

Washington's Public Schools Will Continue to Protect Student Privacy and Safety

OLYMPIA, WA, USA, June 5, 2024 /EINPresswire.com/ -- In early March, the Legislature passed Initiative 2081 (I-2081), establishing the Parents' Bill of Rights in Washington state. While the initiative overlaps or mirrors existing law in many places, some provisions conflict with current law--particularly around students' right to privacy in school.

The initiative states that parents and legal guardians have the right to inspect their child's public school records, a right that is already outlined in existing law. However, the initiative defines what constitutes as a "record," to include items such as medical or health records; records of any mental health counseling; and any other student-specific files, documents, or other materials maintained by the school.

Some of these records contain personal information and are protected under the Federal Education Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act (HIPAA), and as such, cannot be disclosed without the student's consent.

"I want to be clear: This initiative did not change, reduce, or diminish student privacy rights in Washington schools that are protected by federal law," said State Superintendent Chris Reykdal.

"There is no question that students are best supported when their families are actively involved in their education," Reykdal continued. "But if a student does not feel safe coming out to their family and they turn to a trusted adult at their school for support, they have a right to receive that support without fear of being outed by their school."

FERPA does not require the disclosure of any information related to a student's gender status outside of a specific request to review and inspect records. Further, FERPA does not compel a school to share information that a school official obtains through personal knowledge or observation--and not from an education record--unless the school official uses the information in a manner that produces an education record.

"In Washington state, we recognize that LGBTQ+ youth often face barriers and challenges at higher rates than their peers, and we have worked hard to create learning environments where all students feel welcomed and included," Reykdal said. "However, we are seeing a disturbing trend of some policymakers implementing state and local policies that aim to undo these protections."

“Our state’s guidance has maintained that, in order to protect student privacy and safety, schools should communicate with students who disclose they are transgender or gender expansive about the student’s individual needs, preferences, and safety concerns,” Reykdal continued. “It is the student’s decision when and if their gender identity is shared, and with whom.”

On May 23, the ACLU of Washington, Legal Voice, and QLaw filed a lawsuit on behalf of 10 nonprofit organizations to prevent the initiative from taking effect because the initiative contradicts existing federal and state laws.

Yesterday, the King County Superior Court denied the plaintiff’s motion for a temporary restraining order, which would have prevented the initiative from taking effect on June 6 as scheduled by the Legislature. On June 21, the Court will consider a preliminary injunction.

To support schools in implementing the initiative, the Legislature directed the Office of Superintendent of Public Instruction (OSPI) to develop comprehensive technical guidance.

Until additional clarity is provided on the areas where the initiative conflicts with existing state and federal law, school districts should not make changes to any policies and procedures that are implicated by the conflicting sets of law. When in doubt, school districts should follow federal privacy laws.

For More Information

- [Gender Inclusive Schools: Information for Families](#)
- [Gender Inclusive Schools: Resources for School Districts](#)
- [Prohibiting Discrimination in Washington Public Schools](#), February 2012

Anyone who believes a student is experiencing discrimination or discriminatory harassment based on gender expression or gender identity may file a formal complaint with their school district or charter school.

Washington Office of Superintendent of Public Instruction
Washington Office of Superintendent of Public Instruction
+1 360-725-6000

[email us here](#)

Visit us on social media:

[Facebook](#)

[X](#)

[LinkedIn](#)

[Instagram](#)

[YouTube](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/717558385>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2024 Newsmatics Inc. All Right Reserved.