

SENATE BILL REPORT

SB 5252

As of January 25, 2021

Title: An act relating to school district consultation with local tribes.

Brief Description: Concerning school district consultation with local tribes.

Sponsors: Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/25/21.

Brief Summary of Bill

- Requires the Office of the Superintendent of Public Instruction and the Washington State School Directors' Association's (WSSDA) Government-to-Government Task Force to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule by January 1, 2022.
- Mandates that school district and educational service district directors that are required to perform tribal consultation must take and certify completion of the training by September 1, 2023.
- Establishes that directors required to perform consultation must renew certification of the completion within five years of initial completion.
- Directs WSSDA to convene meetings regionally for establishing government-to-government relations and dialogue between tribal councils and school district boards.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Benjamin Omdal (786-7442)

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.

Background: Washington State School Directors' Association. The Washington State School Directors' Association (WSSDA) is comprised of all 1477 school board members from Washington's 295 public school districts. WSSDA provides materials and educational services to its members, including model policies and procedures.

Office of Native Education. In 2011, the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to create the Office of Native Education (ONE). ONE was tasked with several duties, including facilitating the development and implementation of curricula and instructional materials regarding Native languages, culture and history, and the concept of tribal sovereignty. ONE also provides assistance to school districts on issues relating to American Indian and Alaskan Native students, and serves as a liaison between OSPI and other organizations on these issues.

School Consultation with Tribes. School districts and other local education agencies (LEAs) are required to consult with Native tribes and tribal organizations on issues affecting Native students under federal and state law. Under the federal Every Student Succeeds Act (ESSA), certain LEAs must have timely and meaningful consultation with appropriate officials from tribes or tribal organizations located in the area served by the LEA, prior to the submission of a plan or application for programs covered under Title VI of ESSA. LEAs that receive funds under Title VI or that have enrollment of American Indian or Alaska Native students of 50 percent or greater are required to perform consultation, and must submit certification of consultation to OSPI.

In 2015, legislation was enacted to require school districts to incorporate curricula and instructional materials in Native languages, culture and history, and the concept of tribal sovereignty. In addition, districts must collaborate with local tribes to incorporate curriculum materials and to create programs of classroom and community cultural exchanges.

In 2005, the Legislature encouraged WSSDA to convene regional meetings to establish government-to-government relationships and dialogue between councils and school district boards of directors. Participants were also encouraged to work towards adopting curriculum that includes tribal experiences and perspectives, as well as identify the extent and nature of the achievement gap and strategies to close it.

Summary of Bill: Tribal Consultation and Training. OSPI and WSSDA's Government-to-Government Task Force must collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule. The consultation and training must be developed and finalized by January 1, 2022, and must incorporate, at a minimum:

- the identification of Native students, including federal identification guidelines for American Indian and Alaskan Native students;
- data sharing between school districts and tribes; and
- implementation of the tribal history, culture, and government curriculum.

The training must be made available to all school district directors and educational service district (ESD) board members. School district directors and ESD members who are required to perform specific additional consultation under federal law must take and certify completion of the tribal consultation training by September 1, 2022. Districts must renew the certification of completion of the training within five years of the date of initial certification.

Regional Meetings. Beginning in 2022, and at least annually through 2026, WSSDA shall convene meetings regionally and invite tribal councils from the region to establish government to-government relationships and dialogue between councils and school district boards of directors. Participants should discuss issues of mutual concern, and should work towards adopting curriculum that includes tribal experiences and perspectives, as well as identifying the extent and nature of the achievement gap and strategies to close it.

Meetings may be conducted virtually, and must also include discussions of:

- tribal consultation training and training requirements created under the bill;
- identification of Native students, including federal identification guidelines;
- data sharing between school districts and tribes; and
- consultations between individual school boards and local tribes.

By December 1, 2023, and every two years thereafter, WSSDA, in partnership with ONE, shall report to the education committees of the Legislature about the progress made in the issues covered by the regional meetings, any obstacles encountered, and any strategies under development to overcome them. WSSDA must work with the Office of Native Education to obtain data from districts to inform the legislative report.

Appropriation: None.

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.