S-0688.1

SENATE BILL 5462

State of Washington 68th Legislature 2023 Regular Session

By Senators Liias and C. Wilson

AN ACT Relating to promoting inclusive learning standards and instructional materials in public schools; amending RCW 28A.150.230, 28A.320.230, 28A.655.070, 28A.710.040, and 28A.715.020; adding a new section to chapter 28A.345 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** (1) The legislature recognizes that Washington state law prohibits discrimination in public schools for certain protected classes. The legislature also acknowledges that school districts are required to adopt a policy related to the selection or removal of instructional materials. Under state rule, the instructional materials policy of each school district must establish and use appropriate screening criteria to identify and eliminate bias pertaining to protected classes.

(2) The legislature intends to expand these requirements by requiring school districts to adopt policies and procedures that incorporate selecting inclusive instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

(3) The legislature further recognizes that state law requires the state learning standards to be periodically updated to incorporate best practices in ethnic studies. The legislature intends

to build on this duty by directing the office of the superintendent of public instruction, in consultation with the Washington state LGBTQ commission, to review and update relevant state learning standards to include the histories, contributions, and perspectives of LGBTQ people.

(4) The legislature believes that promoting inclusive learning standards and instructional materials will improve student achievement, attendance, parent and family engagement, and other dimensions that contribute to student success.

NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.345 RCW to read as follows:

(1) By June 1, 2025, the Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, must review and update a model policy and procedure regarding course design, selection, and adoption of instructional materials.

(2) The model policy and procedure must require that the school board of directors will adopt inclusive curricula and select inclusive, age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups including, but not limited to:

(a) Native Americans and Native American tribes;

(b) People from various racial and ethnic backgrounds including, but not limited to, African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans;

(c) Women;

(d) People from various socioeconomic statuses;

(e) People from various religious backgrounds;

(f) Immigrants and refugees;

(g) People with disabilities;

(h) People who are neurodiverse;

(i) People who are English learners or use sign language; and

(j) LGBTQ people as defined in RCW 43.114.010.

(3) By October 1, 2025, school districts must amend the policies and procedures that are required under RCW 28A.320.230 to incorporate all the elements described in this section.

(4) For the purposes of this section, "inclusive" means curricula and instructional materials that create and sustain a sense of

respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities.

Sec. 3. RCW 28A.150.230 and 2010 c 235 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of ((~~Title 28A RCW~~)) this title, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of ((~~Title 28A RCW~~)) this title, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less

than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) ((~~Establish final curriculum standards~~)) Adopt curricula consistent with law, including section 2 of this act, and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 4. RCW 28A.320.230 and 1989 c 371 s 1 are each amended to read as follows:

(1) Every board of directors, unless otherwise specifically provided by law, shall((~~:~~

~~(1) Prepare~~)) prepare, negotiate, set forth in writing, and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

(a) State the school district's goals and principles relative to instructional materials;

(b) Include all the elements of the model policy and procedure described in section 2 of this act;

(c) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including textbooks;

((~~(c)~~)) (d) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer((~~. This committee shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may~~

~~include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of the committee;~~

~~(d) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee~~)); and

(e) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district((~~;~~

~~(f) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage~~)).

(2)(a) The instructional materials committee established under subsection (1) of this section shall consist of representative members of the district's professional staff, including representation from the district's curriculum development committees, and, in the case of districts which operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. The committee may include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of the committee.

(b) School districts must provide reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee.

(c) Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy described in subsection (1) of this section. Approval or disapproval shall be by the local school district's board of directors. Local school district's board of directors must determine that the instructional materials committee made recommendations in accordance with district policy adopted under subsection (1) of this section before approving the recommendation.

(d) Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other

districts' selection procedures may be reimbursed by the school district.

(e) Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

(3) Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

((~~(2)~~)) (4) Every board of directors, unless otherwise specifically provided by law, shall:

(a) Provide free textbooks, supplies, and other instructional materials to be loaned to the students of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies, and other instructional materials from unnecessary damage; and

(b) Establish a depreciation scale for determining the value of texts which students wish to purchase.

Sec. 5. RCW 28A.655.070 and 2019 c 252 s 119 are each amended to read as follows:

(1) The superintendent of public instruction shall develop state learning standards that identify the knowledge and skills all public school students need to know and be able to do based on the student learning goals in RCW 28A.150.210, develop student assessments, and implement the accountability recommendations and requests regarding assistance, rewards, and recognition of the state board of education.

