Washington Parents Network
FERPA Civil Rights Complaint against the Washington Office of the Superintendent of Public Instruction

David Spring M. ED. , Director

Washington Parents Network.com

US DEPARTMENT OF EDUCATION, STUDENT PRIVACY POLICY OFFICE

FERPA ADMINISTRATIVE COMPLAINT

May 9, 2025

From: David Spring M. Ed. Director, Washington Parents Network

To: US Department of Education Student Privacy Policy Office (SPPO)
Lyndon Baines Johnson Department of Education Building
400 Maryland Avenue, SW Washington, DC 20202

RE: Washington State Superintendent of Public Instruction violations of the Family Educational Rights and Privacy Act (FERPA)

Submitted Via Email: FERPA.Complaints@ed.gov

To Whom It May Concern:
This is a FERPA Parents Rights complaint filed with the U.S. Department of Education Student Privacy Policy Office (SPPO). The Washington Parents Network brings this complaint against the Washington Superintendent of Public Instruction in his official capacity in charge of the Office of the Superintendent of Public Instruction (OSPI) for requiring all 295 school districts in Washington state to **force teachers and administrators to keep secret from parents who request important educational records about their children, including the gender transitioning and drug addiction of their children,** in programs that receive Federal funding in violation of the Family Educational Rights and Privacy Act (FERPA).

The Washington Parents Network makes this complaint on behalf of over 2,700 of our members who have students in school districts in Washington state. All of the school districts in Washington state receive federal funding and therefore must comply with FERPA. However, as we review in detail below, recent Washington state laws as well as OSPI statewide mandated policies and Teacher Training procedures require school district administrators and teachers to violate (FERPA). Our complaint includes this 6 page cover letter and a 48 page summary of FERPA volations, divided into 10 sections, outlining how the FERPA rights of our members and their children and students were violated by policies advanced directly or indirectly by Chris Reykdal, who we contend has been violating the plain meaning of FERPA ever since he took office 8 years ago.

In this complaint, we provide **2 parent examples of violations of FERPA** that have been inflicted on our parents during the past 8 years. (see Section 9 of this complaint). We also provide 4 school district examples of FERPA violations harming parents in entire school districts. (See Section 7) These examples are evidence that all of our parent members have been harmed by Reykdal's failure to comply with FERPA.

Background...This is our fourth Washington Parents Network administrative complaint

On February 28, 2025, the Washington Parents Network filed a 99 page Title IX complaint against Washington Superintendent Chris Reykdal and OSPI which you can download and read at this link: https://washingtonparentsnetwork.com/phocadownload/Washington%20Parents%20Network%20Title%20IX%20Complaint%202-28-25.pdf

On March 21, 2025, we filed a Title IX complaint against the Seattle Branch of the US Dept of Education Office of Civil Rights along with a **Request for an Immediate Directed Investigation** due to the Seattle Branch failure to follow up with our February 28, 2025 complaint as required by the Office of Civil Rights Complaint Process Manual. Here is a link to this complaint: https://washingtonparentsnetwork.com/news/seattle-office-of-civil-rights-ignores-title-ix-federal-court-order

On April 18, 2025, the Washington Parents Network filed a 64 page Title VI Complaint against Washington Superintendent, Chris Reykdal and OSPI to end DEI and Critical Race Theory Instruction in Washington state public schools. You can download and read this complaint at this link: https://washingtonparentsnetwork.com/phocadownload/Washington%20Parents%20Network%20Title%20VI%20Complaint%2004-18-25.pdf

On April 25, 2025, in response to Chris Reykdal's April 23, 2025 claim that Washington state was not likely to lose any federal funding due to his non-compliance with Title IX, the Washington Parents Network published a detailed summary of 18 Title IX federal cases during the past 5 years. Our conclusion was that, because **Reykdal falsely certified that Washington was "in compliance" with Title IX for the past 8 years**, our state could be found liable for 8 years of retroactive fines due to "breach of contract" and these fines could cost Washington state taxpayers billions of dollars. https://washingtonparentsnetwork.com/title-ix-facts/why-reykdals-title-ix-lies-could-cost-taxpayers-billions

On April 30, 2025, the US Office of Education announced that their **DOE/DOJ Joint Civil Rights Taskforce** was launching a Directed Investigation into the Washington State Superintendent's Office. Here is a link to this Press Release: https://www.ed.gov/about/news/press-release/title-ix-special-investigations-team-launches-directed-investigation-washington-state-superintendents-office-0

Here is a quote from this Press Release: *"**The Investigation Comes Amid Reports that Washington State Policies Conflict with Title IX, FERPA, and PPRA…**Today's investigation into Washington OSPI is a first-of-its-kind, bringing together ED and DOJ, and multiple offices within ED, to adjudicate several potential violations of federal law."*

While the Department of Education press release focused in part on **recent OSPI threats against the La Center School Board** for their attempts to comply with FERPA, in this complaint, we will provide evidence that during the past 8 years, OSPI, in conjunction with the radical leaders of the Washington state legislature, have threatened several school districts. Attempts by school districts to comply with FERPA by providing parents with accurate and complete disclosure of a students educational records has led to many school districts receiving severe warning letters from OSPI that they must immediately stop providing parents with accurate and complete records or risk losing state funding.

We provide summaries from four school districts, but we have been told by school board directors than **more than 20 school districts** have received threatening letters from OSPI due to their attempts to comply with Title IX. The exact number of school districts to receive threatening letters is not known due to secrecy policies at OSPI.

In addition, OSPI has required a series of "secrecy policies," such as **Policy 3211,** that force all school district administrators and teachers in Washington state to keep a "Double Set of Student Records" in order to **deliberately violate the FERPA rights of parents to receive accurate and complete educational records of their students.**

On April 24, 2025, the Washington legislature passed House Bill 1296, which increases penalties for school districts that refuse to keep a "Double Set of Books" in order to hide important educational records from parents.

Why our Washington Parents Network complaint is urgently needed
First, while we are grateful to the DOE/DOJ Joint Civil Rights Taskforce for launching an investigation into the threats being made against the La Center School Board, we want to provide the Taskforce with evidence from several school districts in order to confirm that this is a statewide problem affecting all 295 school districts and not limited to any single school district.

Second, we want to make sure the DOE/DOJ Joint Civil Rights Taskforce is aware of the complete 8 year history of this statewide failure to comply with FERPA. For example, **FERPA regulation § 99.61** requires Local Education Agencies, such as school districts, to notify SPPO within 45 days of any conflicts with State laws that prevent the school district from complying with FERPA and giving the text and citation of the conflicting law. We believe that until recently, no school district in Washington state has sent SPPO the required notice. However, the reason this was not done was because **school districts were falsely told by OSPI** that FERPA not only allowed a Double Set of Educational Records – but FERPA required a Double Set of Educational records to protect the privacy of students attempting to hide their educational records from their parents. Washington laws were changed in 2019 to require hiding information from parents and school districts adopted policy 3211 between 2020 to 2021 to comply with policy 3211. We review Policy 3211 violations of FERPA in Section 7 of this complaint and 2025 House Bill 1296 violations of FERPA in Section 8 of this complaint.

Third, **(per 20 U.S.C. 1232g(b)(4)(B), (f) and (g)),** we request an extention of the time limit beyond the normal 180 days for the following “Good Cause” reasons:
#1 The OSPI violations of FERPA are pervasive, deliberate and ongoing. In fact, due to the recent passage of House Bill 1296, they are expanding.

#2 Due to the Double Books nature of these violations, it is impossible for any parent to even tell whether they are receiving accurate complete educational records or not. As our two parent examples illustrate, the only way any parent would know they had been lied to is if an accidental release of the accurate educational information occurred.

#3 The Washington Parents Network was formed in part as a response to Policy 3211 in an attempt to restore the right of parents to accurate and complete educational records. In 2023, we supported Initiative 2081, the

Washington Parents Rights Initiative, which restored the FERPA right of parents to receive accurate and complete educational records on request. In 2024, this Initiative was approved by the Washington State legislature and was scheduled to become law on June 6, 2024. However, on June 5, 2024, Chris Reykdal directed all school districts to ignore the Parents Rights Initiative due to his false claim that the Parents Rights Initiative violated FERPA. After months of legal filings, in January, 2025, a King County Superior Court judge ruled that the Parents Rights Initiative did not violate FERPA. Reykdal still refused to honor the Parents Rights Initiative. The passage of House Bill 1296 on April 24, 2025, which gutted the Parental Notice provisions of the Parents Rights Initiative, made it clear that our only recourse was to file this FERPA complaint seeking the assistance of the U.S. Department of Education Student Privacy Policy Office (SPPO) to enforce FERPA here in Washington state.

We believe that all three of the above reasons meet the Good Cause requirement to support waiving the 180 day time limit in this case.

The fourth reason our complaint is urgently needed is that we wanted to make the Department of Education aware of the severe harm that has occurred to students and parents here in Washington State due to Reykdal's refusal to comply with federal civil rights laws like Title IX, Title VI and FERPA. For example, Washington State students now suffer among the highest rates of Major Depression of any students in the United States. In addition, due to failure to comply with FERPA, more than 91,000 parents have pulled their students out of our public schools here in Washington state since Chris Reykdal took office 8 years ago (See Section 1 of our complaint).

The fifth reason our complaint is urgently needed is that, Chris Reykdal, has held numerous press conferences during the past three months stating that he believes OSPI and Policy 3211 are in compliance with FERPA – or alternately, that Washington State Civil Rights laws have priority over federal civil rights laws. While neither of these claims are true, Reykdal has stated he will not change his position until ordered to do so by a federal court. Since it is almost certain that this case will go to federal court, in our complaint, we have provided the Taskforce with important summaries of the historical rights of parents and US Supreme Court rulings on the rights of parents under the US Constitution. (See Sections 2 and 3).

The sixth reason that our complaint is urgently needed is that, during the past 5 years, OSPI has also conducted annual Teacher Training sessions that have **misled tens of thousands of teachers in Washington to violating the FERPA rights of parents** by dishonestly telling teachers that FERPA is about protecting the privacy of students to hide their educational records from their parents rather than being about providing parents with accurate and complete records about their students.

We believe that the only way to truly restore the FERPA rights of parents in our state is to **appoint a Washington State FERPA coordinator** to create and conduct FERPA Teacher Training sessions over the next three years to correct for the misleading information OSPI has given to teachers during the past 8 years (see Section 10 of our complaint). Without this corrective training, it is certain that teachers and administrators in Washington state will continue to violate the FERPA rights of more than one million parents.

Finally, we ask that you immediately **forward our Washington Parents Network FERPA complaint to the DOE/DOJ Joint Civil Rights Taskforce** so they can include the information we have provided in our complaint during their ongoing Directed Investigation of the Washington Office of Superintendent of Public Instruction. The Taskforce needs to be made aware of the fact that OSPI violations of FERPA are pervasive, deliberate and ongoing and that, due to the recent passage of House Bill 1296, these FERPA violations are about to get a lot worse. They also need to be made aware of the fact that compliance with FERPA will not be achieved unless the Taskforce imposes remedial “teacher training” measures to make up for the past several years of false information about FERPA given to teachers by OSPI.

Sincerely,

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Washington Parents Network

FERPA Administrative Civil Rights Complaint

against the Washington Office of the

Superintendent of Public Instruction

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Section 1: How violating the Trust of Parents harms the education and development of our children

“Children are being groomed into sexual identities and transgenderism without their parents knowledge – acts being actively concealed from their parents in violation of Constitutional law which says that only parents have the right to make these health decisions for their children. “ - Harmeet Dhillon US Department of Justice, Assistant Attorney General for Civil Rights May 7, 2025

When parents send their children to school, they have a right to expect open lines of communication and assume the school will defer to them on any significant decisions. For the past 150 years, that has been the norm. As any parent of school-age kids can attest, schools require parental consent for just about everything, even seemingly insignificant matters: sports, field trips, extracurricular activities, alternate education programs, and taking any kind of medication at school. If something more serious arises during the school day, such as a medical or health-related issue, parents rightfully expect an immediate call before any sort of intervention.

