

	<b>I-2081 - Parents and legal guardians of public school children younger than 18 have all of the following rights:</b>	<b>Background - State and Federal Laws</b> <i>("Parents" includes guardians.)</i>
<b>Access to Materials</b>	<p><b>(1)</b> To examine the textbooks, curriculum, and supplemental material used in their child's classroom.  <i>I-2081 Sec. 1(2)(a)</i></p>	<p>School districts must allow parents access to their child's classroom and school sponsored activities to observe class procedure, teaching material, and class conduct, if the access is not disruptive. <a href="#">RCW 28A.605.020</a>.</p> <p>State education law authorizes parents to review certain instructional materials, including materials related to AIDS prevention education and course materials used for comprehensive sexual health education. <a href="#">RCW 28A.230.070</a> and <a href="#">28A.300.475</a>.</p> <p>Parents may request administrative and operations records, and other records that are not subject to exemptions, from the public school through the Public Records Act. <a href="#">Chapter 42.56 RCW</a>.</p> <p>Federal law requires that instructional materials provided to students in connection with a survey, analysis, or evaluation in certain federally administered programs be available for inspection by parents. <a href="#">PPRA</a>.</p>
<b>Public School Records</b>	<p><b>(2)</b> To inspect their child's public school records in accordance with <a href="#">RCW 28A.605.030</a>, 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> <ul style="list-style-type: none"> <li>Parents or legal guardians must not be required to appear in person for the purposes of requesting or validating a request for their child's public school records.</li> </ul>	<p>The federal Family Educational Rights and Privacy Act (FERPA) applies to "education records" directly related to a student and maintained by a public school. <a href="#">FERPA</a>.</p> <p>The Privacy Rule of the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) applies to individually identifiable health information held by, or on behalf of, a health care provider that is a covered entity under HIPAA. HIPAA does not apply to health information in a record that is subject to FERPA. <a href="#">HIPAA</a>.</p> <p>Personal information in student files maintained by public schools is exempt from public inspection under the Public Records Act. <a href="#">RCW 42.56.230</a>.</p>

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	<ul style="list-style-type: none"> <li>• No charge may be imposed on a parent or legal guardian to receive such records electronically.</li> <li>• Any charges for a paper copy of such records must be reasonable and set forth in the official policies and procedures of the school district.</li> </ul> <p><i>I-2081 Sec. 1(2)(b)(i)-(iii)</i></p> <p>Public school records including all of the following:</p> <ul style="list-style-type: none"> <li>• academic records including, but not limited to, test and assessment scores in accordance with <a href="#">RCW 28A.230.195</a>;</li> <li>• medical or health records;</li> <li>• records of any mental health counseling;</li> <li>• records of any vocational counseling;</li> <li>• records of discipline, including expulsions and suspensions under <a href="#">RCW 28A.600.015</a>;</li> <li>• records of attendance, including unexcused absences in accordance with <a href="#">RCW 28A.225.020</a>;</li> <li>• records associated with a child's screening for learning challenges, exceptionalities, plans for an Individualized Education Program (IEP),</li> </ul>	<p>FERPA gives parents the right to inspect and review the public school education records of their minor student within 45 days of requesting access to the records, unless a court order, state statute, or other legally binding document specifically revokes this right. If circumstances effectively prevent a parent from exercising this right, the school must either provide the parent with a copy of the requested records or make other arrangements for the parent to access the requested records. <a href="#">FERPA</a>.</p> <p>The following documents, if directly related to a student and maintained by a school, would generally constitute "education records" subject to FERPA: transcripts, course schedule, discipline files, and immunization records. Records kept in the sole possession of the maker, used only as a personal memory aid, and not accessible or revealed to any other person except a temporary substitute for the maker of the record, are not "education records." <a href="#">FERPA</a>.</p> <p>State education law allows parents to review all education records of their student, consistent with FERPA. <a href="#">RCW 28A.605.030</a>. Additionally, under state law governing dissolution proceedings, parents must have full and equal access to the education and health records of their student, absent a court order to the contrary. In this context, "education records" are limited to academic, attendance, and disciplinary records of elementary and secondary students; "health records" is not defined. <a href="#">RCW 26.09.225</a>.</p> <p>In most cases, HIPAA does not apply to public schools because the school either: (1) is not a HIPAA covered entity; or (2) is a HIPAA covered entity but maintains student health information only in FERPA-covered "education records." When HIPAA applies, public schools may disclose protected health</p>