(2) The superintendent of public instruction shall:

(a) Periodically revise the state learning standards, as needed, based on the student learning goals in RCW 28A.150.210. Goals one and two shall be considered primary. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the state learning standards; and

(b) Review and prioritize the state learning standards and identify, with clear and concise descriptions, the grade level content expectations to be assessed on the statewide student assessment and used for state or federal accountability purposes. The review, prioritization, and identification shall result in more focus and targeting with an emphasis on depth over breadth in the number of grade level content expectations assessed at each grade level. Grade

level content expectations shall be articulated over the grades as a sequence of expectations and performances that are logical, build with increasing depth after foundational knowledge and skills are acquired, and reflect, where appropriate, the sequential nature of the discipline. The office of the superintendent of public instruction, within seven working days, shall post on its website any grade level content expectations provided to an assessment vendor for use in constructing the statewide student assessment.

(3)(a) In consultation with the state board of education, the superintendent of public instruction shall maintain and continue to develop and revise a statewide academic assessment system in the content areas of reading, writing, mathematics, and science for use in the elementary, middle, and high school years designed to determine if each student has mastered the state learning standards identified in subsection (1) of this section. School districts shall administer the assessments under guidelines adopted by the superintendent of public instruction. The academic assessment system may include a variety of assessment methods, including criterion-referenced and performance-based measures.

(b) Effective with the 2009 administration of the Washington assessment of student learning and continuing with the statewide student assessment, the superintendent shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration and reducing the number of short answer and extended response questions.

(c) By the 2014-15 school year, the superintendent of public instruction, in consultation with the state board of education, shall modify the statewide student assessment system to transition to assessments developed with a multistate consortium, as provided in this subsection:

(i) The assessments developed with a multistate consortium to assess student proficiency in English language arts and mathematics shall be administered beginning in the 2014-15 school year, and beginning with the graduating class of 2020, the assessments must be administered to students in the tenth grade. The reading and writing assessments shall not be administered by the superintendent of public instruction or schools after the 2013-14 school year.

(ii) The high school assessments in English language arts and mathematics in (c)(i) of this subsection shall be used for the

purposes of federal and state accountability and for assessing student career and college readiness.

(d) The statewide academic assessment system must also include the Washington access to instruction and measurement assessment for students with significant cognitive challenges.

(4) If the superintendent proposes any modification to the state learning standards or the statewide assessments, then the superintendent shall, upon request, provide opportunities for the education committees of the house of representatives and the senate to review the assessments and proposed modifications to the state learning standards before the modifications are adopted.

(5) The assessment system shall be designed so that the results under the assessment system are used by educators as tools to evaluate instructional practices, and to initiate appropriate educational support for students who have not mastered the state learning standards at the appropriate periods in the student's educational development.

(6) By September 2007, the results for reading and mathematics shall be reported in a format that will allow parents and teachers to determine the academic gain a student has acquired in those content areas from one school year to the next.

(7) To assist parents and teachers in their efforts to provide educational support to individual students, the superintendent of public instruction shall provide as much individual student performance information as possible within the constraints of the assessment system's item bank. The superintendent shall also provide to school districts:

(a) Information on classroom-based and other assessments that may provide additional achievement information for individual students; and

(b) A collection of diagnostic tools that educators may use to evaluate the academic status of individual students. The tools shall be designed to be inexpensive, easily administered, and quickly and easily scored, with results provided in a format that may be easily shared with parents and students.

(8) To the maximum extent possible, the superintendent shall integrate knowledge and skill areas in development of the assessments.

(9) Assessments for goals three and four of RCW 28A.150.210 shall be integrated in the state learning standards and assessments for goals one and two.

(10) The superintendent shall develop assessments that are directly related to the state learning standards, and are not biased toward persons with different learning styles, racial or ethnic backgrounds, or on the basis of gender.

(11) The superintendent shall review available and appropriate options for competency-based assessments that meet the state learning standards. In accordance with the review required by this subsection, the superintendent shall provide a report and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

(12) The superintendent shall consider methods to address the unique needs of special education students when developing the assessments under this section.

(13) The superintendent shall consider methods to address the unique needs of highly capable students when developing the assessments under this section.

(14) The superintendent shall post on the superintendent's website lists of resources and model assessments in social studies, the arts, and health and fitness.

(15) The superintendent shall integrate financial education skills and content knowledge into the state learning standards pursuant to RCW 28A.300.460(2)(d).

(16)(a) The superintendent shall notify the state board of education in writing before initiating the development or revision of the state learning standards under subsections (1) and (2) of this section. The notification must be provided to the state board of education in advance for review at a regularly scheduled or special board meeting and must include the following information:

(i) The subject matter of the state learning standards;

(ii) The reason or reasons the superintendent is initiating the development or revision; and

(iii) The process and timeline that the superintendent intends to follow for the development or revision.

