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Washington Parents and School Officials File Lawsuit Challenging HB 1296 as Unconstitutional

Olympia, Washington — October 23, 2025 — A group of Washington parents, school board members, and educators have filed a lawsuit in Thurston County Superior Court alleging that House Bill 1296 (2025) is unconstitutional and unlawfully strips parents of their right to know and make decisions about their children’s education and welfare.

The lawsuit, brought by the Citizen Action Defense Fund via outside counsel Joel Ard, seeks a declaratory judgment striking down HB 1296 on the grounds that it violates both the WA State Constitution and the U.S. Constitution.

The implementation of HB 1296 repealed key parental rights protections enacted through Initiative 2081, a measure overwhelmingly passed by the legislature in 2024 to ensure that parents are informed about significant decisions affecting their children in public schools — including matters of medical care and counseling.

The law forces teachers and staff to withhold information from parents about their own children’s safety and wellbeing.

“We’re being told not to share information that parents have a right to know,” said Lead Plaintiff Gabe Galbraith, a Kennewick School Board Member and father of three, one of which is enrolled in public school. “That’s not education — that’s state interference in the family.”

The complaint argues that HB 1296 is unconstitutional on multiple grounds, including:

- **Violation of parents’ fundamental rights:** the right to direct the upbringing and education of their children — rights recognized under both the Washington Constitution *and* the Fourteenth Amendment to the U.S. Constitution.
- **Violation of religious freedom and free exercise rights** (protected by the First Amendment): parents are being forced to accept school policies that conflict with their moral or faith-based beliefs.
- **Violation of the “single subject” rule** (Article II, Section 19 of the Washington Constitution): requires that a bill cover only one subject clearly expressed in its title.
- **Violation of federal law** that allows parents access to education records.

“This case isn’t about politics — it’s about constitutional boundaries,” said Paige McElwrath, CADF Director of Communications and Operations. “HB 1296 crosses the line by letting the state decide which parents are ‘safe’ to inform about their own kids. That’s not the government’s role, and the constitution doesn’t allow it.”

Background: HB 1296 vs. Initiative 2081

In 2023, hundreds of thousands of Washington voters supported Initiative 2081, a bipartisan measure guaranteeing parental transparency in schools. Lawmakers adopted the initiative in 2024.

But in 2025, the legislature passed HB 1296, which reversed those protections and replaced them with policies from the Office of Superintendent of Public Instruction (OSPI) that limit parental involvement and expand state control over classroom policies.

The plaintiffs argue that this reversal violates both the spirit of the initiative and the constitutional rights of Washington families who overwhelmingly supported the measure.

The lawsuit asks the Court to:

1. Declare HB 1296 unconstitutional under the Washington Constitution;
2. Declare HB 1296 unconstitutional under the U.S. Constitution for infringing on parental and religious rights; and
3. Restore the protections enacted by Initiative 2081.

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