

# SENATE BILL REPORT

## ESSB 5044

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As Amended by House, April 11, 2021

**Title:** An act relating to equity, cultural competency, and dismantling institutional racism in the public school system.

**Brief Description:** Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Das, Wellman, Darneille, Hasegawa, Hunt, Lovelett, Nguyen, Nobles, Robinson, Saldaña, Stanford and Wilson, C.).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/13/21, 1/20/21 [DPS, DNP, w/oRec].

**Floor Activity:** Passed Senate: 1/27/21, 30-19.  
Passed House: 4/11/21, 57-40.

**Brief Summary of Engrossed First Substitute Bill**

- Adds equity, diversity, inclusion, and anti-racism to existing cultural competency standards and training for school board directors, district staff, and school staff.
- Directs school districts to prioritize one of three professional learning days to focus first on these topics.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 5044 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hunt, Mullet and Pedersen.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass.

Signed by Senators Hawkins, Ranking Member; McCune.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Dozier.

**Staff:** Ailey Kato (786-7434)

**Background:** Standards for Cultural Competency. The Professional Educator Standards Board (PESB) adopted a set of standards for effective teaching. In developing the standards, PESB incorporated standards for cultural competency along the career continuum.

Cultural competency includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

Educational Opportunity Gap Oversight and Accountability Committee. In 2009, the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC) was created to synthesize the findings and recommendations from achievement gap studies and recommend policies and strategies to close the achievement gap.

Professional Development and Training. In 2016, the Legislature directed the creation of cultural competency professional development and training for different groups.

*School Board Directors.* The Washington State School Directors' Association (WSSDA), in consultation with other entities, developed a plan for creating and delivering cultural competency training for school board directors and superintendents.

*School and District Staff.* The Office of the Superintendent of Public Instruction (OSPI), in collaboration with other entities, developed a content outline for professional development and training in cultural competency for school staff. Educational service districts (ESDs) and school districts are encouraged to use this professional development and training.

*School Districts Identified for Improvement.* Certain districts identified for improvement are strongly encouraged to provide the cultural competency professional development and training.

Professional Learning Days. Professional learning means a comprehensive, sustained, job-embedded, and collaborative approach to improve teachers' and principals' effectiveness in raising student achievement.

Beginning in the 2018-19 school year, the Legislature began phasing in funding for

professional learning days for certificated instructional staff. At a minimum, the state was required to allocate funding for:

- one day in the 2018-19 school year;
- two days in the 2019-20 school year; and
- three days in the 2020-21 school year.

The 2020 supplemental budget required one professional learning day to be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

**Summary of Engrossed First Substitute Bill: Standards for Cultural Competency.** PESB, in collaboration with EOGOAC, must identify and update a list of model standards for anti-racism in addition to cultural competency. PESB must post the list of model standards online for parents and community members. The definition for "cultural competency" is amended to include anti-racism standards, an equity framework, culturally responsive instruction, and skills in adapting instruction to students' with disabilities experiences.

Professional Development and Training. Professional development regarding equity, diversity, inclusion, and anti-racism is added to existing cultural competency training.

*School Board Directors.* WSSDA, in consultation with EOGOAC and other entities, must develop a recommended list of available training programs and post the recommended list online for parents and community members. The training programs must consider various races, ethnicities, religions, disabilities, sexualities, and genders. The training programs must instruct school board directors on dismantling institutional racism by examining school district policies with an equity lens, promoting racial literacy, understanding stereotype threat, and identifying disproportionate student outcomes by using district data.

Beginning in the 2022-23 school year, WSSDA must provide ongoing training through the use of its association dues to school board members using a program from the recommended list.

*School and District Staff.* Subject to appropriations, OSPI, in collaboration with other entities, must add dismantling institutional racism to the content outline for professional development and training for school staff. OSPI must post the content outline online for parents and community members. The training program must include review of district data to identify disproportionate student outcomes and understanding of implicit bias and stereotype threat.

Beginning with the 2022-23 school year and subject to appropriations, ESDs and school districts must use the content outline and training materials from the recommended list to provide job-embedded, ongoing training opportunities for classified staff, certificated instructional staff, certificated administrative staff, and the superintendent.

*School Districts Identified for Improvement.* The statute that strongly encourages certain districts identified for improvement to provide cultural competency professional development and training is repealed.

Professional Learning Days. Each year, beginning with the 2021-22 school year, one of the three professional learning days must be prioritized by school districts to focus first on providing equity, diversity, inclusion, anti-racism, and cultural competency training.

