**2331-S.E AMS ENGR S5271.E - NOT FOR FLOOR USE**

**ESHB 2331** - S COMM AMD

By Committee on Early Learning & K-12 Education

**ADOPTED AND ENGROSSED 02/22/2024**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) Except as provided otherwise by this section, a school district board of directors may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(b) Subsection (1)(a) of this section does not apply if the content of the material relating to the role and contributions of an individual or group violates the provisions of chapter 28A.642 or 28A.640 RCW, including materials containing bias against any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(2) Anyone alleging a violation of subsection (1) of this section may bring a complaint under the provisions of chapter 28A.642 or 28A.640 RCW. Any school district board of directors found to be in violation of subsection (1) of this section shall be considered to have violated chapter 28A.642 or 28A.640 RCW and is subject to the provisions of that chapter.

(3) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

(4) 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.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.320 RCW to read as follows:

(1) By the beginning of the 2025-26 school year, each school district board of directors shall adopt or revise as necessary policies and procedures governing requested reviews and removals of supplemental instructional materials. The policies and procedures must:

(a) Include a summary of, and citation to, the requirements governing supplemental instructional materials established in section 1 of this act;

(b) Require that requests for the review and potential removal of supplemental instructional materials be in writing from a parent and submitted to the applicable certificated teacher or teacher-librarian and school principal;

(c) Seek to resolve requests for reviews and potential removals of supplemental instructional materials at the school building level through, if requested by the parent, a meeting with the parent, the applicable certificated teacher or teacher-librarian, and school principal;

(d) Require, if a resolution cannot be agreed upon with the parent and the school principal, and following a review of the supplemental instructional materials by the principal, in consultation with a teacher-librarian of the school district if one is available, the principal to provide a written decision on whether to remove the materials within: (i) 30 days of the meeting with the parent; or (ii) 60 days of receiving the request under (b) of this subsection if the parent does not request to meet with school personnel as provided in (c) of this subsection; and

(e) Provide a process for appealing decisions of principals, either by the parent or the applicable certificated teacher or teacher-librarian, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent.

(2) Decisions made in accordance with subsection (1)(d) and (e) of this section must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent who submitted the complaint.

(3) For the purposes of this section, the following definitions apply:

(a) "Parent" means a parent or legal guardian of a student who is enrolled in the school or school district;

(b) "Supplemental instructional materials" or "materials" means: (i) Materials in school libraries; and (ii) educational materials that are not expressly required by the school or school district and are instead selected at the discretion of a certificated teacher or teacher-librarian for materials in school libraries; and

(c) "Teacher-librarian" has the same meaning as in RCW 28A.320.240.

(4) 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:

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

((~~(1)~~)) (a) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

((~~(a)~~)) (i) State the school district's goals and principles relative to instructional materials;

((~~(b)~~)) (ii) 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)~~)) (iii) 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~~)): Representative members of the district's professional staff, including representation from the district's curriculum development committees((~~, and, in the case of districts which~~)); one or more parents of enrolled students, with the parent members equaling less than one-half of the total membership of the committee; and in the case of districts that 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~~)) School districts shall develop and implement comprehensive outreach programs to parents of enrolled students in the district for the purpose of recruiting a diverse pool of parent members for instructional materials committees that reflects the demographics and learning needs in the district to the greatest extent possible;

(iv) Instructional materials committees that are unable to recruit at least one parent of an enrolled student to serve on the committee must, while they are without a parent member, report quarterly to the school district board of directors and the public on their efforts to recruit one or more parents to serve on the committee;

((~~(d)~~)) (v) 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)~~)) (vi) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district. The system required by this subsection (1)(a)(vi) must:

(A) Require that complaints be in writing from a parent or legal guardian of a student who is enrolled in the district and submitted to a principal from a school where the materials that are the subject of the complaint are used;

(B) Seek to resolve complaints through, if requested by the parent or guardian, a meeting with the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, and the principal to whom the complaint was submitted;

(C) Require, if a resolution cannot be agreed upon with the parent or guardian and the school principal, the instructional materials committee to provide a written decision on the matter within: (I) 60 days of a meeting held under (a)(vi)(B) of this subsection; or (II) 90 days after the complaint was received by the principal, whichever date is later. Decisions made in accordance with this subsection (1)(a)(vi) must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent or guardian who submitted the complaint; and

(D) Provide a process for appealing decisions of the instructional materials committee, by the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, or a principal from a school where the materials that are the subject of the complaint are used, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1)(a)(vi) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent; and

((~~(f)~~)) (vii) 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; and

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

(2) Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. ((~~Approval~~)) Recommendations made in accordance with this section must include recommendations for culturally and experientially representative instructional materials including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010, but approval or disapproval shall be by the local school district's board of directors.

(3) 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.

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

(5) 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.150.230 and 2010 c 235 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of ((~~Title 28A RCW~~)) this title, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of ((~~Title 28A RCW~~)) this title, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, ((~~in public hearing~~)) upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable in accordance with section 2 of this act and RCW 28A.320.230.

**Sec.**  RCW 28A.642.020 and 2010 c 240 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 and section 1 of this act as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks ((~~and~~)), instructional materials ((~~used by students~~)), and supplemental instructional materials, and student access to those materials.

(2) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.640 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.642 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter."

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**ADOPTED 02/22/2024**

On page 1, line 5 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 28A.320.230, 28A.150.230, and 28A.642.020; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.640 RCW; and adding a new section to chapter 28A.642 RCW."