



NICK BROWN
ATTORNEY GENERAL OF WASHINGTON

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July 21, 2026

The Honorable Steve Hobbs
ATTN: Stuart Holmes
PO Box 40229
Olympia, WA 98504-0229

Re: Ballot Title and Explanatory Statement for Initiative IL26-001

Dear Secretary Hobbs:

In accordance with RCW 29A.32.040 and RCW 29A.32.070, we supply herewith the Ballot Title and Explanatory Statement for Initiative IL26-001. The ballot title for Initiative IL26-001 was previously established, and is repeated here solely for convenience of reference.

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to a statute listing certain rights of parents and guardians of public-school children and re-enact the law as it was originally enacted by Initiative to the Legislature 2081.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 []

The Law as It Presently Exists

In 2024, the Legislature passed Initiative to the Legislature 2081, which listed certain rights of parents and guardians of public-school children. Many of those rights were already set forth elsewhere in state or federal law. In 2025, the Legislature made several changes to this list of parental and guardian rights, which again restated many rights that already existed elsewhere in state and federal law. Currently, the list of parent and guardian rights is set forth in statute at RCW 28A.605.005 and provides:

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Access to Educational Materials and Records: Parents and legal guardians have the right to access their child's classroom and school-sponsored activities to observe and to examine textbooks, curriculum, and supplemental materials used in their child's classroom in accordance with policies and procedures. Parents and legal guardians have the right to review their child's education records by submitting a written request. Records must be provided within a reasonable period of time not to exceed 45 days. Education records are defined as official records, files, and data directly related to a student and maintained by the public school, including records in a child's cumulative folder, records of attendance and academic work completed, records of achievement and evaluative tests, disciplinary status, test protocols, and individualized education programs. 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. Schools may charge a reasonable fee for copying education records for parents and guardians so long as the fee does not prevent a parent or guardian from accessing the records. Parents and guardians are not required to appear in person to request education records, provided the public school can ascertain the identity of the requestor. Access and disclosure of health care information is governed by state health-care disclosure laws.

Student Performance and Attendance: Parents and legal guardians have the right to be informed of their child's academic performance, including the child's performance on state learning standards tests and assessments. A parent or legal guardian has the right to request an in-person meeting with the child's classroom teacher and principal to discuss resources or strategies to support and encourage the child's academic improvement. Parents and legal guardians also have the right to be notified of unexcused absences and to engage in efforts to eliminate or reduce the child's absences in accordance with other state law.

Criminal Action and Law Enforcement: Parents and legal guardians have the right to receive immediate notification when a criminal action is alleged to have been committed against their child on school property during the school day or during a school sponsored activity or when their child has been detained based on probable cause of involvement in criminal activity on school property during the school day. Parents and legal guardians also have the right to receive immediate notification if their child is subject to custodial interrogation at the school during the school day, except in cases where the parent or legal guardian has been accused of abuse or neglect against the child being questioned. Public schools must also give notice to parents and guardians upon receipt of reports that their child is the alleged victim of physical or sexual abuse, misconduct, or assault by a school employee or contractor.

Removal from Campus: Parents and legal guardians have the right for their child not to be removed from school grounds or buildings during school hours without the authorization of a parent or legal guardian according to other provisions of state law. Notice to parents provided by youth shelters, law enforcement agencies, and the Department of Children, Youth, and Families when they provide shelter to or take custody of children are governed by other laws.

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Non-Discrimination: Parents and legal guardians have a right to have their child receive a public education in a setting that prohibits discrimination on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation, gender expression, gender identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

Harassment, Intimidation, and Bullying: Parents and guardians have the right to file a complaint on behalf of their child relating to harassment, intimidation, and bullying, as set forth in other state law.

Notification and Opt Out Rights: Parents and legal guardians have the right to receive written notice and to opt their children out of surveys, analyses, or evaluations that reveal information concerning categories listed in federal opt-out laws, including political affiliation or beliefs; mental or psychological problems of the student or student's family; sex behavior and attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of people with close relationships to the child or the child's family; religious practices, affiliations, or beliefs of the child or the child's family; and income. Parents and legal guardians also have the right to opt their child out of comprehensive sexual education as required by other state law.

Enrollment Rights: Parents and legal guardians have a right to have their child qualify for enrollment in a school district if they are transferred to, or pending transfer to, a military installation within the state. Parents and legal guardians have a right to have their child qualify without a legal residence for enrollment in a school district. Parents and legal guardians also have the right to request enrollment for their child in a nonresident school district. Parents and legal guardians have a right to request enrollment for their child in a charter school.

Language Access Rights: Parents and legal guardians have a right to receive annual notice of the public school's language access policies and services and the parents' right to free language access services. Parents and legal guardians also have a right to have their child whose primary language is not English to access supplemental instruction and services through a transitional bilingual instruction program.

