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**SENATE BILL 5718**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Jayapal, McAuliffe, Dammeier, Rolfes, Darneille, Roach, Frockt, Hasegawa, Billig, McCoy, Cleveland, Fraser, Ranker, Keiser, Chase, and Conway

AN ACT Relating to consideration of equity and social justice impacts from public education system decision making; adding a new section to chapter 28A.300 RCW; and creating a new section.

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

NEW SECTION. **Sec.**  As the state of Washington continues to make significant increased investments in education and modifications in educational policy, it is important that those investments and policy changes do not inadvertently or disproportionately impact communities of color or students already at risk. Equally important is the need to recognize and actively promote policies that will have a positive impact on eliminating the opportunity gap and enhancing those positive impacts if possible. The legislature finds that government agencies are often unaware of the negative or potential positive impacts that policy decisions may have on these groups until after the policy has already been implemented. It is the intent of the legislature to establish a process for formal consideration of potential equity and social justice impacts resulting from policy and fiscal decision making in the state's public education system.

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

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Community" means a group of people who share some or all of the following characteristics: Geographic boundaries, sense of membership, culture, language, or common norms and interests. Community includes, but is not limited to, populations distinguished by their special education status, sexual orientation, ethnicity, primary language, or race.

(b) "Determinants of equity" means the social, economic, geographic, political, and physical environment conditions in which people in the state of Washington are born, grow, live, work, and age that lead to the creation of a fair and just society. Access to the determinants of equity is necessary to have equity for all people regardless of race, class, gender, or language spoken.

(c) "Equity" means all people have full and equal access to opportunities that enable them to reach their full potential.

(2) The office of the superintendent of public instruction must convene a work group consisting of representatives of the department of early learning, the student achievement council, the state board of education, the state board for community and technical colleges, the professional educator standards board, one representative of all federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and four members appointed by the governor in consultation with the state ethnic commissions, one of each representing the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans. The work group shall design a uniform equity impact review process to identify, evaluate, and communicate the potential impacts of proposed administrative rules and budget requests that affect educational equity.

(3) Within four months from the date when the governor signs the 2015 omnibus operating appropriations act, the work group must establish an equity impact review process for screening proposed administrative rules and budget proposals. The equity impact review process shall, at a minimum:

(a) Determine whether there is an impact, either positive or negative, of the proposed administrative rule or budget proposal on the determinants of equity;

(b) If there is an impact, identify the communities subject to either positive or negative equity impacts as a result of the proposed rule or budget request and the potential equity impact;

(c) Identify the type and degree of equity impact, including whether the proposed rule or budget request will impact the opportunity gap either positively or negatively;

(d) Identify the types of involvement stakeholders from the communities impacted by the proposed rule or budget request have had in the development of the proposed rule or budget request; and

(e) Recommend ways to mitigate or eliminate negative equity impacts or enhance positive impacts and identify any barriers to implementing those alternative options.

(4) Beginning January 1, 2016, the office of the superintendent of public instruction, the department of early learning, the student achievement council, the state board of education, the state board for community and technical colleges, and the professional educator standards board must make equity impact reviews available for public comment when:

(a) Notice of a public hearing on any proposed administrative rule is published in the Washington State Register in accordance with RCW 34.05.230; or

(b) Any budget request is submitted to the office of financial management.

(5) Each agency responsible for creating equity impact reviews shall aggregate its agency equity impact reviews into an annual report to be submitted to the educational opportunity gap oversight and accountability committee established by RCW 28A.300.136 and the legislature by January 15, 2017, and by December 31st of each year thereafter. Each agency shall include in this report whether the agency took actions to alter a proposed rule or budget request based on the equity review and if so what those actions included.

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