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**SUBSTITUTE SENATE BILL 5252**

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**State of Washington****67th Legislature****2022 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford, and C. Wilson)

READ FIRST TIME 01/31/22.

1       AN ACT Relating to school district consultation with local  
2 tribes; amending RCW 28A.345.070; and adding a new section to chapter  
3 28A.300 RCW.

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

5       NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.300  
6 RCW to read as follows:

7       (1) The legislature recognizes that federal law requires some  
8 school districts to consult with federally recognized tribes on  
9 issues affecting American Indian and Alaska Native students. Under  
10 the federal every student succeeds act, this consultation requirement  
11 is intended to "ensure timely and meaningful consultation on issues  
12 affecting American Indian and Alaska Native students." The  
13 legislature acknowledges that many school district staff have not had  
14 the opportunity to learn how to engage in meaningful consultation as  
15 required by the federal law and recognizes that additional training  
16 opportunities for school directors and school district staff are  
17 needed. The legislature finds that ensuring the federal consultation  
18 requirements are implemented in a meaningful way will contribute  
19 towards helping create a more inclusive educational environment that  
20 supports long-term success for all native students.

1       (2) (a) The office of the superintendent of public instruction,  
2 the office of native education in conjunction with the Washington  
3 state Native American education advisory committee, and the  
4 Washington state school directors' association shall collaborate, at  
5 a minimum, with the tribal leaders congress on education, and any  
6 other affected federally recognized tribes that express interest in  
7 participating, to develop a tribal consultation training and schedule  
8 for purposes of assisting school district board directors and staff  
9 in understanding how to engage in the consultation process required  
10 under Title VI of the federal every student succeeds act (P.L.  
11 114-95, 20 U.S.C. Sec. 10001 et seq., 20 U.S.C. 6301 et seq.).

12       (b) The tribal consultation training and schedule created under  
13 this section shall be offered by the office of native education in  
14 the office of the superintendent of public instruction.

15       (c) The tribal consultation training and schedule must be  
16 developed and finalized by January 1, 2023.

17       (d) The tribal consultation training must incorporate, at a  
18 minimum, the following issues:

19           (i) Identification of native students, including federal  
20 identification guidelines for American Indian and Alaska Native  
21 students;

22           (ii) Data sharing from school districts to federally recognized  
23 tribes; and

24           (iii) Implementation of the tribal history, culture, and  
25 government curriculum under RCW 28A.320.170.

26       (e) The training must be made available to all school district  
27 directors and educational service district board members, and it is  
28 encouraged that the training also be included in onboarding training  
29 for all new school district directors and educational service  
30 district board members.

31       (3) (a) Beginning September 1, 2024, school board members,  
32 superintendents, and any other staff at school districts that are  
33 required to perform tribal consultation under Title VI of the federal  
34 every student succeeds act (P.L. 114-95, 20 U.S.C. Sec. 1001 et seq.,  
35 20 U.S.C. 6301 et seq.) must take and certify completion of the  
36 tribal consultation training created under this section.

37       (b) All individuals required to take the tribal consultation  
38 training under this section must, at a minimum, renew the  
39 certification of completion of the training every three years.

1       (4) The office of the superintendent of public instruction shall  
2 adopt rules to implement this section.

3       **Sec. 2.** RCW 28A.345.070 and 2005 c 205 s 2 are each amended to  
4 read as follows:

5       (1) Beginning in ((2006)) 2023, ((and at least once annually  
6 through 2010,)) the Washington state school directors' association  
7 ((is encouraged to)) shall convene ((regional)) annual meetings  
8 regionally and invite the tribal councils from the federally  
9 recognized tribes in the region for the purpose of establishing  
10 government-to-government relationships and dialogue between tribal  
11 councils of the federally recognized tribes and school district  
12 boards of directors. Meetings are encouraged to be in person, but may  
13 be conducted virtually if cost or other factors impact participants'  
14 ability to travel or meet in person. Participants in these meetings  
15 should discuss issues of mutual concern, and should work to:

16       (a) Identify the extent and nature of the achievement gap and  
17 strategies necessary to close it;

18       (b) ((Increase mutual awareness and understanding of the  
19 importance of accurate, high-quality curriculum materials about the  
20 history, culture, and government of local tribes)) Emphasize the  
21 importance of creating an inclusive educational environment where all  
22 native students will receive educational resources and support  
23 required to have the opportunity to succeed in the pursuit of their  
24 educational goals; and

25       (c) ((Encourage)) Ensure school boards ((to identify and adopt))  
26 understand the importance of identifying and adopting curriculum that  
27 includes ((tribal)) federally recognized tribes' experiences and  
28 perspectives, so that ((Indian)) native students are more engaged and  
29 learn more successfully, and so that all students learn about the  
30 history, culture, government, and experiences of their Indian peers  
31 and neighbors.

32       (2) Meetings held regionally must also include discussions of:

33       (a) Tribal consultation training and training requirements  
34 created under section 1 of this act;

35       (b) Identification of native students, including federal  
36 identification guidelines for American Indian and Alaska Native  
37 students;

38       (c) Data sharing from school districts to federally recognized  
39 tribes; and

1       (d) Consultations between individual school boards and local  
2 federally recognized tribes.

3       (3) By December 1, ((2008)) 2024, and every two years thereafter  
4 through ((2012)) 2028, the school directors' association shall report  
5 to the education committees of the legislature regarding the progress  
6 made in the development of effective government-to-government  
7 relations, the narrowing of the achievement gap, and the  
8 identification and adoption of curriculum regarding tribal history,  
9 culture, and government. The report shall include information about  
10 any obstacles encountered, and any strategies under development to  
11 overcome them.

12       (4) The school directors' association shall, at a minimum,  
13 partner with the office of native education within the office of the  
14 superintendent of public instruction to gather data for the purposes  
15 of the report required in subsection (3) of this section.

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