**Appropriation:** The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: All educators and staff need to be equipped with training that will help them best support students who are immigrants and students of color. This bill will make students of any background feel safe, heard, and understood and will honor their unique histories, cultures, experiences, and identities. This type of training will help accelerate the closing of persistent opportunity gaps and lead to positive school climate and improved outcomes. Disparities in graduation rates, discipline, and access to AP courses are rooted in institutional racism. In order to close opportunity gaps, racism must be dismantled in schools and institutions. Anti-racism training is of paramount importance given what is happening at state capitols and the multitude of killings of black and brown people. Educators have been socialized and trained in white supremacy culture, and this makes students feel invisible. Cultural competency standards need to be reexamined to include anti-racism. Highly capable students are not included as a category to be observed.

CON: The systems in this state are intended to reduce disadvantages to people of color. There is no systemic racism in this state except for the identity programs in schools. Using an equity lens can hold students back. Schools exist to teach reading, writing, and arithmetic, and it is ill-advised to bring in other standards when those basic standards are not being met. Critical race theory poses a danger for students and staff. This bill is divisive. It teaches students to judge others based on the color of their skin.

OTHER: This bill raises serious issues because it is mandatory training that runs afoul of core civil rights protections.

**Persons Testifying:** PRO: Senator Mona Das, Prime Sponsor; John Welch, Puget Sound

Educational Service District; Tricia Lubach, Washington State School Directors' Association; Michael Peña, Washington Education Association; Victoria Moreland, Professional Educator Standards Board; Manuela Slye, Washington State Parent Teacher Association; Glenn Jenkins, Washington Education Association; Terese Emry, Office of Superintendent of Public Instruction; David Berg, Washington Coalition for Gifted Education.

CON: Sharon Hanek, citizen; Dawn Land, citizen; Jeanette Burrage, citizen; Franklin Harold, citizen; Sarah Davenport-Smith, Family Policy Institute of Washington.

OTHER: Liv Finne, Washington Policy Center.

**Persons Signed In To Testify But Not Testifying:** PRO: Soojin Park, University of Washington; Diana Stadden, The Arc of Washington State; Lucinda Young, citizen; Liza Pascal, citizen; Carrie Suchy, Washington State Association of School Psychologists.

CON: Gary Wilson, citizen; Ira Thomas III, 1 community 4 life; Vicki Trudel, citizen.

OTHER: Linda Yang, citizen; Kan Qiu, citizen; Adrienne Stuart, Developmental Disabilities Council; Ruby Sun, citizen.

## **EFFECT OF HOUSE AMENDMENT(S):**

### Standards for Cultural Competency, Diversity, Equity, and Inclusion.

- Adds definitions for diversity, equity, and inclusion.
- Directs WSSDA to develop cultural competency, diversity, equity, and inclusion (CCDEI) standards for school director governance and publish on website at no cost to school districts.
- Directs PESB to develop CCDEI standards of practice for preparation, continuing education, and other training of school district staff and post on its website for school district staff.
- Directs PESB to periodically update rubrics to evaluate the alignment of training and professional development programs and related materials with CCDEI standards.
- Directs WSSDA and PESB to compare and align the CCDEI standards in collaboration with EOGOAC and may include the Office of Equity.
- Tasks WSSDA and PESB with reviewing the definitions and the CCDEI standards every ten years beginning November, 1, 2030 and reporting to the Legislature any recommendations for revision.

### Training.

#### *School Board Directors*

- Directs WSSDA to identify or develop and periodically update governance training programs that align with CCDEI standards.
- Specifies that the government training programs must include building government-to-government relationships with federally recognized tribes, multicultural education, and

principles of English language acquisition.

- Requires WSSDA to provide a governance training program identified or developed at the frequency necessary for school directors to meet their training requirement beginning with the 2022 calendar year.
- Requires each member of a school board of directors and charter school boards to complete a governance training program once per term of elected office.
- Specifies that if the director is appointed or elected to a first term of office, the director must complete a governance training within two years of appointment or certification of the election in which they were elected.

#### *School District Staff*

- Directs PESB to require that the programs of courses, requirements, and other activities leading to educator certification incorporate the CCDEI standards.
- Requires school districts and charter schools to use one of the professional learning days to train school district staff in one or more of the following topics--cultural competency, diversity, equity, or inclusion--in the 2021-22 school year.
- Requires school districts and charter schools to use one of the professional learning days to provide a variety of opportunities for training, professional development, and professional learning aligned with the CCDEI standards beginning in the 2023-24 school year and every other school year thereafter.