We believe that all parents are endowed by their Creator with certain inalienable rights among which are:

#1 The right to be told the truth… No lies or deceptions.

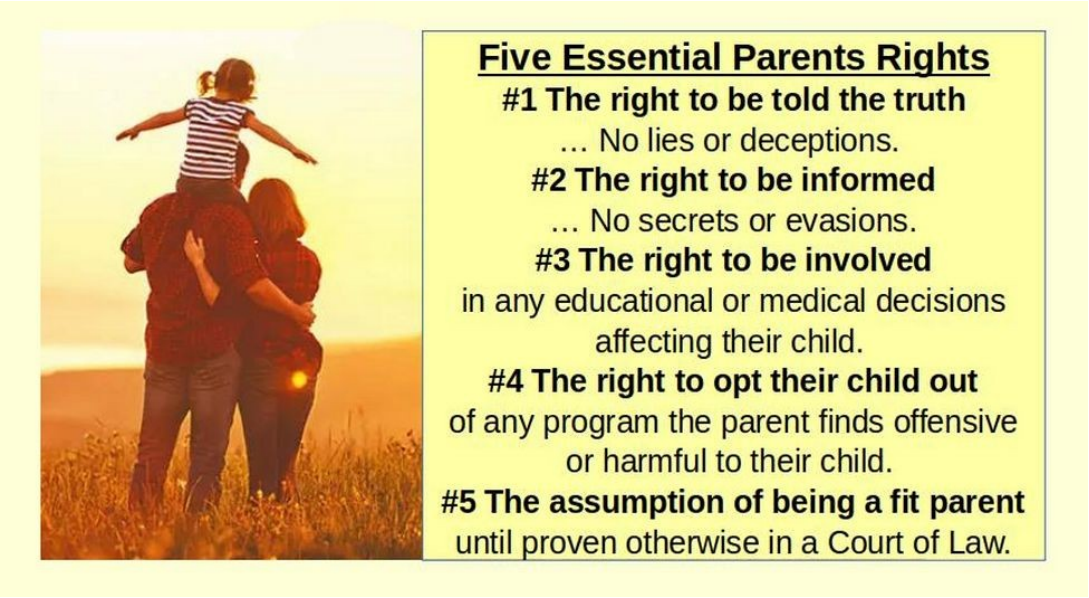
#2 The right to be informed… No secrets or evasions.

#3 The right to be involved in any educational or medical decisions affecting their child.

#4 The right to opt their child out of any program the parent finds offensive or harmful to their child.

#5 The assumption of being a fit parent until proven otherwise in a Court of Law.

However, in the past few years, thousands of parents and children in Washington state have been severely harmed by misguided policies created by what can only be called a Trans Drug Cult. Washington OSPI has adopted Policy 3211 which requires schools to allow students to change gender identity at school, adopt a new name and pronouns, use opposite-sex facilities and even start taking toxic transgender drugs which lead to cancer and sterility **without parental notice or consent.**



Teachers are forced to take training sessions falsely telling them that parents are “not entitled to know their kids’ identities.” In addition to being forced to lie to parents, teachers are also being forced to lie to their students about being able to change from being a boy to a girl just by changing their name and pronounds. Because there are more than 6,500 genetic differences between males and females, it is not physically possible to change sex. Telling a child they can change their gender merely by changing their name and pronouns is simply lying to the child.

The best outcome is for children to learn to embrace the body they were born with. A life at war with one’s body comes with many challenges. The drugs (puberty blockers and cross sex hormones) increase the risk of cancer and tumors. The gender mutilation surgeries are well-known to cause sterility. Studies have also found significantly worse mental health outcomes among those who have transitioned. One of the most robust long-term studies found that a group of 324 Swedish individuals who had fully transitioned (including sex- reassignment surgery) were **19.1 times more likely to commit suicide** than was the general population. See *C. Dhejne et al., “Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery” PLOS One 6, no. 2 (2011)*

Thus, when school staff affirm a minor student’s feelings that they are “really” a different gender, they are making permanent and horrific medical and educational decisions for that child. If this occurs without notifying parents, they are violating Parents Rights under FERPA.

Two Factors in Determining a Fundamental Right Protected by the Ninth and or the Fourteen Amendment

As we will see below when we summarize US Supreme Court cases on Parental Rights, there are two factors that courts look at in determining whether any right is a fundamental right. The first factor is whether the right is **"objectively, deeply rooted in this Nation's history and tradition."** Clearly Parents Rights are deeply rooted not only in our nation's history, but in the history of English and Western Christian Culture. In fact, parents rights to guide their children were so deeply embedded in our culture that most judges as well as our founding fathers simply assumed these rights as "natural" rights.

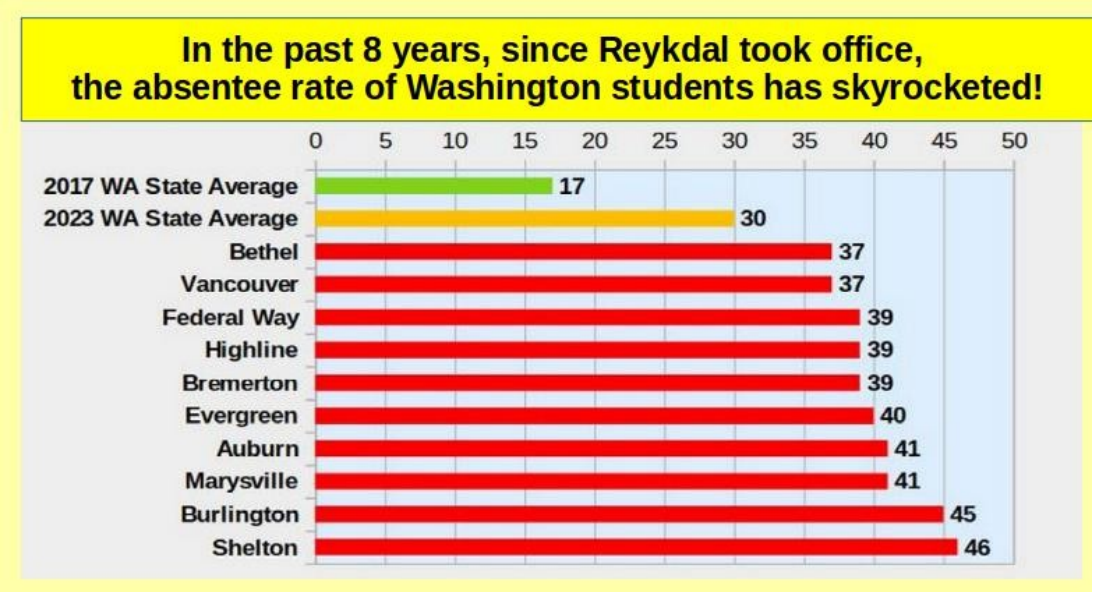
The second factor in determining whether a right is a fundamental right is whether the right is so essential to the existence of liberty and justice that **"neither liberty nor justice would exist if it was sacrificed.**" This factor asks a judge to imagine what would happen to liberty and justice in our nation if parents rights were replaced by the right of the State to make decisions for children instead of their parents.

Sadly, we do not need to imagine what would happen if parents rights were abandoned – because that is what has been happening here in Washington state during the past 8 years since Chris Reykdal assumed office as Washington Superintendent of Public Instruction and replaced Parents Rights with his right and the right of teachers to decide on what actions would be in the best interest of our children. By almost any objective measure, the past 8 years have been a disaster for our students here in Washington state. And this disaster began happening well before Reykdal shut down every school in our state in March 2020.

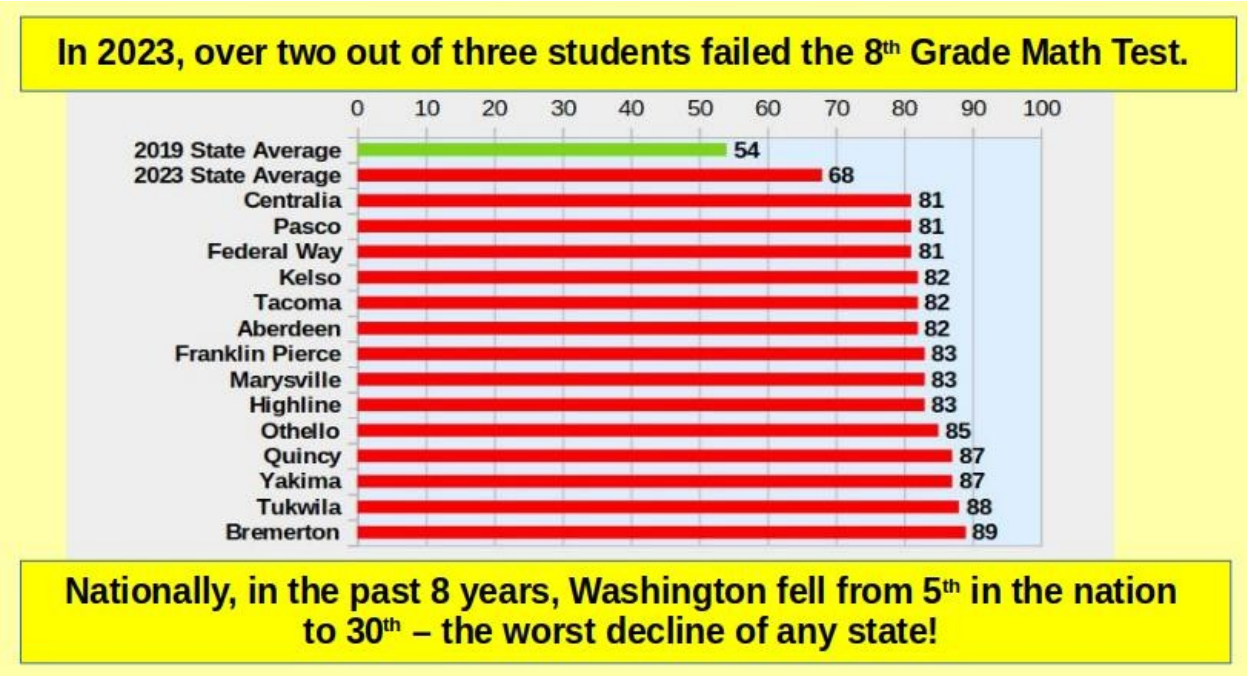
After 8 years of telling students they can not trust and should not listen to their parents, the mental health of students in Washington state is among the worst in the nation. See this 2024 Mental Health America Report: https://mhanational.org/wp-content/uploads/2024/12/2024-State-of-Mental-Health-in-America-Report.pdf

Washington Youth now have the 49th worst "prevalence of mental illness" of any state. Washington youth now have the 48th worst "prevalence of Major Depressive Disorders" of any state – and the 48th worst "prevalence of "youth suicidal thoughts" of any state.