(b) The state board of education may provide a response to the superintendent's notification for consideration in the development or revision process in (a) of this subsection.

(c) Prior to adoption by the superintendent of any new or revised state learning standards, the superintendent shall submit the proposed new or revised state learning standards to the state board of education in advance in writing for review at a regularly scheduled or special board meeting. The state board of education may provide a response to the superintendent's proposal for consideration prior to final adoption.

(17) The state board of education may propose new or revised state learning standards to the superintendent. The superintendent must respond to the state board of education's proposal in writing.

(18)(a) By December 1, 2024, the office of the superintendent of public instruction, in consultation with the Washington state LGBTQ commission, must review and update relevant state learning standards at all grade levels to include the histories, contributions, and perspectives of LGBTQ people.

(b) For the purposes of this subsection, "LGBTQ" has the same meaning as in RCW 43.114.010.

Sec. 6. RCW 28A.710.040 and 2018 c 75 s 9 are each amended to read as follows:

(1) A charter school must operate according to the terms of its charter contract and the provisions of this chapter.

(2) A charter school must:

(a) Comply with local, state, and federal health, safety, parents' rights, civil rights, and nondiscrimination laws applicable to school districts and to the same extent as school districts, including but not limited to chapter 28A.642 RCW (discrimination prohibition) ((~~and~~)), chapter 28A.640 RCW (sexual equality), and section 2 of this act (inclusive model policy and procedure);

(b) Provide a program of basic education, that meets the goals in RCW 28A.150.210, including instruction in the essential academic learning requirements, and participate in the statewide student assessment system as developed under RCW 28A.655.070;

(c) Comply with the screening and intervention requirements under RCW 28A.320.260;

(d) Employ certificated instructional staff as required in RCW 28A.410.025. Charter schools, however, may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(e) Comply with the employee record check requirements in RCW 28A.400.303;

(f) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance;

(g) Comply with the annual performance report under RCW 28A.655.110;

(h) Be subject to the performance improvement goals adopted by the state board of education under RCW 28A.305.130;

(i) Comply with the open public meetings act in chapter 42.30 RCW and public records requirements in chapter 42.56 RCW; and

(j) Be subject to and comply with legislation enacted after December 6, 2012, that governs the operation and management of charter schools.

(3) Charter public schools must comply with all state statutes and rules made applicable to the charter school in the school's charter contract, and are subject to the specific state statutes and rules identified in subsection (2) of this section. For the purpose of allowing flexibility to innovate in areas such as scheduling, personnel, funding, and educational programs to improve student outcomes and academic achievement, charter schools are not subject to, and are exempt from, all other state statutes and rules applicable to school districts and school district boards of directors. Except as provided otherwise by this chapter or a charter contract, charter schools are exempt from all school district policies.

(4) A charter school may not engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Charter schools are subject to the supervision of the superintendent of public instruction and the state board of education, including accountability measures, to the same extent as other public schools, except as otherwise provided in this chapter.

Sec. 7. RCW 28A.715.020 and 2013 c 242 s 3 are each amended to read as follows:

(1) A school that is the subject of a state-tribal education compact must operate according to the terms of its compact executed in accordance with RCW 28A.715.010.

(2) Schools that are the subjects of state-tribal education compacts are exempt from all state statutes and rules applicable to school districts and school district boards of directors, except those statutes and rules made applicable under this chapter and in the state-tribal education compact executed under RCW 28A.715.010.

(3) Each school that is the subject of a state-tribal education compact must:

(a) Provide a curriculum and conduct an educational program that satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and 28A.230.010 through 28A.230.195;

(b) Employ certificated instructional staff as required in RCW 28A.410.010, however such schools may hire noncertificated instructional staff of unusual competence and in exceptional cases as specified in RCW 28A.150.203(7);

(c) Comply with the employee record check requirements in RCW 28A.400.303 and the mandatory termination and notification provisions of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

(d) Comply with nondiscrimination laws and the provisions of section 2 of this act;

(e) Adhere to generally accepted accounting principles and be subject to financial examinations and audits as determined by the state auditor, including annual audits for legal and fiscal compliance; and

(f) Be subject to and comply with legislation enacted after July 28, 2013, governing the operation and management of schools that are the subject of a state-tribal education compact.

(4) No such school may engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

(5) Nothing in this chapter may limit or restrict any enrollment or school choice options otherwise available under ((~~Title 28A RCW~~)) this title.

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