Special Education Rights: Parents and legal guardians have the right to request special education programs and assistance for their child if their child is eligible for, but not receiving, special education services, including due to illness. Parents and legal guardians also have the right to request an appeal to the superintendent of public instruction if their child with disabilities has been denied the opportunity of a special education program by a school district or public school, and to access special education due process hearings regarding their child.

School Calendar: Parents and legal guardians have a right to receive the annual school calendar no later than 30 days prior to the beginning of the school year, and to be notified of any

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revisions to the calendar. The calendar must be posted to the school's website and must include student attendance days and events that require parent or student attendance outside of normal school days or hours.

Required Fees: Parents and legal guardians have a right to be informed of required fees and their purpose and use, and how economic hardships may be addressed.

Dress Code or Uniform: Parents and legal guardians have a right to be informed of a description of any required dress code or uniform.

Private Right of Action: Nothing in the statute setting forth rights of parents and legal guardians creates a private right of action.

The Effect of the Proposed Measure if Approved

If approved, the proposed measure would undo all of the changes made by the 2025 Legislature, and re-institute the list of rights as enacted in 2024 by Initiative to the Legislature 2081. Specifically, the proposal would modify current law in the following ways:

Access to Educational Materials and Records: Parents and legal guardians would have a right to examine the textbooks, curriculum, and supplemental material used in their child's classroom. The limitation that parental and guardian access is according to the provisions of other law and in conformity with school policies would be removed. With respect to records, schools would be prohibited from requiring that parents appear in person to make a records request. The exception for cases where the school could not verify the identity of the parent or guardian would be eliminated. Schools would be prohibited from charging for electronic copies, and could charge a reasonable fee for copies of paper records. Records would have to be produced within ten business days instead of the 45 days allowed by current law. The kinds of records that schools would be required to produce would be broadened to include any student-specific files, documents, or other materials that are maintained by the school. The exception for documents kept in the sole possession of the maker would be eliminated. The provision specifying that health care records are controlled by separate laws about disclosure of health care records would be eliminated.

Medical Services and Treatment: The measure would add that parents and legal guardians have a right to receive prior notification when medical services are being offered to their child (except emergency medical treatment), to receive notification when any medical service has been provided to their child that could result in financial impact to the parent or legal guardian, and to receive notification when the school has arranged for medical treatment that results in follow-up care beyond normal school hours.

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Criminal Action and Law Enforcement: The specification that parents and guardians are only entitled to notice from public schools when the crime or law enforcement engagement occurs on school property and during school hours would be removed. The right to receive immediate notification when a child is alleged to be the victim, target, or recipient of physical or sexual abuse, sexual misconduct, or assault by a school employee or contractor would be removed.

Removal from Campus: The provision specifying that parental and legal guardian notification by youth shelters, law enforcement, and the Department of Children, Youth, and Families is governed by other laws would be removed. Public schools would be required to notify parents if a child is taken or removed from a public school without parental permission, including to stay at a youth shelter.

Non-Discrimination: The provision specifying that parents and legal guardians have a right to have their child receive an education in a setting that prohibits discrimination on a number of bases would be removed. The measure would instead state a right of parents and legal guardians to receive assurance that their child's public school will not discriminate against their child based upon the sincerely held religious beliefs of the child's family.

Notification and Opt Out: Parents and legal guardians would continue to have the right from federal law to receive written notice and to opt their children out of surveys, analyses, or evaluations that reveal information concerning political affiliation or beliefs; mental or psychological problems of the student or student's family; sex behavior and attitudes; illegal, anti-social, self-incriminating, or demeaning behavior; critical appraisals of people with close relationships to the child or the child's family; religious practices, affiliations, or beliefs of the child or the child's family; and income. The measure would add to the list of topics for which parents and legal guardians have the right to receive notice and opt-out the child's sexual experiences or attractions, the child's family beliefs, morality, or religion, or political affiliations; and any mental health or psychological problems of the child or a family member.

The right to opt a child out of comprehensive sexual education would be rewritten to state a right to receive written notice and the option to opt a child out of instruction on topics associated with sexual activity in accordance with state law.

Other Provisions Removed: The right of a parent or legal guardian to file a complaint on behalf of their child relating to harassment, intimidation, and bullying, as set forth in other state law, would be removed. The statement that nothing in the statute setting forth rights of parents and legal guardians creates a private right of action would be removed. The provisions regarding enrollment rights, language access rights, and special education rights would be removed.

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Calendar, Fees, and Dress Code: No changes would be made to the provisions regarding the school calendar, required fees, or the dress code or uniform.

Sincerely,

s/Peter B. Gonick

PETER B. GONICK

Deputy Solicitor General

360-753-6245