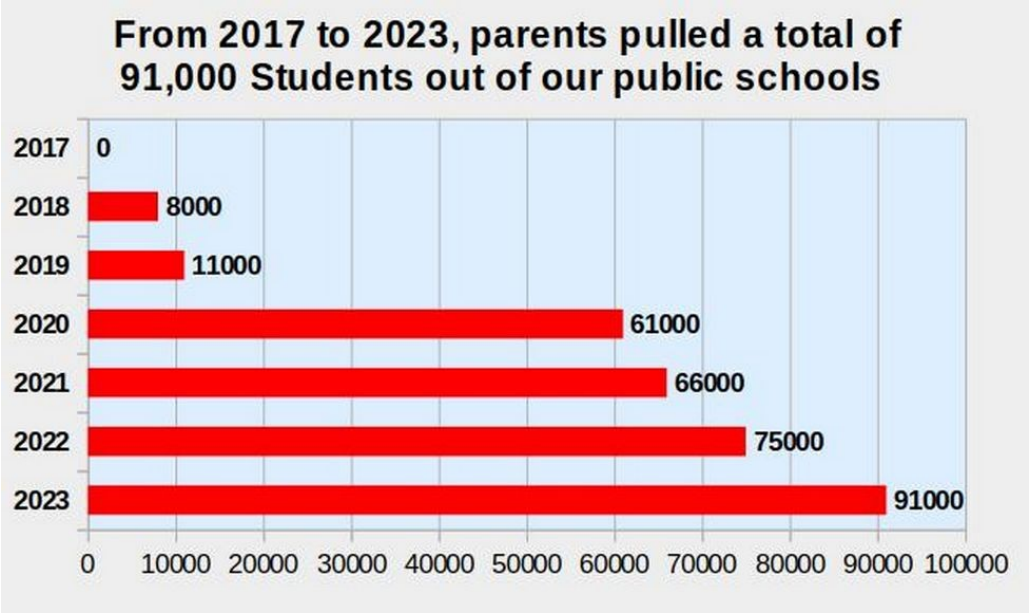
As a result of their plunging mental health, the chronic absentee rate of students in Washington state has skyrocketted from 17% to 30%.



With so many of our kids missing so much school, it is no wonder that over two thirds of our kids can pass our state's 8th grade math test. In addition, the scores of Washington students on the National 8th grade math tests have fallen by a greater amount than any other state in the nation.



In the past 8 years, parents have pulled more than 91,000 students out of schools in Washington state due to the “secrecy policies” Chris Reykdal and OSPI have put in place.

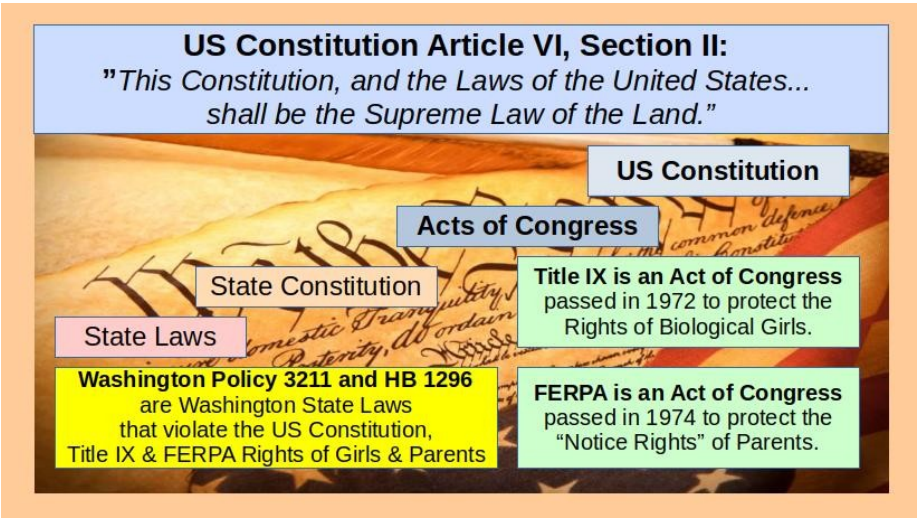


These parents are not likely to bring their kids back to our public schools until their Parental Rights under FERPA are restored. The past 8 years of Washington state violations of FERPA Parental Notice Rights has had such extremely negative on our students here in Washington state that it is proof that ignoring parents rights will have a severely negative effect on the longterm liberty and justice of both parents and children. The Parent Child relationship is the very fabric out of which our nation is woven. It is essential to restore Parents FERPA rights here in Washington state.

Section 2 Legal History of Parents Rights

FERPA is one of a long line of laws intended to protect the rights of parents to be notified about what their kids are being exposed to in our schools. Because Chris Reykdal has misled tens of thousands of teachers here in Washington State that FERPA is about protecting the right of student privacy rather than about the right of Parental Notice, and because it may require taking this case all the way to the US Supreme Court to gain his compliance, in this section we will provide a summary of the legal history of Parents Rights with the hope that it can be used to protect the rights of parents so that the current attack on parents rights never happens again.

Parents Rights in the United States are protected and clarified by three long standing legal traditions. The first tradition is English Common law which goes back over one thousand years and assumed that Parent Rights to control the education of their children were inalienable God Given rights. The second is a series of “Due Process” cases going back 150 years under the **14th Amendment to the US Constitution**. The third is a a 50 year old federal law, the **Family Educational Rights and Privacy Act, more commonly called FERPA**. As we explain below, both the 14th Amendment and FERPA protect the right of parents to be notified of educational programs schools provide to their children and the right to “opt their children out” of any educational programs that they object to. There are no conflicts in court decisions on Parental Rights between the 14th Amendment and FERPA. But if there were, the 14th Amendment would have priority over FERPA because the US Constitution has priority over federal laws.



Most important, both the US Constitution and federal law have priority over any state laws limiting a Parents Right to Notice (such as Washington State Policy 3211 and or HB 1296) that conflict with federal laws or the US Constitution.

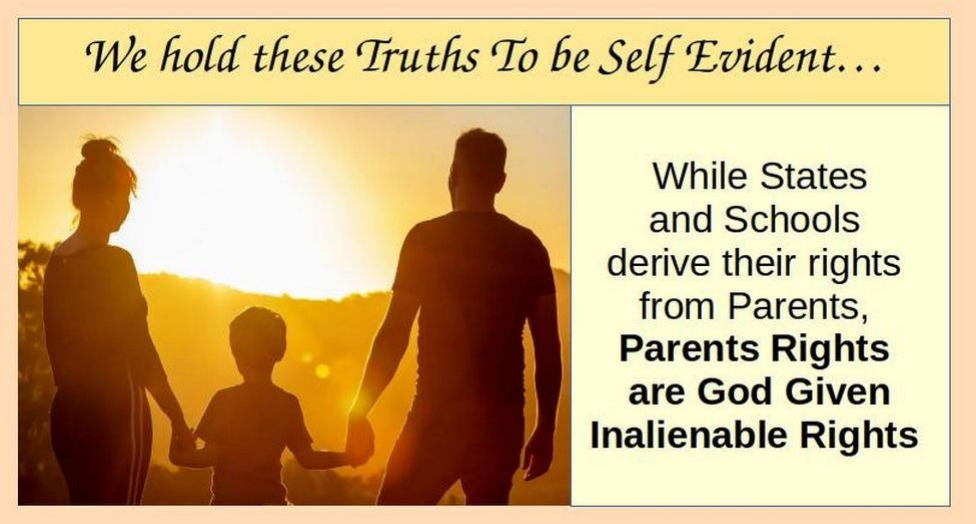
However, in addition to the US legal structure, parents have rights that precede and have priority over even the US Constitution. This is because the US legal structure rests on an even older foundation called English Common Law - which goes back more than one thousand years – and clearly established the right of parents to make major decisions about and control the upbringing of their children.

In the Declaration of Independence, Thomas Jefferson asserted that we are all endowed by our Creator with certain "inalienable rights" and that *"among these are the right to Life, Liberty and the Pursuit of Happiness."* But these are not our only Inalienable rights. It is certain that our Founding Fathers all recognized and understood that **Parents Rights are also God Given Inalienable Rights** because they were already recognized as such under more than one thousand years of English Common Law.

10th Century Anglo Saxon Family

While the Declaration of Independence referred to "Life, Liberty and the Pursuit of Happiness" as Inalienable Rights, it is certain that our founding fathers understood that **Parents Rights are Inalienable Rights** because they were already recognized as such under English Common Law.

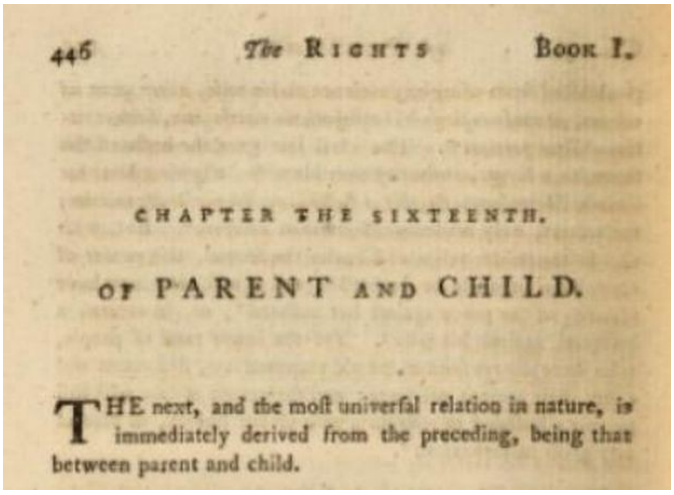
In English Common Law, while the rights of the State (and of schools) derive their rights from the consent of the governed (in other words, from the consent of parents), Parents Rights are not derived from the laws of the state or the policies of schools. Instead, Parents Rights are God Given Inalienable Rights – which the courts refer to as "fundamental" rights.



To better understand these fundamental parents rights, we will begin with a brief history of legal rulings on Parents Rights.

English Common Law Foundation of Parents Rights

English Common law is important because it was the law in existence at the formation of the United States and was assumed to be understood by our Founding Fathers. The most important understanding of English Common Law is a 4 volume series published by Sir William Blackstone in 1765. This was a foundational text used to train all lawyers and judges in the early years of our nation. The US Supreme Court have often quoted from Blackstone's work when discussing the intent of the Framers of the US Constitution.The Rights of Parents are described in Volume One beginning on page 446 to page 466. Here is a link where you can read these pages: https://babel.hathitrust.org/cgi/pt?id=mdp.35112203968112&view=1up&seq=481


446 The RIGHTS Book I.

CHAPTER THE SIXTEENTH.

OF PARENT AND CHILD.

THE next, and the moſt univerſal relation in nature, is immediately derived from the preceding, being that between parent and child.

On page 446, Blackstone states that the Common Law rights of parents can be divided into three areas. These are their legal duties to care for their children, their power over their children and the duties of children to their parents. The duties or rights of parents can further be understood to include the duty to provide for their children, the protection of their children and **the education of their children**. On page 450, Blackstone states that the education of their children is the most important parental right and duty.

On page 452, Blackstone summarizes the power of parents over their children – rights which parents have until the child reaches an age of 21. ***Parents "may delegate part of their parental authority to the tutor ot school master of the child; who is then in loco parentis, and has such a portion of the power as the parent delegated to him."***

It is clear that English Common Law recognized that parents had the right to make educational decisions for their children - and that any rights given to a school are rights delegated to the school by the parent. In addition, English Common laws operated based on the assumption "that natural bonds of affection lead parents to act in the best interests of their children."

John Locke saw Parents Rights as Natural God Given Rights

In 1690, English philosopher John Locke published Two Treatises of Government. The Second Treatise described his theory that all men are created equal and are born with certain "natural rights" including the right to Life, Liberty and Property and that the only legitimate government is one that has the consent of the people and exists primarily to protect individual rights to life, liberty, and property. Locke also advocated for a separation of powers within government to prevent tyranny and ensure that political authority serves the public good. His work obviously had a profound influence on human rights as seen in the American Declaration of Independence.

Locke also wrote of Parental Rights as Natural Rights based on natural reason and God's Will. He asserted that because both parents tend to have a strong natural affection for their children, this is evidence that it is God's will for them to be parents and for that Parents Rights are part of God's Plan to perpetuate the human race and that parental authority is directly bestowed by God. (see book II page 66). It is reasonable to assume that our Founding Fathers who agreed with Locke on nearly everything, also agreed with Locke on the natural rights of parents.

