

MEMORANDUM

TO Let's Go Washington (Sponsored by Brian Heywood)

FROM Callie A. Castillo

DATE August 26, 2026

RE Initiative IL26-001 - Parental Access to Student Records

I.

INTRODUCTION

Initiative IL26-001 or the Parents' Bill of Rights Initiative would reinstate laws previously adopted by the Legislature in 2024 through Initiative 2081. You asked us to analyze the effect that the Parent's Bill of Rights Initiative would have on parental access to certain student records when a parent or legal guardian is accused of abuse or neglect of a child. We address this issue below.

II.

BACKGROUND

In 2024, the Legislature adopted Initiative 2081 establishing a parents' bill of rights related to their children's education. 2024 Laws of Washington, Ch. 4. Added to chapter 28A.605, the measure provides, in relevant part, that parents and legal guardians the right to examine education material used in their child's classroom and inspect the child's "public school records" as defined in the measure. *Id.* § (2)(a), (b)(i). Public school records included, among other categories, academic records, medical or health records, mental health counseling, vocational counseling, records of discipline, and of attendance. *Id.* § (2)(iv). Notwithstanding these disclosure requirements, public schools were not required to release any records or information regarding a student's medical or health records or mental health counseling records to a parent who was the subject of an investigation of child abuse or neglect unless ordered to disclose the records by a court. *Id.* § (3).

One year later, the Legislature amended Initiative 2081 to undo or limit parents' rights to access certain information about their children. 2025 Laws of Washington, Ch. 369, Part 5. Specific to the issues of this memorandum, the Legislature redefined "public school records" to "education records" and limited access to official records maintained by the public school related to academics, disciplinary status, test protocols, and not to other records such as those related to the child's health care, mental health, vocational, and disciplinary records, or to notes of the child kept by individuals such as teachers or administrators. *Id.* § 501. The Legislature also amended the law to provide that public schools shall not be required to release any records or information regarding a student's "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 a named victim, or to a parent or legal guardian who is the subject of a child abuse or neglect investigation, unless ordered to disclose the records by a court.

Initiative IL26-001 would reinstate Initiative 2081.

III.

ANALYSIS

Initiative IL26-001 would reset the types records that parents have a right to inspect and also that which schools may withhold when a parent is the subject of an investigation of parent abuse into two, overarching broad categories: (1) medical or health records and (2) mental health counseling records.

Neither set of terms is defined by the measure so a court would give the terms their “plain and ordinary meaning,” *State v. Valdiglesias LaValle*, 2 Wn.3d 310, 318, 535 P.3d 856, 861 (2023), which is usually ascertained from a standard dictionary. *U.S. Sportsmen's All. Found. v. Smith*, 3 Wn.3d 743, 746, 557 P.3d 254, 256 (2024). In this instance, “medical” is generally defined as “1: of, relating to, or concerned with physicians or the practice of medicine; 2: requiring or devoted to medical treatment.”¹ “Health” generally is defined as “the condition of being sound in body, mind, or spirit; the general condition of the body.”² And “mental health,” in turn, is generally defined as “the condition of being sound mentally and emotionally that is characterized by the absence of mental illness and by adequate adjustment especially as reflected in feeling comfortable about oneself, positive feelings about others, and the ability to meet the demands of daily life *also* : the general condition of one’s mental and emotional state.”³ Together, these terms would encompass most any physical or mental health record held by the school keeping broad protections in place for children whose parents were subject to investigation for abuse or neglect.

The only two categories of records that would not be expressly covered by the investigation exemption are “social work” and “disciplinary records.” Depending on the content, it is likely that at least some “social work” records would be covered by the medical, health, or mental health counseling record exemption. And for those “social work” records that are not specifically related to the child’s physical or mental state, it is likely that other laws would govern whether such records may be provided to the parent. *E.g.*, RCW 13.50.010, .100 (granting parents access to records retained by a “care agency” unless release of the information is determined likely to cause several psychological or physical

¹ <https://www.merriam-webster.com/dictionary/medical>

² <https://www.merriam-webster.com/dictionary/health>

³ <https://www.merriam-webster.com/dictionary/mental%20health>

harm to the juvenile). As for a child's "disciplinary records" it is unclear what the impact would be of withholding or alternatively providing such records when a parent is the subject of investigation for abuse or neglect. If there were a specific reason for withholding that information from a parent under investigation, presumably the school or other interested parties could seek a court order restraining the release.

We note that the IL26-001 would narrow the categories of persons covered by these requirements to just "parents." Legal guardians would not be covered by the proposed measure. Their access to student records would be covered by different laws or as allowed by the court order granting guardianship.

Finally, questions have been raised whether IL26-001 would require schools to give a parent access to medical, health, and mental health counseling records once the parent has been charged with a crime for abuse or neglect. Most likely not. The measure broadly states that the exemption applies "during the pendency of an investigation" by law enforcement or the department of children, youth, and families. It would be reasonable for a school to broadly construe that language to apply to any period before the parent's abuse or neglect has been finally adjudicated by a court or other agency. Moreover, the measure creates an exception when the parent obtains a court order for the records. Any parent who disagrees with this construction could seek judicial clarification.

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