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	<p>or plan adopted under section 504 of the Rehabilitation Act of 1973; and</p> <ul style="list-style-type: none"> <li>any other student-specific files, documents, or other materials that are maintained by the public school.</li> </ul> <p><i>I-2081 Sec. 1(2)(b)(iv)</i></p> <p>Notwithstanding anything to the contrary, 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 records to a parent 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 is the target of the investigation, unless the parent has obtained a court order.</p> <p><i>I-2081 Sec. 1(3)</i></p>	<p>information about a minor student to the parent, provided the disclosure is not inconsistent with state or other law. <a href="#">HIPAA</a>.</p> <p>Neither HIPAA nor FERPA alter whether and when minors are allowed to consent for their own care; however, who has access to records of health care services for which a child has independently consented varies depending on which law takes precedence. <a href="#">FERPA</a> and <a href="#">HIPAA</a>.</p>
<b>Medical Services and Treatment</b>	<p><b>(3)</b> To receive prior notification when medical services are being offered to their child, except where emergency medical treatment is required. In cases where emergency medical treatment is required, the parent and legal guardian must be notified as soon as practicable after the treatment is rendered.</p>	<p>State law includes certain parental notifications and involvement regarding student's medical issues. Examples include:</p> <ul style="list-style-type: none"> <li>School administration of medication to students is subject to conditions that include receipt of a written, unexpired request from a parent to administer the medication. <a href="#">RCW 28A.210.260</a>.</li> <li>School districts must provide individual health plans for students with diabetes, epilepsy, or other seizure disorders upon receipt of a parent request and instructions. <a href="#">RCW 28A.210.330</a> and <a href="#">28A.210.355</a>.</li> </ul>

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	<p><i>I-2081 Sec. 1(2)(c)</i></p> <p><b>(4)</b> 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><i>I-2081 Sec. 1(2)(d)</i></p> <p><b>(5)</b> To receive notification when the school has 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><i>I-2081 Sec. 1(2)(e)</i></p>	<ul style="list-style-type: none"> <li>• Parents must be provided records and recommendations related to visual and auditory screenings of their child. <a href="#">RCW 28A.210.020</a> and <a href="#">28A.210.030</a>.</li> </ul> <p>Federal law requires public schools to ensure parent participation in the development of Individualized Education Programs (IEPs) for students with disabilities, which programs may include medical treatment. <a href="#">IDEA</a>.</p> <p>Generally, under state and federal law, a parent may access the medical records of the parent's child, unless the child is able to independently consent to the provision of the health care service in question. The general age of consent in Washington for most medical treatment is 18. <a href="#">RCW 26.28.010</a>. There are, however, circumstances where parental consent for a child's medical treatment is not required, for example:</p> <ul style="list-style-type: none"> <li>• Consent is not required for emergency medical services. <a href="#">RCW 7.70.050</a> and <a href="#">18.71.220</a>.</li> <li>• The age of consent for mental health treatment is 13. <a href="#">Chapter 71.34 RCW</a>.</li> <li>• The age of consent for sexually transmitted disease diagnosis and treatment is 14. <a href="#">RCW 70.24.110</a>.</li> <li>• A school nurse, school counselor, or homeless student liaison may consent on behalf of a homeless youth in some circumstances and in other circumstances a homeless youth may consent on their own <a href="#">RCW 7.70.065</a>.</li> <li>• Independent decisions on reproductive health care are protected by statute and the Washington Constitution. <a href="#">Chapter 9.02 RCW</a> and <i>State v. Koome</i>, 84 Wn.2d 901 (1975).</li> </ul>

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		<ul style="list-style-type: none"> <li>Emancipated minors and minors deemed sufficiently mature under the "mature minors" doctrine may consent to their own care. <a href="#">Chapter 13.64 RCW</a> and <i>Smith v. Seibly</i>, 72 Wn.2d 16 (1967).</li> </ul> <p>When a child is covered under a parent's health insurance, the insurer is prohibited from disclosing certain health information about the child to the parent if the child is old enough to independently consent to the covered service in question. <a href="#">RCW 48.43.505</a>.</p>
<b>Criminal Action and Law Enforcement</b>	<p><b>(6)</b> To receive immediate notification if a criminal action is deemed to have been committed against their child or by their child. <i>I-2081 Sec. 1(2)(f)</i></p>	<p>School districts must notify the parent of a child within 48 hours if the child is the alleged victim of sexual misconduct by school staff. <a href="#">RCW 28A.320.160</a>.</p> <p>School districts, in accordance with a required model policy, must notify the parent of a child who is the target of a threat and the parent of the child who made the threat, if the threat is deemed moderate or high risk. <a href="#">RCW 28A.320.128</a>.</p> <p>The court must provide the parent of a child accused of a juvenile criminal offense with a summons upon the filing of that case. There are other requirements that courts consult or notify parents when their child is accused or adjudicated of a juvenile offense. Additionally, the Department of Children, Youth, and Families must notify parents of juvenile victims of certain offenses. <a href="#">RCW 13.40.100</a>, <a href="#">13.40.050(2)</a>, <a href="#">13.40.070(9)</a>, <a href="#">13.40.215</a>.</p>
	<p><b>(7)</b> 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. <i>I-2081 Sec. 1(2)(g)</i></p>	<p>State law provides that it is the preferred practice to have law enforcement or the Department of Children, Youth, and Families ask for a parent's permission to interview a child when there is an allegation of child abuse or neglect unless doing so would compromise the safety of the child or the integrity of the assessment. Parental notice of the interview must occur at</p>