See https://iep.utm.edu/locke-po/ and
https://www.yorku.ca/comninel/courses/3025pdf/Locke.pdf

The primary role of parents in managing their family was presupposed by early Americans as being so fundamental that “it probably never occurred to the Framers of the Constitution that parental rights could, as a practical matter, ever be called into question or challenged on a comprehensive scale by state apparatus… At the common law of England, **a parent's right to custody and control of minor children was a sacred right with which courts would not interfere** except where by conduct the parent abdicated or forfeited that right." See Daniel E. Witte, People v. Bennett: Analytic Approaches to Recognizing a Fundamental Parental Right Under the Ninth Amendment, 1996 B.Y.U. L. REV. 183, 218-19.

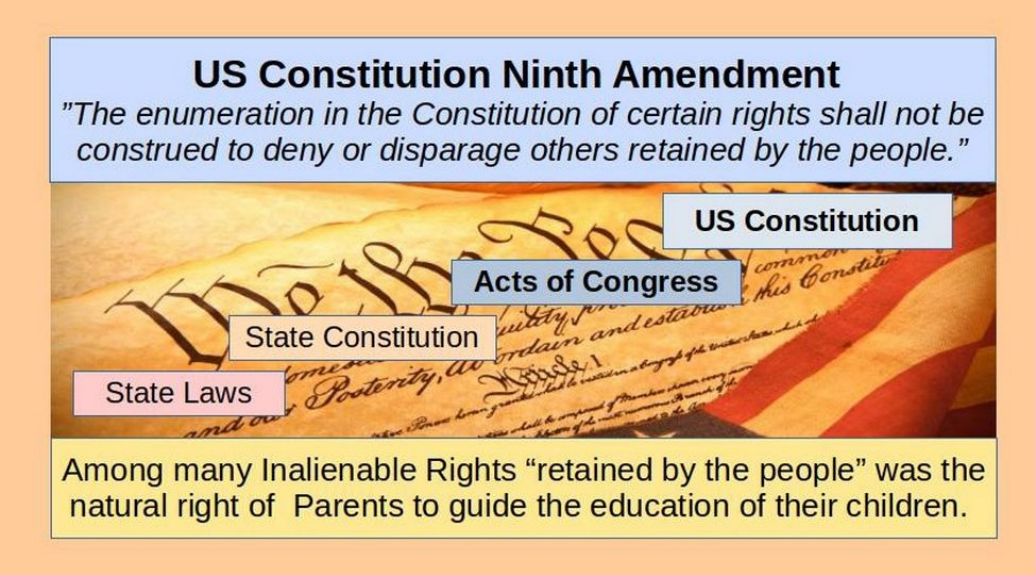
Parents Rights and our Founding Fathers

Some have claimed that, because Parents Rights are not one of the rights clearly specified in the Bill of Rights, they are not protected by the US Constitution. But our Founders believed that many human rights transcended civil authority and that constitutional government was designed to secure those rights, not to infringe on them. In fact, the intent of the US Constitution was to severely limit the power of the federal government by making it clear that any rights not specifically granted to the federal government were reserved by the people.

Many even objected to a “Bill of Rights” being added to the Constitution because they feared that it would be mis-interpreted as limiting the rights and liberty of the people. In response to this fear, and to make it clear that the Constitution protected all rights of the people, whether they are specifically stated or not, **James Madison added a Ninth Amendment.**

One might find it strange that the other rights “retained by the people” was not defined. But this is because many felt that there was a need to limit the powers of the government – not limit the rights of the people. The Ninth amendment was deliberately left vague as a means of making the rights of the people as broad as possible.

Under the Ninth Amendment, Unenumerated rights are now seen by the US Supreme Court to include **any legal rights that are so fundamental that they are essential to liberty** and to the functioning of our democratic society.



Over the past two hundred and fifty years, using the Due Process clauses of the 5th and 14th Amendments, the US Supreme Court has gradually recognized several unenumerated rights. The Due Process clauses prohibits the government from depriving individuals of life, liberty, or property without due process of law. The unenumerated rights include **the right to vote, the right to privacy, the right to travel, the right to marry and the right to make important decisions about one's health care.** If these are considered to be God-given, inalienable, fundamental and essential rights, then surely the right of parents to guide their children is also a natural, fundamental, essential God-given, inalienable right.

While it can not be said that all men "are endowed by their Creator" with the right to travel (in fact, in Colonial Times, most people never traveled more than a few miles from their homes during their entire lives), certainly it must be said that all parents must be "endowed by their Creator" with the sacred right and duty to guide their children - because it was their Creator who, through the parents, brought their children to life.

As a person with a Master's Degree in Child Development, there is another important reason to honor and protect the rights of parents. There is no other factor as important to the development of any child as the Parent-Child Relationship. For the State or School to interfer with this essential Parent Child Relationship is severely harmful to the child's development. In fact, **any unwarranted interference of the relationship between a growing child and their fit parents is State Sponsored Child Abuse.**

A Parents Rights Rally to protect their right to opt their children out of dangerous medical experiments.

For a State to adopt laws,
Ignoring the rights of parents,
or a school to adopt policies
that interfer with the
Relationship between Parents and their Children
is so severely harmful
to a child's development
that it should be called out as
State-Sponsored Child Abuse!

Early Court Cases

The Right of Parents to opt their children out of curriculum they found objectionable was universally upheld by local courts for more than one hundred years after the Bil of Rights was passed. For example, a case from 1874, Morrow v. Wood, (Wisc 1874) involved a teacher punishing a child for not studying geography against the father's wishes. The court in Wisconsin found that the parent had a right to control his child's education, a right that coincides with the parent's duty to educate his child. The court concluded that the parent would know the child better and be more invested in the child's welfare than a school official was likely to be.

A court in Illinois a year later came to a similar conclusion when the public school expelled a student for failing to take bookkeeping despite her parent's express prohibition on the subject. Rulison v. Post, (Ill 1875)

The court wrote: *"Parents and guardians are under the responsibility of preparing children entrusted to their care and nurture, for the discharge of their duties in after life. Law-givers in all free countries, and, with few exceptions, in despotic governments, have deemed it wise to leave the education and nurture of the children of the State to the direction of the parent or guardian. This is, and has ever been, the spirit of our free institutions."*

In 1891, in State ex rel Sheibley v. Sch. Dist. No. 1 (Neb. 1891), the court stated:

"Who is to determine what studies she shall pursue in school, - a teacher who has a mere temporary interest in her welfare, or her father, who may reasonably be supposed to be desirous of pursuing such course as will best promote the happiness of his child?…No pupil attending the school can be compelled to study any prescribed branch against the protest of the parent that the child shall not study such branch."

In 1909, in Garvin County v. Thompson (Okla. 1909) the court held that a school could not compel a parent to enroll his child in a music course.

In 1914, in Kelley v. Ferguson, (Neb. 1914) the court upheld a parent's decision declining to place his daughter in a cooking class required under the "domestic science" course.

These early US Court cases were based not only on the natural right of parents to guide the upbringing and education of their children, but also on two other well-known factors. First, that minor children are not capable of making major long term decisions without a parent's consent. Second, that fit parents know their child better than anyone else and are presumed to act in their children's best interests. They are therefore in the best position to make important decisions on their children's behalf.

With this background of hundreds of years of courts ruling that Parents Rights to control the education of their children, we will next look at the past hundred years of US Supreme Court rulings that often, but not always, sided with the essential, fundamental right of parents to control the educatioin of their children.

Section 3 Supreme Court Decisions favoring Parent Rights

Several US Supreme Court decisions have concluded that “fit” Parents (parents who do not abuse their children) have rights to direct their children’s upbringing and education that can not be taken away without the due process of law. These Due Process rights are often associated with the **Due Process Clause of the Fourteenth Amendment.**

In 1923, in **Meyer v. Nebraska**, the US Supreme Court held that “liberty” protected by the Due Process Clause includes the right of parents to “establish a home and bring up children” and “to control the education of their own.”

In 1922, the voters of Oregon passed an initiative requiring all children in the state subject to compulsory school attendance to attend public schools. The new law, which was designed to promote American values and combat the influence of immigration, was challenged by the state’s parochial and private schools. In 1925, the U.S. Supreme Court struck down the law in a unanimous decision. Justice McReynolds held that some Oregon parents’ decision to send their children to Catholic schools did not violate the State’s compulsory education laws. **(Pierce v. Society of Sisters (1925).)** Justice McReynolds recognized parental right and high duty of preparing children for life as they see fit, stating:

“The liberty of parents and guardians includes the right to direct the upbringing and education of children under their control… The child is not the mere creature of the state; those who nurture him and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional obligations.”

Only a parent had the right to decide whether to send the parent’s child to a public or private school. The primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition.

In 1944, in **Prince v. Massachusetts**, the US Supreme Court held that there is a constitutional dimension to the right of parents to direct the upbringing of their children stating: *“It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder.”*

In 1972, in **Wisconsin v. Yoder**, Justice White stated: *"The Court has frequently emphasized the importance of the family. The rights to conceive and to raise one's children have been deemed 'essential,' and 'rights far more precious . . .than property right'* Chief Justice Burger added: *"The history and culture of Western civilization reflect a strong tradition of parental concern for the nurture and upbringing of their children. This primary role of the parents in the upbringing of their children is now established beyond debate as an enduring American tradition."*

In 1979, in **Parham v. J. R**., the Supreme Court stated: *"Our jurisprudence historically has reflected Western civilization concepts of the family as a unit with broad parental authority over minor children. Parental authority is based on the common sense recognition that "parents possess what a child lacks in maturity, experience, and capacity for judgment required for making life's difficult decisions… Thus,* ***a minor's disagreement with a parent's decision does "not diminish the parents' authority to decide what is best for the child… And government officials, including teachers and school administrators, generally cannot override or even "review such parental decisions****."*

In 1997, in **Washington v. Glucksburg**, the Supreme Court stated: *"In a long line of cases, we have held that, in addition to the specific freedoms protected by the Bill of Rights, the "liberty" specially protected by the Due Process Clause includes the rights . . . to direct the education and upbringing of one's children."*

In 2000, in **Troxel v. Granville**, the Supreme Court stated: *"The liberty interest at issue in this case-the interest of parents in the care, custody, and control of their children-****is perhaps the oldest of the fundamental liberty interests recognized by this Court.*** *In light of this extensive precedent, it cannot now be doubted that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents to make decisions concerning the care, custody, and control of their children… The Due Process Clause does not permit a State to infringe on the fundamental right of parents to make child rearing decisions simply because a state judge believes a 'better' decision could be made… there is a presumption that fit parents act in the best interests of their children."*

Section 4 Legal Basis for our FERPA Complaint

The Family Educational Rights and Privacy Act of 1974 ("FERPA"), § 513 of P.L. 93-380, was signed into law by President Ford on August 21, 1974. Congress has amended FERPA a total of nine times with the last amendment in 2001. The 1994 FERPA amendments extended the right of parents to inspect and review to education records maintained by State educational agencies in addition to their right to inspect and review educational records maintained by local school districts and local schools.

FERPA is a "Spending Clause" statute enacted under the authority of Congress in Article One, Section 8 of the U.S. Constitution. This means that each state must sign an annual FERPA Compliance Certification Contract, as is also the case with Title VI and Title IX. It also means that failure to comply with FERPA can lead to a state or local education agency losing federal funding for non-compliance – just like Title VI and Title IX.

Covered Records

As first enacted, FERPA provided parents with the right to inspect and review "any and all official records, files, and data directly related to their children, including all material that is incorporated into each student's cumulative record folder, and intended for school use or to be available to parties outside the school or school system, and specifically including, but not necessarily limited to, identifying data, academic work completed, level of achievement (grades, standardized achievement test scores), attendance data, scores on standardized intelligence, aptitude, and psychological tests, interest inventory results, health data, family background information, teacher or counselor ratings and observations, and verified reports of serious or recurrent behavior patters."

The 1974 amendments substituted the term "education records" for the original "laundry list"of records subject to FERPA. But it was clear that **FERPA still applied to any and all school records, files, and data directly related to their children**. "Education records" was defined in the 1974 amendments as "those records, files, documents, and other materials which contain information directly related to a student; and are maintained by an educational agency or institution or by a person acting for such agency or institution."

