accordance with nondiscrimination laws.

Opt Out.

- To receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with provisions governing comprehensive sexual health education.
- To receive written notice 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 the following:
    - the child's sexual experiences or attractions;
    - the family's beliefs, morality, religion, or political affiliations;
    - any mental health or psychological problems of the child or a family member; or
    - all surveys, analyses, and evaluations subject to areas covered by the federal Protection of Pupil Rights Amendment.

Engrossed Substitute House Bill 1296

Engrossed Substitute House Bill 1296 (the act), enacted in 2025, modified rights of parents and legal guardians of children enrolled in public schools. The act created additional rights and revised or eliminated certain rights enumerated in the Initiative. The act also modified requirements governing the nondisclosure of student records in certain investigations and criminal proceedings and barred private rights of action.

Additional Rights. Examples of additional rights created by the act include the right to:

- a public education for their child in a setting in which discrimination on the basis of a protected class is prohibited;
- file a complaint on behalf of their child relating to harassment, intimidation, and bullying;
- qualify for enrollment in a school district in certain military transfer situations, in accordance with specified requirements;
- qualify for enrollment in a school district without a legal residence; and
- receive annual notice of language access policies and services, and free language access services under federal law.

Modified Rights. Examples of rights modified by the act include:

- adding the right to access classroom and school-sponsored activities for observation to the right to examine textbooks and other classroom instructional materials, and making the access and examination provisions subject to locally adopted policies and procedures;
- aligning the right to inspect and review education records with the federal Family Educational Rights and Privacy Act by requiring access to records within 45 days of submitting a request, and establishing a definition of "education records" to replace "public school records";
- replacing the right to receive immediate notification if their child is taken or removed from the public school campus without parental permission with the right to not have their child removed from school grounds or buildings during school hours without authorization of a parent or guardian, subject to school campus removal laws;
- changing the notification standard for criminal actions, including requiring notification upon an allegation, and narrowing the scope for required notifications to school-related incidents or incidents involving abuse, sexual misconduct, or assault by staff; and
- narrowing the scope of the opt-out right from a broad range of surveys, assignments, activities, and materials, to surveys, analysis, or evaluations covered by the federal Protection of Pupil Rights Amendment, which allows parents and guardians to opt their child out of surveys, analyses, and evaluations that may reveal sensitive personal or family information.

Eliminated Rights. Examples of rights eliminated by the act include to:

- receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required;

- receive notification when any medical service or medications have been provided that could result in a financial impact to the parent or guardian's health insurance payments or copays; and
- receive notification when the school has arranged for medical treatment that results in follow-up care beyond normal school hours.

The act also provided that nothing in the specified parental and guardian rights changes access and disclosure provisions related to health care laws, or affects laws related to host homes, youth shelters, and children being taken into custody in relation to abuse or neglect allegations.

Private Right of Action. The act declared that the parental and guardian rights do not create a private right of action.

Nondisclosure in Certain Investigations and Criminal Proceedings. The act broadened limitations established in the Initiative on student records disclosures to parents and guardians under investigation for child abuse and neglect, making the limitations also apply to health care, social work, counseling, and disciplinary records. Additionally, the act extended the limitations to criminal proceedings of parents and guardians where the student is the named victim.

SUMMARY

The provisions of Initiative 2081 are restored to their original form as enacted in 2024 by repealing the changes enacted in Engrossed Substitute House Bill 1296.

The provisions of Initiative 26-001 are to be liberally construed to effectuate its policies, purposes, and intent.

Initiative 26-001 may be cited as the Washington Parents' Bill of Rights.

Effective Date: The initiative takes effect 30 days after the election at which it is approved.

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