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		<p>the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the investigation. <a href="#">RCW 26.44.030(15)</a>.</p> <p>State law directs the Washington State School Directors' Association (WSSDA) to adopt a model policy addressing protocols for student interviews (3226). <a href="#">RCW 26.44.030(15)</a>. The model policy, which WSSDA encourages its members to adopt, provides that a principal must make a reasonable effort to notify the parent of the interview. Whether the interview can proceed without parental consent depends on the age of the child. <a href="#">RCW 13.40.140(11)</a>.</p>
<b>Removal from Campus</b>	<p><b>(8)</b> 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 <a href="#">RCW 74.15.020</a>. <i>I-2081 Sec. 1(2)(h)</i></p>	<p>School districts must have a policy providing that no child be removed from campus except by a person authorized by the parent, with the exception of school staff providing certain transportation under specified conditions, school security staff removing a student for disciplinary reasons, official emergency responders. <a href="#">RCW 28A.605.010</a>. School districts must also have a policy specifying restrictions on students leaving secondary school grounds during school hours. <a href="#">RCW 28A.600.035</a>.</p> <p>Law enforcement and child protective services may take a child into custody without a court order during child abuse or neglect investigations, but must leave a written statement with a parent or in the residence of the parent. <a href="#">RCW 26.44.050</a>, <a href="#">26.44.110</a>, and <a href="#">26.44.115</a>.</p> <p>There is a general requirement that licensed overnight youth shelters, homeless service providers, and host homes notify parents within 72 hours of a child's entry. However, if there are compelling reasons not to notify the parent, the shelter or organization must notify the Department of Children, Youth, and Families instead of the parent. <a href="#">RCW 13.32A.082</a> and <a href="#">74.15.020</a>.</p>

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<b>Nondiscrimination</b>	<p><b>(9)</b> To receive assurance their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family in accordance with <a href="#">Chapter 28A.642 RCW</a>.  <i>I-2081 Sec. 1(2)(i)</i></p>	<p>Discrimination on the basis of religion, as well as other protected classes, is prohibited in public schools under state and federal law. <a href="#">Chapter 28A.642, 28A.640 RCW</a>.</p> <p>Schools must share with parents policies related to nondiscrimination requirements, including by placing a nondiscrimination statement in notices and other publications made to parents. <a href="#">Chapter 28A.642 RCW</a> and <a href="#">RCW 28A.300.286</a>.</p>
<b>Notice of Opt Out</b>	<p><b>(10)</b> 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 any of the following:</p> <ul style="list-style-type: none"> <li>• The child's sexual experiences or attractions;</li> <li>• The child's family beliefs, morality, religion, or political affiliations;</li> <li>• Any mental health or psychological problems of the child or a family member; and</li> <li>• All surveys, analyses, and evaluations subject to areas covered by the Protection of Pupil Rights Amendment of the Family Educational Rights and Privacy Act.</li> </ul> <p><i>I-2081 Sec. 1(2)(j)</i></p>	<p>State rules of the Superintendent of Public Instruction provides the following:</p> <ul style="list-style-type: none"> <li>• No question, survey, or exam may be used to determine the religion of a student or parent, without consent of the parent. <a href="#">WAC 392-500-030</a>.</li> <li>• Parents must provide written consent before the administration of any diagnostic personality test of their child. <a href="#">WAC 392-500-035</a>.</li> </ul> <p>The federal Protection of Pupil Rights Amendment (PPRA) requires public schools to notify parents, and offer the option to opt their children out, of administration of surveys, analyses, or evaluations that reveal information concerning:</p> <ul style="list-style-type: none"> <li>• political affiliations;</li> <li>• mental and psychological problems potentially embarrassing to the student or the student's family;</li> <li>• sex behavior and attitudes;</li> <li>• illegal, anti-social, self-incriminating and demeaning behavior;</li> <li>• critical appraisals of other individuals with whom the student has close family relationships;</li> <li>• legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers; or</li> </ul>