Four categories of records were excluded:

1) records in the sole possession of instructional, supervisory, and administrative personnel;

2) records of a law enforcement unit which are kept apart from “education records,” are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials.

3) records of employees who are not also in attendance; and

4) physician, psychiatrist, or psychologist treatment records for eligible students.The term “treatment” is to be interpreted narrowly to limit the exemption for such records to those similar to those enumerated, and **not remedial educational records made or maintained by education professionals.**

FERPA defines “education records” as records that are directly related to a student and that are maintained by an educational agency or institution, or by a party acting for the agency or institution (20 U.S.C. § 1232g(a)(4); 34 C.F.R. § 99.3, “Education records.”). **Accordingly, immunization records and other similar health records are classified as “education records” under FERPA. A child’s educational records includes academic AND medical/health records because schools are NOT HIPAA entities.**

FERPA rights apply to any parent of any student under the age of 18.

https://studentprivacy.ed.gov/sites/default/files/resource_document/file/ferpaleghistory.pdf

Rights of Parents

I. Right to Inspect and Review/Right to Access Education Records
Parents have the right to inspect and review the education records of their children. A school must accommodate any inspection request within 45 days of receipt.

II. Right to Challenge the Content of Education Records
Parents have the right to a hearing to challenge the content of records to insure they are not “inaccurate, misleading, or otherwise in violation of the privacy or other rights of students” and to provide an opportunity for the “correction or deletion of any such inaccurate, misleading or otherwise inappropriate data.

III. Right to Consent to the Disclosure of Education Records

Educational agencies may not have a policy or practice of permitting the release of – or providing access to - education records or personally identifiable information contained therein “other than directory information” without a parent’s prior written consent.

Additional FERPA requirements

Any parent can file a complaint here with the Department of Education’s Student Privacy Policy Office (SPPO). Complaints should contain specific allegations of fact giving reasonable cause to believe that a violation of the Act has occurred. In accordance with the statute, the Secretary has designated an office and review board within the Department to investigate, process, review and adjudicate FERPA violations and complaints of alleged FERPA violations.

The 1974 amendments prohibit the regionalization of the enforcement of FERPA by providing that, except for the conduct of hearings, none of the functions of the Secretary may be carried out in any regional offices of the Department.

While the Department’s existing procedures generally require parents whose rights have been violated to submit complaints, the Department’s enforcement authority is not limited to complaints filed by parents. FERPA provides broad authority to the Secretary and Department of Education to “take appropriate actions to enforce” these sections. 20 U.S.C. § 1232g(f) (“The Secretary shall take appropriate actions to enforce this section and to deal with violations of this section…); 20 U.S.C. § 1232h(e) (“The Secretary shall take such action as the Secretary determines appropriate to enforce this section…”). In addition, Section 99.64(b) of FERPA’s implementing regulations gives the Department independent authority to open investigations into such policies. See 34 C.F.R. § 99.64(b) (“the Office … conducts its own investigation when no complaint has been filed or a complaint has been withdrawn, to determine whether an educational agency or institution or other recipient of Department funds under any program administered by the Secretary has failed to comply with a provision of the Act or this part.”) Thus, the Secretary of the Department of Education has independent, statutory authority to investigate the FERPA violations described in our complaint.

Moreover, this situation is unique in that the many Washington parents whose rights are being violated likely do not even know about it. Washington state Policy 3211 “Gender Inclusive Schools,” by design, allow and even requires students, teachers and school administrators to hide gender transitions at school from parents.

Accordingly, we urge the Department to use its enforcement authority to open an investigation into OSPI and Policy 3211. Should OSPI refuse to voluntarily comply by rescinding Policy 3211, then we ask that federal education funds be rescinded until OSPI agrees to comply with the FERPA rights of Washington Parents.

Relevant Federal Laws

Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g

FERPA Regulations, 34 CFR Part 99.

Section 5 U.S. Department of Education Directs Schools to Comply with Parental Rights Laws

On March 28, 2025, the U.S. Department of Education issued a Press Release Directing Schools to Comply with Parental Rights Laws. Here is a link to this press release: https://www.ed.gov/about/news/press-release/us-department-of-education-directs-schools-comply-parental-rights-laws

The Press release announced a 5 page Dear Colleague Letter issued the same day which can be found at this link: https://studentprivacy.ed.gov/sites/default/files/resource_document/file/Secretary_Comb_SPPO_DCL_Annual%20Notice_0.pdf

Here are quotes from the March 28, 2025 Dear Colleague Letter beginning with an Introduction from Education Secretary Linda McMahon:
"By natural right and moral authority, parents are the primary protectors of their children. Yet many states and school districts have enacted policies that presume children need protection from their parents. Often, such policies evade or misapply the Family Educational Rights and Privacy Act (FERPA), turning the concept of privacy on its head to facilitate ideological indoctrination in a school environment without parental interference or even involvement. Going forward, the Department of Education will insist that schools apply FERPA correctly to uphold, not thwart, parents' rights."

"Congress passed FERPA in 1974 to protect children's privacy in a manner that ensures parents can access their children's school records to gain information and insight necessary to act as proper guardians of their children's well-being… Schools should not treat parents as enemies just for wanting to know about the mental and physical health and safety of their own children. Over the last four years, instead of vigorously enforcing these laws, the Biden Administration neglected the flood of complaints it received. The FERPA and PPRA complaint process is currently so overburdened with reports that parents who care deeply about their children's health and educational futures have had no recourse but to sit and wait. There was no obvious attempt by the Biden Administration to address this substantial backlog, which sent a loud and clear message that parental rights were not a priority. Meanwhile, states have taken advantage of this dereliction of government responsibility and installed policies that specifically instruct teachers and administrators to conceal student's critical information in student records from their parents."

“The Trump Administration understands that the immense responsibility of raising children belongs to parents, not to the government. That’s why I am announcing a revitalized effort to make FERPA and PPRA the source of proactive, effective checks on schools that try to keep parents in the dark. The Department will prioritize clearing the backlog of FERPA complaints so that parents can be confident that the Department is positioned to act on complaints in a timely manner.”

“Two weeks ago, I had the privilege of sitting down with a courageous group of detransitioners. They told me about their torturous and truly unfortunate experiences which led them down paths that, in many cases, will require lifelong medical care. A common thread among the stories I heard were the dogged efforts that schools took to promote and enable the transitioning of minor children, regardless of their mental state or their vulnerabilities. I repeatedly heard about the lengths schools would go to in order to hide this information from parents.”

“I have been appalled to learn how schools are routinely hiding information about the mental and physical health of their students from parents. The practice of encouraging children down a path with irreversible repercussions—and hiding it from parents—must end. Attempts by school officials to separate children from their parents, convince children to feel unsafe at home, or burden children with the weight of keeping secrets from their loved ones is a direct affront to the family unit. When such conduct violates the law the Department will take swift action.”

“Attached is a letter from the Department’s Student Privacy Policy Office (SPPO). This letter reminds educational institutions receiving federal financial assistance that they are obligated to abide by FERPA and PPRA if they expect federal funding to continue. “

This letter clarifies issues under FERPA that many states and school districts have intentionally muddied. I intend for SPPO’s letter to convey my commitment to vigorously enforce important provisions in FERPA and PPRA for the protection of students and parents.”

March 28, 2025

Dear Chief State School Officers and Superintendents:

We are writing you to provide the notification required by 20 U.S.C. § 1232h(c)(5)(C). The U.S. Department of Education (Department) through its Student Privacy Policy Office (SPPO) is required to inform State educational agencies (SEAs) and local educational agencies (LEAs), as recipients of funds under programs administered by the Department, of their obligations under **the Family Educational Rights and Privacy Act (FERPA)** (20 U.S.C. § 1232g; 34 CFR Part 99) and the Protection of Pupil Rights Amendment (PPRA) (20 U.S.C. § 1232h; 34 CFR Part 98).

FERPA protects the privacy interests and access rights of parents and students in education records maintained by educational agencies and institutions or by persons acting for such agencies or institutions. PPRA affords parents and students with rights concerning specified marketing activities, the administration or distribution of certain surveys to students, the administration of certain physical examinations or screenings to students, and parental access to certain instructional materials including ones used as part of a student's educational curriculum.

In addition to notifying you of your legal obligations, we would also like to take this opportunity to point out several priority concerns identified over the last year. At the direction of Secretary McMahon, SPPO is taking proactive measures to address the following:

Priority Concerns

• Parental Right to Inspect and Review Education Records. It appears many LEAs may have policies and practices that conflict with the inspect and review provisions afforded parents under FERPA. Further, some of these informal and formal practices may be occurring at the direction, or minimally with the tacit approval, of their SEAs. For example, **schools often create "Gender Plans" for students and assert that these plans are not "education records" under FERPA, and therefore inaccessible to the parent, provided the plan is kept in a separate file and not as part of the student's "official student record."**

While FERPA does not provide an affirmative obligation for school officials to inform parents about any information, even if that information is contained in a student's education records, FERPA does require that a school provide a parent with an opportunityto inspect and review education records of their child, upon request.

Additionally, under the current regulatory framework, FERPA does not distinguish between a student's "official student record" or "cumulative file." Rather, **all information, with certain statutory exceptions, that is directly related to a student and maintained by an educational agency or institution, is part of the student's "education records" to which parents have a right to inspect and review.**

Assurance of Compliance. As part of SPPO's fulfillment of the Secretary's priority to take proactive action to enforce FERPA, pursuant to the authority under 20 U.S.C. §1232g(f), 34 CFR §§ 99.60 and 99.62, SPPO is requesting that each SEA submit no later than April 30, 2025, documentation such as "reports, information on policies and procedures, annual notifications, training materials or other information necessary" to provide assurance that the SEA and their respective LEAs are complying with the provisions of FERPA and PPRA, specifically with regard to the priority concerns previously discussed. In an effort to expedite the processing of this information, please email your response to my attention at **SAOP@ed.gov**, including the name of the SEA in the subject line. In lieu of sending your response electronically, you may send your written response to the following address:

Frank E. Miller Jr. Acting Director
Student Privacy Policy Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202 – 8520

Section 6 Washington Mental Health Records Exception

Some take the position that records of mental health counseling are subject to RCW 70.02.265, which gives minors who are thirteen or older control of their mental health treatment records. Even if true, that law states that a mental health professional "shall not proactively exercise his or her discretion under RCW 70.02.240 to release information or records related to solely mental health services by the adolescent to a parent or the adolescent, beyond any notification required under RCW 71.34.510 "**or as otherwise may be required by law**." (Emphasis added.) **If a school district maintains those records, they are education records subject to FERPA,** meaning parents have the right to access them under FERPA - which requires a mental health professional working with or for a school district to disclose a student's mental health records to their parents regardless of whether the student provides consent.

Medical and Health Records

Some also take the position that the Health Insurance Portability and Accountability Act (HIPPA) applies to students'medical and health records maintained by a school district. But the law and joint guidance from the U.S. Department of Health and Human Services and the U.S. Department of Education state that **HIPPA does not apply to school districts.**

The joint guidance states: *"In most cases, the HIPPA Privacy Rule does not apply to an elementary or secondary school because the school either: (1) is not a HIPPA covered entity or (2) is a HIPPA covered entity but maintains health information only on students in records that are 'education records' under FERPA and, therefore, not protected health information covered by the HIPPA Privacy Rule."*

Further, while some have taken the position that the Washington law limiting the disclosure of health information by health care providers and health care facilities (RCW 70.02.050) applies to school districts, FERPA and other federal laws have priority over any state laws. **Any records maintained by a school district** that are directly related to a student are education records under FERPA, and parents have the right to access their students' education records. Thus, FERPA clearly give parents the right to access student medical and health records maintained by school districts.

