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**SUBSTITUTE SENATE BILL 5441**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators C. Wilson, Liias, Hunt, Lovelett, Nguyen, Saldaña, and Valdez)

AN ACT Relating to promoting and supporting the development and adoption of school district curricula that is diverse, equitable, and inclusive; amending RCW 28A.320.230; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 43.06D RCW; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature recognizes public school instruction should include the study of the role and contributions of men, women, indigenous peoples, Black Americans, Latinos, Asian Americans, Pacific Islanders, European Americans, multiracial individuals, LGBTQIA2S+ Americans, persons with disabilities, and members of other ethnic and cultural groups. This study is especially important in the social sciences, which should seek to understand the economic, political, and social development of Washington state and the United States and should emphasize portraying the role of these groups in contemporary society.

(2) The legislature believes that an inclusive education helps students of all backgrounds, cultures, and identities connect with the instructional materials and helps all students feel a sense of belonging at school. Further, the legislature has confidence that students who do not share these backgrounds, cultures, and identities get a more complete and well-rounded education of history and society when it is inclusive.

(3) 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. For example, a 2017 study showed a 38 percent to 306 percent increase in the fluency rates of African American second grade children when they read culturally relevant stories. Children felt more motivated and interested when reading stories that reflected them. Additionally, students in schools with inclusive curricula have also reported hearing fewer homophobic remarks and in schools with inclusive curricula, less than half of students felt unsafe at school due to their sexual orientation compared to the two-thirds of students who attended schools without inclusive curricula.

(4) The legislature intends to promote and support the development and adoption of curricula that is diverse, equitable, and inclusive through regional inclusive curricula coordinators, youth advisory councils, and an open educational resource database.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must designate a regional inclusive curricula coordinator with the following duties:

(a) Help school districts ensure that diversity, equity, and inclusion are interwoven throughout curricula and not treated as stand-alone topics;

(b) Facilitate school district use of a bias screening tool to review instructional materials;

(c) Serve as a resource to the instructional materials committee established under RCW 28A.320.230 for school districts within the educational service district;

(d) Coordinate with and assist any school districts that are leading efforts on diversity, equity, or inclusion, the office of the superintendent of public instruction, and the Washington state office of equity established in RCW 43.06D.020;

(e) Support professional development efforts regarding diversity, equity, and inclusion including the professional learning days required by RCW 28A.415.445; and

(f) Help school districts improve school and classroom culture and climate using inclusive instructional materials.

(2) Subject to the availability of amounts appropriated for this specific purpose, each educational service district must establish a regional youth advisory council for inclusive curricula and equity.

(a)(i) The purpose of the council is to advise and inform the work of school districts and the office of the superintendent of public instruction.

(ii) The council must distribute an annual survey to students to assess student access to inclusive instructional materials.

(iii) The council must coordinate with the legislative youth advisory council established under RCW 43.15.095, the Washington state leadership board established under RCW 43.388.010, student representatives on school boards, and any other relevant student or youth councils or groups that include student representation.

(b)(i) The council must consist of at least one student representative from each school district within the educational service district.

(ii) Students may be selected to serve on the council by staff recommendation, application, or interview.

(iii) The council must consist of students with diverse backgrounds including backgrounds that include diversity as it relates to sex, race, religion, national origin, connection with the military, sexual orientation, gender expression or identity, disability, socioeconomic status, and involvement in the community.

(3) Nothing in this section prevents any school district from establishing its own youth advisory council for inclusive curricula and equity.

(4) For the purposes of this section, "diversity," "equity," and "inclusion" have the same meanings as in RCW 28A.415.443.

NEW SECTION. **Sec.**  A new section is added to chapter 43.06D 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 regional youth advisory councils for inclusive curricula and equity established under section 2 of this act, the legislative youth advisory council established under RCW 43.15.095, and the Washington state school directors' association, must create an open educational resource database for developing 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 database.

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

(3) The open educational resource database must facilitate the free use, adaptation, and sharing of these resources among school districts and certificated staff.

**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, 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, to the extent the person is available, the regional inclusive curricula coordinator established under section 2 of this act, 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.

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