**5462.E AMH APP H3463.1 - NOT FOR FLOOR USE**

**ESB 5462** - H COMM AMD

By Committee on Appropriations

**ADOPTED AS AMENDED 02/29/2024**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  (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 adopting inclusive curricula and selecting inclusive instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups. The legislature recognizes that inclusive curricula have been shown to often improve the mental health, academic performance, attendance rates, and graduation rates of marginalized communities. Research on students' sense of belonging and community in the school setting confirms that inclusive curricula and learning environments contribute to increased school motivation, participation, and achievement.

(3) The legislature intends to promote culturally and experientially representative learning opportunities for all students by directing the office of the superintendent of public instruction, when revising or developing state learning standards, to screen for inappropriate bias in the proposed state learning standards and to ensure that the histories, contributions, and perspectives of underrepresented peoples and communities are included in the standards.

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

NEW SECTION. **Sec.**  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 school district boards of directors, within available materials, adopt inclusive curricula and select diverse, equitable, inclusive, age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups including, but not limited to, people from various racial, ethnic, and religious backgrounds, people with differing learning needs, people with disabilities, LGBTQ people as the term is defined in RCW 43.114.010, and people with various socioeconomic and immigration backgrounds.

(3) The model policy and procedure must require that, in adopting curricula and selecting instructional materials in accordance with this section, school district boards of directors must seek curricula and instructional materials that are as culturally and experientially diverse as possible, recognizing that the availability of materials that include the histories, contributions, and perspectives of historically marginalized groups may vary.

(4) By October 1, 2025, school district boards of directors must amend the policy and procedures required under RCW 28A.320.230 to conform with the model policy and procedure required by this section. Additionally, by October 1, 2025, charter school boards and schools subject to state-tribal education compacts must adopt or amend their policies and procedures governing curricula adoption and the selection of instructional materials to conform with the model policy and procedure required by this section. For the purpose of documenting compliance with this section and assisting school districts in accordance with section 6 of this act, school district boards of directors, within 10 days of completing the policy and procedure updates required by this subsection (4), shall provide notice of the completed actions and electronic copies of the applicable policies and procedures to the office of the superintendent of public instruction.

(5) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020, and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

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

Every board of directors, unless otherwise specifically provided by law, shall:

(1) ((~~Prepare~~)) In accordance with section 2 of this act, 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) 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 text books;

(c) 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;

(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.

Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district's board of directors.

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.

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

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

**Sec.**  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) Include a screening for biased content in each development or revision of a state learning standard and ensure that the concepts of diversity, equity, and inclusion, as those terms are defined in RCW 28A.415.443, are incorporated into each new or revised state learning standard. In meeting the requirements of this subsection (2)(b), the superintendent of public instruction shall consult with the applicable commissions established in Title 43 RCW and other persons and organizations with relevant expertise; and

(c) 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) The superintendent shall produce and post on its website a schedule for the revision of state learning standards under subsection (2) of this section by September 1, 2025. In addition to notifying parents, schools, and the public of the revision schedules and timelines, the website posting must be updated as necessary to inform persons of the status of any pending revisions, and of any plans or actions related to developing new state learning standards under subsection (1) of this section.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction, in collaboration with the statewide association of educational service districts, the legislative youth advisory council established under RCW 43.15.095, and the Washington state school directors' association, must create an open collection of educational resources for inclusive curricula. The office of the superintendent of public instruction must consult with the Washington state office of equity established in RCW 43.06D.020 and any other relevant state agencies when creating the open collection of educational resources.

(2) The open collection of educational resources must include resources that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

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

(1) The office of the superintendent of public instruction shall, as soon as is practicable, compile information received under section 2(4) of this act and, based on the received materials, prepare best practices and other informative materials to support school districts, charter schools, and state-tribal education compact schools in meeting the requirements of section 2 of this act.

(2) This section expires June 30, 2028."

Correct the title.

EFFECT: (1) Removes provisions related to:

(a) General responsibilities of school district boards of directors (school boards);

(b) The designation of regional inclusive curricula coordinators by educational service districts (ESDs);

(c) The establishment of regional youth advisory councils for inclusive curricula and equity by ESDs; and

(d) Governing requirements for charter schools and state-tribal education compact schools.

(2) Conditions directives for school boards to adopt inclusive instructional materials, as required in a proposed model policy and procedure of the Washington State School Directors' Association (WSSDA), upon the availability of those materials.

(3) Specifies that the WSSDA model policy and procedure must require that school boards, in adopting curricula and selecting instructional materials, seek to be as culturally and experientially diverse as possible, recognizing that the availability of materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups may vary.

(4) Includes examples of historically marginalized and underrepresented groups in provisions for the WSSDA model policy and procedure.

(5) Requires school district boards of directors, within 10 days of completing the required materials policy and procedure updates, to provide notice of the completed actions and copies of the policies and procedures to the Office of the Superintendent of Public Instruction (OSPI).

(6) Makes the model policy and procedure requirements apply to charter schools and state-tribal education compact schools.

(7) Requires the Superintendent of Public Instruction (SPI) to include a screening for biased content in each development or revision of a state learning standard, and to ensure that the concepts of diversity, equity, and inclusion, as those terms are defined in statute, are incorporated into each new or revised state learning standard.

(8) Specifies that in meeting requirements for the development or revision of state learning standards, the SPI must consult with applicable state commissions and other persons and organizations with relevant expertise.

(9) Requires the SPI to produce and post on its website a schedule for the revision of state learning standards by December 1, 2025.

(10) Specifies that the schedule must be updated as necessary to inform persons of the status of any pending revisions and of any plans or actions related to developing new state learning standards.

(11) Requires the OSPI to compile information about adopted model policies and procedures from school districts and certain public schools and prepare best practices and other informative materials to support school districts and certain public schools in meeting requirements for the inclusive materials model policies and procedures.

(12) Makes changes to requirements for an "open educational resource database for developing inclusive curricula," including changing the provisions to instead require the creation of an "open collection of educational resources for inclusive curricula."

(13) Revises intent language.

(14) Aligns provisions governing school district policies for the selection and deletion of instructional materials with requirements obligating school districts to incorporate provisions of a model policy and procedure on inclusive curricula and diverse instructional materials into their instructional materials policies.