Policy 3231 and 3231P (Student Records)

WSSDA Policy 3418 and 3418P contemplate school districts notifying parents when students are injured or ill. Policy 3418P states that in non-emergency situations, the parent will decide whether to have the student receive medical services outside the school setting. In other words, outside of emergencies, the parents will be making decisions about medical services or medications. Under Policy 3418P, parents are responsible for making decisions about medical services in non-emergencies. So, in most instances, the parents—not the school district—will be the ones arranging follow-up care.

Notes: WSSDA Policy 3418 and 3418P are no longer in the list of WSSDA model policies. See

https://wssda.org/member-services/legal-resources/featured-policy/

However, many schools districts still provide a link to this policy. Here is a link from 2015:

https://www.boarddocs.com/wa/ferndale/Board.nsf/files/D23U5R73A1F9/$file/3418%20Revision%20for%20Review.pdf

Relevant Washington State laws

RCW 28A.605.030 (Student education records—Parental review)

WAC 392-172A-05190 (Student Records Access rights)

Section 7 Washington State Policy 3211 clearly violates FERPA… Four School District Examples

Washington OSPI's "Gender Inclusion Schools" Policy 3211 provides that students, of any age, are entitled to be addressed by an affirmed name and pronouns of their choice that correspond to their gender identity, **without notice to or permission from the parents**. Indeed, the guidance warns school personnel to be mindful not to reveal, imply, or refer to a student's actual or perceived gender identity or gender expression when contacting parents/guardians. OSPI clearly believes they have the ultimate authority to socially transition a minor child at school (a process which leads to the child's drug addiction to Toxic Trans Drugs) without parental notice or consent. This is a straightforward violation of FERPA. By falsely labeling these educational records as "medical records" or "personal private notes," Washington OSPI's "Gender Inclusion Schools" Policy 3211 can only be described as a deliberate attempt to evade federal law.

Moreover, parents whose FERPA rights have been violated have no way to discover the violation because the school gender transition information about their child is kept hidden from them.

FERPA definitively states that if a district has a "policy of denying, or which effectively prevents, the parents of students who are or have been in attendance …the right to inspect and review the (accurate) education records of their children...no funds shall be made available" to that school. Id. § 1232g(a)(1)(A); (B).

In our previous Title IX complaint, we explained how Washington Policy 3211 violated the rights of girls under Title IX. Here we explain why Washington Policy 3211 violates the rights of parents under FERPA.

Below are quotes from the required Policy 3211 that violate FERPA followed by attempts from several school districts to adopt policies more closely aligned with FERPA

WSSDA 3211 Gender-Inclusive Schools Policy

https://wssda.app.box.com/s/grcm0vxdb7a1bockn9e497r5gw9v2w7s

This link provides the Washington state laws implementing and controlling Policy 3211.

WSSDA 3211P Gender-Inclusive Schools Policy Procedure

https://wssda.app.box.com/s/1c2bjp451nezhbdjvyxl2fqcwvuwdxaa

This link describes the actually policies in 3211. Here are quotes from Policy 3211P:

"Before contacting a student's parents, the school will consult with the student about the student's preferences regarding family involvement."

"An appropriate school employee will privately ask known transgender or gender-expansive students how they would like to be addressed in class, in correspondence to the home, and at conferences with the student's parent/guardian. That information will be included in the electronic student record system along with the student's legal name in order to inform teachers and staff of the name and pronoun by which to address the student."

"Before communicating with parents of transgender or gender expansive students, it's important to ask the student how school employees should refer to the student when talking with their parents and guardians."

"The standardized high school transcript is the only official record that requires a student's legal name. School staff should adopt practices to avoid the inadvertent disclosure of the student's transgender or gender-expansive status. .. The school must use the name and gender by which the student identifies on all other records, including but not limited to school identification cards, classroom seating charts, athletic rosters, yearbook entries, diplomas, directory information."

Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information. ***Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99).*** *Parents have the right under FERPA to request their student's records and if requested, t****he District will provide the student's educational records to the parent according to 3231/3231P."***

Note: The above sentence means that parents will not be provided any educational records that accurately inform them about their students gender identity status while at school because that would be a violation of Policy 3211.

"To ensure the safety and well-being of the student, school employees should not disclose a student's transgender or gender-expansive status to others, including other school personnel, other students, or the parents of other students, unless the school is (1) legally required to do so or (2) the student has authorized such disclosure.

This is followed by several sections allowing boys in the girls bathrooms, locker rooms and sports leagues.

There is then a section on required Teacher and Staff Training and brainwashing to comply with Policy 3211 and how to decieve parents:

When possible, the District will conduct staff training and ongoing professional development in an effort to build the skills of all staff members to prevent, identify and respond to harassment and discrimination. The content of such professional development should include, but not be limited to:

• Terms and concepts related to gender identity, gender expression, and gender diversity in children and adolescents;

• **Appropriate strategies for communicating with students and parents about issues related to gender identity** and gender expression, while protecting student privacy.

Needless to say, many parents were not happy about being lied to. Having a policy that **forces the educational records of a child to be inaccurate** - for the purpose of deceiving a parent about the educational status of a child

- renders the purpose of FERPA to be meaningless – just as allowing boys in girls bathrooms and sports teams renders Title IX to be meaningless.

Below is how several school districts attempted to restore trust with parents and compliance with FERPA – only to be threatened by OSPI for violating Washington Policy 3211.

La Center School District 2023 Revised 3211 Policy

https://lacenterschools.org/3211p/

LaCenter Legal Counsel July 17, 2024 5 page response to OSPI Summarizing US Supreme Court decisions supporting Parents Rights:

https://drive.google.com/file/d/199zmMjoRftfO_Kx6g-lnJkM9fjfeITp5/view?usp=sharing

Here are quotes from this letter:

"The U.S. Supreme Court cases cited below specifically stand for the propositions that (1) parents have the fundamental right to control important aspects of their children's lives and be involved in important decision making affecting their children; and (2) so long as parents adequately care of their children, there is no legal justification for the State to inject itself into parental decision making with those children. Where the State curtails parental rights, the parent is entitled to due process where the State would have the burden of proving that the parent was unfit."

"OSPI/WSSDA model BP 3211/P, and OSPI's 2012 interpretation of BP3211/P, ignore these fundamental parental rights as well as parents' due process rights when the State seeks to abridge those fundamental rights."

"OSPI is on the wrong side of public policy supporting parental rights to be fully involved in their children's upbringing… OSPI/WSSDA model BP 3211/P ignore that the State and its schools are not the parents of students. Parents are their parents and have the right to know if their children have been dealing with gender dysphoria issues."

"Since parental rights are constitutionally "fundamental rights," the State must show by clear and convincing evidence that the parent is a danger to the child before abridging parent fundamental rights.

The model policy and OSPI's 2012 interpretation of that policy do not provide for any such risk assessment. OSPI should not force school districts to adopt a model BP 3211/P which would require school districts to ignore their burden of actually determining whether a specific parent was a risk to a student if information was released to the parent. OSPI should not force school districts with its model policy to instead assume that a parent is dangerous and should not be informed merely because the student does not want the parent told."

OSPI February 26, 2025 La Center Investigation 32 page findings:

https://drive.google.com/file/d/1dttL_EEDFRH8dI8l1tdMGpayy15VIIfS/view?usp=sharing

Here are quotes from this OSPI letter:

"On January 24, 2023, the Board adopted a new Gender-Inclusive Schools policy and procedure with both additions and deletions from the model policy 3211 and model procedure 3211P the District had previously adopted. OSPI's investigation found the District's Procedure 3211P includes the following language that is not included in the model procedure:

The District recognizes the role of schools and school districts to educate children and the role of parents/guardians to make important medical decisions for their children.

The Parents/guardians are the first teacher of their children and the District partners to provide high quality education.

The District recognizes the value of the family in supporting their children through a confusing adolescent landscape which requires policy and procedure around gender-inclusive schools.

Regarding disclosure of a student's gender identity without the student's authorization, the District's Procedure 3211P differs from the model procedure. The District removed the model procedure language that states, before communicating with parents of transgender or gender-expansive students, an appropriate school employee will privately ask the student how they would like to be addressed in correspondence to the home or when talking with their parents and guardians. Instead, the District's Procedure 3211P states:

“The District will be transparent with parents/guardians and the community about curriculum, instruction, and activities which address gender identity and expression. The school should also be transparent with parents/guardians of children who question their gender identity so that the parents/guardians may provide appropriate support for their children.”

“It is not the proper role of the school to foster curriculum, instruction, or activities which would reasonably be expected to lead children to question their gender identity, when no such questions existed before.”

“While under the law it is the role of the school to avoid and prevent discrimination on the basis of gender identity or expression, it is not the role of the schools to facilitate questioning gender identity or to facilitate gender transitioning.”

“RCW 28.642.080(1)(a) directs each Washington public school district to adopt a transgender students (also referred to as a “Gender-Inclusive Schools”) policy and procedure or amend existing policies and procedures to, at a minimum, “incorporate all the elements of the model transgender student policy and procedure.”

“In reaching its conclusion that the District violated RCW 28A.642.020 by discriminating on the basis of gender expression and gender identity, OSPI’s investigation established (A) the scope of the Pronoun Directive, as an issue of fact, and then determined that based on the overbroad scope; (B) the Pronoun Directive was based on a discriminatory purpose; and (C) the Pronoun Directive is discriminatory in effect in that it negatively impacts gender-expansive students’ ability to participate in or benefit from the District’s educational programs or activities.”

“After a close review of the evidence, OSPI’s investigation found sufficient evidence that the Pronoun Directive was discriminatory in purpose and effect, in violation of chapters 28A.642 RCW and 392-190 WAC.”

“The District stated that the Pronoun Directive was implemented because, “Schools should avoid situations ripe for generating litigation” and “[t]here is currently a growing trend of detransitioning individuals, parents, and special interest groups filing lawsuits against schools for being perceived as having been actively involved in influencing children to question their gender and transition.” However, OSPI does not consider hypothetical litigation as a justification for discrimination.

Procedure 3211P requires staff to inform parents of a student's transgender status in situations where the school does not have the student's consent.

"OSPI's investigation determined District Procedure 3211P violates chapters 28A.642 RCW and 392-190 WAC as well as OSPI's guidelines because it restricts instructional materials based on gender identity and requires staff to proactively out students to their parents, including against the student's wishes."

"The District's procedure includes numerous, material additions and deletions from the model procedure and, as such, does not comply with RCW 28A.642.080."

Staff Bias Awareness Training

"The District will provide training to all District administrators and all certificated and classroom personnel regarding their responsibilities under state civil rights law and to raise awareness of and eliminate bias based on gender expression and gender identity. The training will specifically include information about gender-inclusive schools, issues of confidentiality relating to a student's gender, and the elimination of bias on the basis of gender identity, gender expression, or transgender status in instructional materials. The training will also review repercussions for staff who do not comply with the nondiscrimination and gender-inclusive schools policies and procedures."

"Within 45 days of this letter, the District will submit to OSPI for approval a proposed training plan that includes (i) the proposed date of the training; (ii) the name(s) and title(s) of who will conduct the training; (iii) the name(s) and title(s) of staff who will attend the training; and (iv) the proposed training materials. Portions of this item may be waived if the training is provided by OSPI ECR."

"Within 60 days of OSPI's approval of the training plan described in Item 6a, the District will submit to OSPI evidence the training was provided, including (i) the date of the training, (ii) who conducted the training, (iii) the training materials, and (iv) a sign-in sheet listing who attended. Portions of this item may be waived if the training is provided by OSPI ECR."