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		<ul style="list-style-type: none"> <li>income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under a program. <a href="#">PPRA</a>.</li> </ul> <p>The PPRA is an amendment to the Elementary and Secondary Education Act, rather than to the Family Educational Rights and Privacy Act.</p>
	<p><b>(11)</b> To receive written notice and have the option to opt their child out of instruction on topics associated with sexual activity in accordance with <a href="#">RCW 28A.300.475</a>.  <i>I-2081 Sec. 1(2)(k)</i></p>	<p>Public schools must provide a parent with notification that a child will be receiving comprehensive sexual health education, provide a means for electronic access to these course materials, and grant parental requests to excuse the child from this instruction. <a href="#">RCW 28A.300.475(7)</a>.</p>
<b>School Calendar</b>	<p><b>(12)</b> 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. Such calendar must be posted to the public school's website and must include, at a minimum, student attendance days and any event that requires parent or student attendance outside of normal school days or hours.  <i>I-2081 Sec. 1(2)(l)</i></p>	<p>A model policy of the Washington State School Directors' Association that school districts may adopt provides that school districts adopt school calendars annually by June 1 and that staff, students, parents, and community members be advised of the calendars (2220).</p>

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<b>Required Fees</b>	<b>(13)</b> To receive in writing each year or to view on the public school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be addressed. <i>I-2081 Sec. 1(2)(m)</i>	State law includes provisions for school districts to collect fees and waive fees for students from low-income households. Examples include: <ul style="list-style-type: none"> <li>• Fees for preadmission screenings for students under age 5. <a href="#">RCW 28A.225.160</a>.</li> <li>• Fees for Running Start programs. <a href="#">RCW 28A.600.310</a>.</li> <li>• Fees for associated student body cards and extracurricular activities. <a href="#">RCW 28A.600.207</a>.</li> </ul>
<b>Dress Code or Uniform</b>	<b>(14)</b> To receive in writing each year or to view on the school's website a description of the school's required dress code or uniform established pursuant to <a href="#">RCW 28A.320.140</a> , if applicable, for students. <i>I-2081 Sec. 1(2)(n)</i>	If a school board chooses to adopt a dress or grooming code that prohibits students from wearing gang-related apparel, the school board must establish policies to notify students and parents of what clothing and apparel is considered gang-related. <a href="#">RCW 28A.320.140</a> .
<b>Academic Performance</b>	<b>(15)</b> To be informed if their child's academic performance, including whether their child is provided a student learning plan under <a href="#">RCW 28A.655.270</a> , 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 encourage the child's academic improvement. <i>I-2081 Sec. 1(2)(o)</i>	RCW 28A.655.270 was repealed in 2023 by <a href="#">ch. 271, sec. 11</a> .  Teachers and administrators must make periodic reports to parents about the child's educational growth and development. <a href="#">RCW 28A.150.240</a> .  School districts must notify the parent of the child's performance on statewide assessments. <a href="#">RCW 28A.230.195</a> .  State law includes the following notification requirements related to grade placement: <ul style="list-style-type: none"> <li>• Schools must notify parents about the second grade reading assessment during fall parent-teacher conferences, inform them on their child's performance on the assessment, identify reading improvement</li> </ul>

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		<p>strategies that will be provided at school, and provide strategies to be used by parents. <a href="#">RCW 28A.300.320</a>.</p> <ul style="list-style-type: none"> <li>• Schools must require meetings between teachers and parents of students in third grade who are reading below grade level, in which the teacher informs the parent of the grade placement policy and of the reading improvement strategies that will be provided to the child. <a href="#">RCW 28A.655.230</a>.</li> <li>• Report cards for students in grades K-4 must include information on reading proficiency. If a child is not reading at grade level, the teacher must explain to the parent the reading improvement strategies that will be provided at school and must provide strategies to be used at home. <a href="#">RCW 28A.320.203</a>.</li> <li>• School districts must notify parents of students in grades 8-12 whether the results of state assessments will be used for program placement or grade-level advancement and whether there will be an opportunity for parents to discuss strategic adjustments with teachers. <a href="#">RCW 28A.320.208</a>.</li> </ul>