Woodland School District amended 3211P:

https://www.woodlandschools.org/storage/file/5961/3211P%20Gender-Inclusive%20Schools%20Procedure%20Clean.pdf

OSPI June 7, 2024 Letter to Woodland School District:

https://drive.google.com/file/d/1_VB0QXzuiHGkIRY_ivZ2gl0zSqMHUaVM/view?usp=sharing

Woodland School District June 24, 2024 legal counsel response:

https://drive.google.com/file/d/1raZYsumSng8OQDULcKf3njRb48ODoqc3/view?usp=sharing

Here are quotes from this letter:

"The District respectfully disagrees with OSPI's assertion that the modifications to the procedure "do not align with the requirements of" Chapter 28A.642 RCW and "may expose students to discrimination on the basis of gender identity or gender expression." The Board of Directors ("Board") approved modest modifications to that procedure to clarify the rights of students and parents in a manner consistent with federal and state law, as explained further below."

"Chapter 28A.642 RCW prohibits discrimination in Washington public schools based on "sexual orientation including gender expression or identity," among other protected characteristics. OSPI has promulgated implementing regulations in Chapter 392-190 WAC."

"Board members voted unanimously at a public meeting on May 23, 2024, to adopt revisions to the District's Procedure 3211P. A copy of the adopted procedure showing modifications from the prior version is enclosed. In introducing the modifications, Mr. Green stated that the WSSDA model procedure is "not aligned with our school district mission statement in two critical areas: access for all children and partnership with parents."

"Mr. Green then stated the following regarding the District's partnership with parents: "This procedure modification restores our partnership with parents… Under this revised procedure we have clarified that . . . for students, in alignment with the federal [Family] Educational Rights and Privacy Act or "FERPA," we will not hide their gender identity, preferred pronoun, preferred name, or any information in school records from parents…

If a student went to a school counselor and indicated that the child had gender dysphoria and wanted to identify as a different gender but also desired to keep that information secret from the child's parents, it would become the counselor's responsibility to say that under federal law, the counselor cannot keep that information from the parents."

"The changes in the above-quoted paragraph are consistent with state law. Notably, neither Chapter 28A.642 RCW nor Chapter 392-190 WAC contains a provision barring a school district from disclosing information about a student's gender identity or expression to the child's parents/guardians. OSPI appears to rely primarily on the Guidelines, which are not regulations promulgated using notice-and-comment rulemaking and are of questionable legal weight."

"The federal Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g et seq., and the federal implementing regulations promulgated by the U.S. Department of Education, 34 C.F.R. Part 99, require the District to allow a student's parents/guardians (or eligible adult student) to "inspect and review the student's education records," with very limited exceptions. See 34 C.F.R. § 99.10(a). The FERPA regulations define "education records" to mean those records directly related to a student and maintained by the school district. Additionally, Washington law reinforces that parents/guardians have the "right to review all education records of the student" consistent with FERPA. RCW 28A.605.030. Thus, any time that District employees record in an education record that a student is transgender, if the parents/guardians request a copy of that record, the District must provide it."

Lynden School District amended 3211P:

https://lynden.wednet.edu/wp-content/uploads/2024/08/3211P-Gender-Inclusive-Schools.pdf

The Lynden revised policy states in part: *"As stated in WSSDA Model Policy 3230 – Student Privacy and Searches, Washington State law provides that at certain ages, students attain the right to decide for themselves what medical records will remain confidential, even from their parents, and what activities the student will participate in. Disclosing this information to other students, their parents, or other third parties may violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Parents have the right under FERPA to request their student's educational records and if requested, the District will provide the student's educational records to the parent according to 3231/3231P- Student Records."*

OSPI March 7, 2025 threatening Letter to Lynden School District:

https://drive.google.com/file/d/1mx0TgISUvs-USvX86souvY4U-DeA6Mb3/view?usp=sharing

Here is a quote from the March 7, 2025 threatening letter:

"The LEA's Gender-Inclusive Schools policy and procedure (WSSDA's 3211/3211P, or equivalents).

Determination: Not Implemented

Summary of Concerns & Required Corrective Action: *The LEA's gender inclusive schools procedure does not include all elements of WSSDA's model #3211P, as required by RCW 28A.642.080. For example, there were substantive changes made to the sections on communication and* ***student privacy.*** *Please submit evidence that the LEA has adopted a gender inclusive schools procedure that includes all elements of WSSDA's model #3211P."*

In plain English, because Lynden wants to comply with FERPA and tell parents the truth about their kids, they are not in compliance with Policy 3211 Transgender Student Privacy which requires them to lie to parents.

Lynden's Legal response to OSPI: Still in process as of May 05, 2025

Kennewick School District amended 3211P:

https://resources.finalsite.net/images/v1715375953/ksdorg/zpigo1qr4fxfvttxonyq/3211RProcedure.pdf

The Kennewick revised policy states in part: *"Information about a student's gender identity, legal name, or assigned sex at birth may constitute confidential medical or educational information. Disclosing this information to other students, or other third parties will violate privacy laws, such as the federal Family Education Rights and Privacy Act (FERPA) (20 U.S.C. §1232; 34 C.F.R. Part 99). Parents/guardians have the right under FERPA to request their student's records and if requested, the district will provide the student's educational records to the parent/guardian according to Board Policy."*

OSPI February 21, 2025 threatening letter to Kennewick School District:

https://drive.google.com/file/d/1Ir0Qtkmw6W-q2hyBwnCpzawcZI35omQv/view?usp=sharing

Kennewick's Legal Response: Still in process as of April 5, 2025

Note: There are many other school districts in Washington state who have attempted to amend Policy 3211 in an effort to comply with FERPA and have received similar threatening letters from OSPI essentially demanding that they not comply with FERPA.

Section 8 House Bill 1296 also violates FERPA

On April 24, 2025, the Washington State legislature passed House Bill 1296 on a party line vote – with all Democrats voting to eliminate parents rights and all Rzepublicans voting to retain parents rights. House Bill 1296 gutted parents rights and replaced them with "student rights." In this section, we will review why this bill violates FERPA and should be declared Null and Void. Here is a link to this 28 page bill:

https://lawfilesext.leg.wa.gov/biennium/2025-26/Pdf/Bills/House%20Passed%20Legislature/1296-S.PL.pdf#page=1

Background

As parents in Washington became more aware of Policy 3211 requiring that they be lied to when reviewing the educational records of their children, they demanded the right to be told the truth. In 2023, this lead to a signature drive to pass the Washington Parents Rights Initiative – which gathered nearly a half million signatures. The legislature, fearful that the Initiative would pass in the 2024 election, approved the Initiative in the 2024 legislative session – pretending to support parents rights. However, once the 2024 election was over, in the 2025 session, the legislature passed House Bill 1296 which gutted all of the parent notification provisions of the Washington Parents Rights Initiative. During debate in the House and Senate on this bill, Democrats also rejected dozens of amendments offered by Republicans that would have restored some of the provisions of the Washington Parents Rights Initiative.

Quotes from House Bill 1296 Beginning on Page 8 of 28:

"The legislature is aware that some school districts are intentionally not complying with certain requirements in state law and that this noncompliance is negatively impacting students. State civil rights and nondiscrimination, including the nondiscrimination and sexual equality laws and model policy and procedure requirements related to protecting students' rights as established in chapters 28A.640 and 28A.642 RCW;"

"Withhold and redirect up to 20 percent of state funds allocated to the school district for basic education to support the compliance action plan required in section 304 of this act until the office of the superintendent of public instruction finds that the school district has come into compliance with state law. "

“Willful or negligent noncompliance with state law constitutes a violation of the oath of office under RCW 29A.56.110, and a member of a board of directors may be subject to recall and discharge under chapter 29A.56 RCW.”

In other words, if a school district refuses to violate FERPA, they could lose 20% of their state funding and school board directors could be subject to recall and discharge.

On page 15, Section 308 states:

“Policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students: Beginning with the 2024-25 school year, each school district must include the model student handbook language.”

In other words, each school district must immediately comply with Policy 3211 or lose 20% of their state funding.

On page 16, Section 309 states:

“The Washington professional educator standards board must adopt rules that make a local school district superintendent's or chief administrator's willful noncompliance with state law an act of unprofessional conduct and provide that a superintendent or chief administrator, whether certificated or not, may be held accountable for such conduct under rules established under this section.”

In other words, any school superintendent who does not agree to violate FERPA will also be accused of unprofessional conduct and face disciplinary proceedings.

On Page 21, section 501 RIGHTS OF PARENTS AND LEGAL GUARDIANS **deletes the following Parental Rights:**

iv) Public school records include all of the following:

(A) Academic records including, but not limited to, test and assessment scores in accordance with RCW 28A.230.195;

(B) Medical or health records;

(C) Records of any mental health counseling;

(D) Records of any vocational counseling;

(E) Records of discipline, including expulsions and suspensions under RCW 28A.600.015;

(F) Records of attendance, including unexcused absences in accordance with RCW 28A.225.020;

(G) Records associated with a child's screening for learning challenges, exceptionalities, plans for an individualized education program, or plan adopted under section 504 of the rehabilitation act of 1973; and

(H) Any other student-specific files, documents, or other materials that are maintained by the public school))

And replaces these Parent rights with the following much more limited rights: *"Education records means those official records, files, and data directly related to a student and maintained by the public school including, but not limited to, records encompassing all the material kept in the child's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, disciplinary status, test protocols, and individualized education programs;"*

"(v) 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."

The following additional parent notification rights are then deleted:
(c) 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 or guardian must be notified as soon as practicable after the treatment;

(d) 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;

(e) 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;

In other words, by replacing the parents rights in the Parents Rights Initiative with the above “right to be kept in the dark” - the school is allowed to keep two sets of books on each child in order to lie to the parents and violate their FERPA rights.

On page 24, the following parental notice rights are removed:
the right 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:

(i) The child's sexual experiences or attractions;

(ii) The child's family beliefs, morality, religion, or political affiliations;

(iii) Any mental health or psychological problems of the child or a family member; and

(iv) All surveys, analyses, and evaluations subject to areas covered by the protection of pupil rights amendment of the family educational rights and privacy act))

Once again, any rights that would allow the parents to be honestly informed about their child are eliminated. The bill ends with an emergency clause meaning that it takes effect immediately so that Parent Notice rights are removed the moment the bill is signed by the Governor.

Section 9 Two Examples of OSPI Failure to Notify Parents while transitioning their children

One obvious consequence of Reykdal's policy of forcing teachers to lie to parents is that parents no longer trust placing their precious children in the hands of abusive teachers.More than 90,000 parents have pulled their kids out of public schools since Reykdal took office and radically changed our public school policies based on his Woke agenda. But many parents can not afford to take their kids out of public school. Here are just four of thousands of examples of the state-caused harm inflicted on children when the state and or school district forces teachers to lie to parents and when teachers encourage children to lie to their parents.

In Virginia, a mother is suing Appomattox County Public Schools after her daughter, who had secretly transitioned at school, ran away, was kidnapped by a sex trafficker and then raped repeatedly in a locked room in Baltimore.

In California, the Spreckels Union School District agreed to a $100,000 settlement with a local mother after she charged that the school staff "secretly convinced" her daughter that she was bisexual and transgender.

In Washington state, a family was forced to flee the country after a teacher attempted to secretly "transition" their 10 year old daughter https://www.city-journal.org/article/we-thought-she-was-a-great-teacher

Tia, a girl who was only 10 years old and going to an elementary school in **Olympia Washington,** had been convinced by her WOKE Fifth Grade teacher to magically change her gender at school. Mrs. A is a committed advocate of gender ideology. In public, she praised the district for its absolutist LGBTQ policies, like one disallowing parents from opting their children out of Pride Month curricula. Mrs. A is an expert and manipulating the school data management system to hide information from parents about name and gender. In April, 2022, Mrs. A stood with Tia at the front of her class and told them that **Tia had changed her name and pronouns. Her new name was Felix,** her new pronouns were "he/him/they/them," and no one outside school was to know. **Tia's parents couldn't know. The other students in the class couldn't tell their own parents, either, for fear of one of them outing Tia to her parents.**

But the school staff was made aware via an e-mail sent by Mrs. A announcing that Tia “has opened up to me and has just requested this change . . . **This change is his right and is not to be questioned.”**

The e-mail also instructed fellow staff not to change Tia’s information in the school’s “skyward” electronic database in order to ensure that the parents remained unaware. **It was a secret between the children and the adults in their school, to be kept from their families.**

“The girls would never be allowed to say her real name in front of Mrs. A because Mrs. A would correct them,” said Hammel. “Because of this, other girls stopped hanging out with Tia outside of school and on the playground. She didn’t know how to act.”

As her friends became increasingly confused and distant, Tia’s drawing lost its color. Pictures that were once vibrant turned black and white, her classmates said. And the already-quiet girl became even more reserved, wanting to talk only to Mrs. A.

One day, the class went on a field trip to visit the local middle school. Tia’s mother came along to chaperone, and Tia told her class to call her by her old name for the day. But on the walk, **Anne Crawford’s daughter accidentally called her Felix. “**Her mom was confused and asked her to call Tia by her normal name,” Crawford said, as her daughter relayed the story in the background of our phone call. “It was very confusing for my daughter; she was wondering why the girl was lying to her mom.”

“A little bit later, in May, my daughter and a friend were both at the house working on a group project that Tia was also involved in,” Jess Davis recalled. “They were explaining each of their parts and when they got to the point of Tia’s part, my daughter suddenly didn’t know how to discuss her. She started doing this thing where she’d be looking up and would try to keep things straight, saying, ‘he, she, I mean . . . we are outside of school so, it’s she, but.’ She got to the point where she was hyperventilating. And I was watching this and just felt like, holy cow. “I stopped her and told her just to be kind and respectful,” Davis continued. “And I gave her permission not to participate in this.”

“No, Mom, we have to, or else we’ll get in trouble,” Davis’s daughter retorted, as her friend nodded. “You have to say it the right way.”

They both had tears in their eyes at this point," said Davis. "And my daughter's friend said, 'and we're not supposed to tell our parents.' "

The secret was being divulged, and parents were starting to hear that a child in their local elementary school had transitioned genders — seemingly **all the parents except Tia's were hearing it.**

But then Tia couldn't handle it anymore. During Davis' phone call with her at the ice cream social, Tia's mother said that **"her daughter had come to her and was crying and very upset. She was saying she wants to go to school, see her friends like normal, and doesn't want to be a boy anymore. But Tia was afraid that Mrs. A would be mad at her and wouldn't like her anymore. Her mom was like, 'What are you talking about?'"**

Tia's mother had noticed the girl's once-colorful art turning dark, Davis told me. "She wasn't eating well. Her sleep was affected. She saw a dark cloud over her daughter, and her daughter wanted to talk only to Mrs. A, even at night and on weekends."

So Tia's mother decided to take Tia to school and confront Mrs. A. But as soon as Mrs. A realized that the mother knew, "Mrs. A stopped addressing the mom and started looking at the daughter and talking to her directly," said Davis. "She asked Tia, 'Are you OK? Do you need help?' And the mom told her, 'Stop talking to my daughter! Leave her alone!' but Mrs. A wouldn't acknowledge her."

So Tia's mother left the classroom and sought out the principal and school counselor. But the principal informed her that "Mrs. A had done nothing wrong and was just following school policies," Davis explained. "They treated her like she was crazy and had no grounds."

The mother took Tia home, bewildered after a troubling conflict with the people charged with educating her daughter. **Tia and her younger brother were quietly driven out of the state, to a house in Oregon, where they stayed for a while before leaving the country.**

"The family is very scared," Davis said. "They were struggling and had no idea what to do. The dad just wanted to get away from everything and forget that it ever happened. There's a lot of shame. And a lot of, 'How could we let this happen to our child, and we didn't know?' "

The second example is provided by Julie Barrett, the founder of Conservative Ladies of Washington. As with the previous example, Julie was so appalled at what happened to her daughter that she and her husband moved their entire family to Florida. Julie Barrett is now the Director of Conservative Ladies of America. Here is her story:

Julie Barrett Declaration in Support of Washington Parents Network FERPA Complaint

My name is Julie Christene Barrett and I am providing this declaration in support of the FERPA complaint filed by Washington Parent's Network. In 2022, we lived in Bothell, Washington, and 3 of our children were students in the **Northshore School District.** My daughter, H.B., is diagnosed with Autism Spectrum Disorder, Oppositional Defiance Disorder, Major Depressive Disorder, Post Traumatic Stress Disorder, and Attention Deficit and Hyperactivity Disorder. H.B. had been a victim of child abuse by her biological father from 2009-2012 and had a number of emotional issues in addition to her learning and attention issues. As a result, H.B. was placed in Northshore's ASPIRE Special Education Program in 2018 and has an IEP.

On June 22, 2022, we were having our annual IEP meeting with H.B.'s Aspire teacher, the vice principal, H.B. and myself. The meeting was conducted on Zoom and H.B. and I were together at home with the school staff at the school. The teacher was presenting the progress on the IEP and about 20 minutes into the meeting started using the name "K.B." in place of H.B. and used he/him pronouns when referring to my daughter. After several minutes, I interrupted and said "Who is K.B.?" The teacher was visibly frustrated, the vice principal had an awkward look on his face and my daughter put her head into her hands. The teacher claimed that she had gotten the student files mixed up and was speaking about a different student. However, my daughter informed me after the meeting that at school she had been going by the name "K.B." and he/him pronouns.

This teacher had a number of political flags on display in the classroom – the pride flag, the inclusion flag and the Black Lives Matter flag. H.B. said the teacher gave special attention and showed favoritism to the kids who identified as "LGBTQ" so she thought it might be easier if she did this. This happened at the end of the school year. When the next year came, H.B. and I sat down with the staff and the new Aspire teacher (the previous one

had been removed from the school) to discuss that H.B. would be going by her real name and female pronouns.

I told them in front of H.B. that **we do not want them teaching her to keep secrets from her parents who love her more than anything.**

Within a few weeks of school starting, H.B. became suicidal. She called the 988 line given to her at school and was picked up by an ambulance and spent a week at Smokey Point Behavioral Hospital. Two weeks after returning to school, she became suicidal again. She broke a glass outside the building and cut herself deeply with it. Police and emergency services had to be called and H.B. went back to the hospital. She went back to school after that second hospital visit – she insisted on it – and then two weeks later, she had another suicide attempt inside the school, which necessitates another call to 911 and a lockdown of the school while they got her safely out of the building and into the ambulance. She again went to the hospital for another week. After her week at the hospital we took her out of state to a residential program in Indiana where she could go to school and get the mental health help she needed and where she would get the love and support she needed to work through these issues without gender confusion. Today, Hannah is healthy and finishing her high school diploma at a girl's school in Utah. She is working and learning to drive. She is still a tomboy as she has been since she was a toddler. But she is not confused about her gender.

The secrets kept by Northshore school district cost our daughter her most important teenage years. We got her out of Washington state because it was not a safe place for her to heal without the gender ideology. She cannot get those years back and she is having to work harder than she would have just to finish high school. Keeping secrets and encouraging my daughter to "be a boy" had a profoundly negative impact on her mental health that she will have to continue to work to overcome.

I believe that Washington State "school secrecy policies" violated my parental right to be informed about how the school is treating my daughter. These "school secrecy policies" policies continue to exist and are even required in Washington state. They thus violate the right of all parents in Washington state to be informed about how schools are treating their children. I ask that **Washington State school policies be amended to end secrecy, comply with FERPA and respect the rights of parents.**

Section 10 Proposed FERPA Remedies

We have provided evidence that all all parents in Washington state are having their FERPA Parental Notice rights violated – and that the source of these violations comes down to Chris Reykdal lying to the legislature, lying to the media, lying to the federal courts, lying to teachers and lying to parents – by repeatedly claiming that his DEI Policy 3211 mandates comply with FERPA. Moreover, he has been telling these lies for the past 8 years.

We are now left with the question of how to restore Parents FERPA rights given that Reykdal still insist that State laws violating FERPA somehow are in compliance with FERPA?

Specific FERPA remedies requested (in addition to the remedies we have requested in our February 28, 2025 Title IX complaint and our April 18, 2025 Title VI complaint).

Here are some of the remedial actions we propose are necessary to overcome the past 8 years of Washington state's failure to comply with FERPA:

The first remedy is for OCR investigators to research the FERPA claims we have made and then hold a hearing asking Reykdal to explain why he continue to refuse to comply with FERPA. At the end of the hearing, we ask DOJ Joint Taskforce investigators to issue a written "Findings of Fact."

We ask that the Taskforce to find that Reykdal has for the past 8 years violated the plain meaning of FERPA.

We further ask you to review Washington State laws and policies based on those laws that violate FERPA, Title IX and Title VI. We then ask that, in order to restore federal funding, the State of Washington must agree in writing to declare all Washington state laws that violate FERPA, Title IX and Title VI to be null and void. These state laws include laws associated with Policy 3211 and House Bill 1296.

The agreement must include actions steps that, when implemented, will remedy both the individual discrimination at issue and any similar instances where future violative conduct may recur.

We then ask that the US Department of Education withhold whatever amount of federal funding is needed to convince Reykdal that he should finally start complying with federal law.

Personally, I think you will need to withhold at least a billion dollars in federal funding before he will consider taking steps to end FERPA, Title IX and Title VI violations in Washington state.

We further ask that you continue withholding these federal funds until such time that the following ten conditions are met:

#1 Reykdal signs a public statement admitting that his past statements and actions have misinterpreted and violated Ttitle VI and that he admit that our US Supreme Court ruling in Students v Harvard apply to all programs that receive federal funds and not merely college admissions programs.

#2 His statement must also include an apology to the legislators, judges, teachers and parents and an apology to the one million children whose Title VI rights they have harmed during the past 8 years – for misleading all of them into believing that Title VI allows treating children differently based on the color of their skin.

#3 The State legislature must repealed all state laws that violate FERPA, Title VI and Title IX.

#4 The legislature and Superintendent agree to a **Washington State FERPA, Title VI and Title IX Compliance Officer** tasked with creating and carrying out an 3 year program to train teachers, administrators and parents on the steps needed to comply with FERPA, Title VI and Title IX – and to correct the many false statements about FERPA, Title VI and Title IX that they were all exposed to during the past 8 years.

#5 The legislature agrees to the establishment of an annual review process to assure compliance with FERPA, Title VI and Title IX – including a written annual report on the steps taken during the previous year to restore FERPA, Title VI and Title IX and additional steps needed during the following year to continue restoration of FERPA, Title VI and Title IX per CPM 401 which states in part: *“In addition to the regulations implementing Title VI that require OCR to investigate complaints that are filed with the agency, the regulations require OCR to initiate **“periodic compliance reviews”** to assess the practices of recipients to determine whether they comply with the Title VI regulations… The compliance review regulations afford OCR broad discretion to determine the substantive issues for investigation and the number and frequency of the investigations.”*

#8 Establishment of a FERPA, Title VI and Title IX teacher review commission to consider complaints by parents against teachers who have violated their FERPA, Title VI and Title IX rights of their students. Any teacher or official found guilty of a FERPA, Title VI violation or Title IX violation can be required either to take additional training or in severe cases can be dismissed for violating FERPA, Title VI and Title IX in a manner that severely harmed the rights of parents and or students.

#9 Establishment of a **FERPA, Title VI and Title IX Compensation Commission** to hear cases of students, parents and teachers harmed by the past violations of FERPA, Title VI and or Title IX. The legislature shall establish a fund to compensate students, parents and teachers – including hiring teachers back who were fired for failing to go along with FERPA, Title VI and or Title IX violations and providing them with full back pay for the income they lost for defending their First Amendment and FERPA, Title VI and or Title IX civil rights of parents and students here in Washington state.

#10 Other remedies the Department of Justice Taskforce deems appropriate.