

# HOUSE BILL REPORT

## 2SHB 1332

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**As Passed House:**

March 8, 2023

**Title:** An act relating to supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.

**Brief Description:** Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri).

**Brief History:**

**Committee Activity:**

Education: 1/24/23, 2/7/23 [DPS];

Appropriations: 2/20/23, 2/23/23 [DP2S(w/o sub ED)].

**Floor Activity:**

Passed House: 3/8/23, 97-0.

**Brief Summary of Second Substitute Bill**

- Requires all school districts to incorporate a tribal sovereignty curriculum into their social studies curricula by September 1, 2024.
- Establishes student instruction requirements in the tribal sovereignty curriculum that vary by grade level.
- Requires all school districts to incorporate materials about the history, culture, and government of their nearest federally recognized Indian tribe or tribes into their social studies curricula by September 1, 2026, and to consult with the tribes about meeting the requirement.
- Authorizes the Office of the Superintendent of Public Instruction to administer grants to school districts and federally recognized tribes in Washington for meeting the social studies curricula update requirements.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- Requires the State Board of Education, in coordination with the Office on Native Education (ONE), to implement a system of annual monitoring and evaluations of school district compliance with the social studies curricula requirements.
- Modifies certain annual reporting requirements of the ONE.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Bergquist, Callan, Eslick, Harris, McClintock, Ortiz-Self, Pollet, Sandlin, Steele, Stonier and Timmons.

**Staff:** Ethan Moreno (786-7386).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

**Staff:** Jordan Clarke (786-7123).

### **Background:**

#### Social Studies Curricula—Tribal History and Culture.

School districts must incorporate curricula about the history, culture, and government of the nearest federally recognized Indian tribe or tribes into their social studies curricula. The requirement is activated when a school district reviews or adopts social studies curricula. In meeting the requirement, school districts must use a curriculum developed by the Office of the Superintendent of Public Instruction (OSPI) called Since Time Immemorial: Tribal Sovereignty in Washington State (STI curriculum). The STI curriculum has been endorsed for use by the 29 federally recognized tribes in Washington, and districts may modify the curriculum to incorporate elements that have a regionally specific focus.

As school districts conduct regularly scheduled reviews and revisions of their social studies and history curricula, they must collaborate with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, for the purpose of incorporating expanded and improved curricular materials about Indian tribes, and creating programs of classroom and community cultural exchanges.

School districts must also collaborate with the OSPI on curricular areas regarding tribal government and history that are statewide in nature, such as the concept of tribal sovereignty and the history of federal policy towards federally recognized Indian tribes.

#### The Office of Native Education.

Legislation adopted in 2011 established the Office of Native Education (ONE) as a division within the OSPI and charged the Superintendent of Public Instruction with appointing an individual to lead the ONE.

To the extent that state and other funds are available, the ONE is prescribed numerous duties in statute, including:

- providing assistance to school districts in meeting the educational needs of American Indian and Alaska Native students;
- facilitating the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty in provisions requiring school districts to use the STI curriculum;
- coordinating technical assistance for public schools that serve American Indian and Alaska Native students; and
- reporting annually to the Governor, the Legislature, and the Governor's Office of Indian Affairs regarding the state of Indian education and the implementation of state laws governing Indian education, specifically noting system successes and accomplishments, deficiencies, and needs.

#### State Board of Education.

With origins predating statehood, the 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction, and two student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;
- identifying scores students must meet to achieve standard on statewide assessments; and
- ensuring school district compliance with basic education requirements.

#### **Summary of Second Substitute Bill:**

Incorporation of Materials into School District Curricula by Specified Dates.

By September 1, 2024, school districts must incorporate the STI curriculum developed and made available free of charge by the OSPI into their social studies curricula. School districts may modify the STI curriculum in order to: include elements with a regionally specific focus; or integrate it into existing curricular materials.

Instruction provided in accordance with the STI curriculum must be incorporated into all classes teaching United States history, United States government, or civics in grades 9 through 12, and also provided no less than:

- once to students in kindergarten through grade 3;
- once to students in grades 4 through 5; and
- twice to students in grades 6 through 8.

By September 1, 2026, school districts must incorporate materials about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, including federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon or Idaho, into their social studies curricula for the purpose of giving students the opportunity to learn about the unique heritage and experience of their closest federally recognized tribal neighbors. School districts, before making the curricula updates, must consult with the nearest federally recognized Indian tribe or tribes for the purposes of discussing strategies and practices for effectively implementing the curricula incorporation requirements.

Additional requirements obligating school districts to consult with tribes are established. As school districts conduct regularly scheduled reviews and revisions of their social studies and history curricula, they must consult and collaborate (instead of only collaborating) with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, including federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon or Idaho, for the purpose of incorporating expanded and improved curricular materials about Indian tribes, and creating programs of classroom and community cultural exchanges.

School districts must also collaborate with the OSPI and the ONE (instead of only the OSPI) on curricular areas regarding tribal government and history that are statewide in nature.

The ONE is directed to collaborate with tribes that may have unique consultation challenges with school districts in implementing the social studies curricular requirements. Examples of the challenges include consulting with a large number of school districts or with school districts that have large student enrollments.

Monitoring and Evaluation Requirements.

Beginning in the 2023-24 school year and concluding in 2027, the SBE, in coordination with the ONE, must implement a system of annual monitoring and evaluations of school

district compliance with tribal sovereignty curriculum incorporation obligations and related requirements. The monitoring and evaluations, which may be conducted concurrently with other oversight and monitoring conducted by the SBE, must include collected information for each school district about:

- collaborations with the nearest federally recognized Indian tribes;
- the grade levels in which the curriculum is taught;
- the courses for which credit may be awarded and the number of students enrolled in, and having received credit for, those courses during the preceding school year;
- summaries of the curriculum implementation process; and
- the availability and implementation of applicable professional development.

Beginning in 2024 and concluding in 2027, the SBE must annually provide a report to the education committees of the Legislature that summarizes school district compliance with tribal sovereignty curriculum incorporation obligations and related requirements. The reports may be incorporated within other oversight and monitoring reports produced SBE.

#### Grant Program.

Subject to the availability of amounts appropriated for this specific purpose, the OSPI, for the 2023-24 and 2024-25 school years, must administer grants to school districts for and federally recognized Indian tribes for implementing tribal sovereignty curriculum incorporation obligations and related requirements. In implementing the grant provisions, the OSPI may establish limits on the percentage of grant funds that a recipient may retain for administrative purposes.

#### Additional Requirements for the Office of Native Education.

The annual reports of the ONE issued in 2024 through 2027 must include information about consultations and collaborations between school districts and federally recognized Indian tribes for required social studies curricula updates. This information must include tribal perspectives on the implementation of the required curriculum and recommendations for promoting tribal consultation efforts with school districts.

Additionally, provisions directing the ONE to assist local school districts in identifying federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and those that are nearest to the school district, are modified to require the ONE to also assist districts in identifying federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon or Idaho.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony (Education):**

(In support) This STI curriculum developed by the OSPI is an important education tool. The original STI requirements lacked specificity, implementation details, and funding. This legislation will help to assess the implementation of STI requirements and promote school district consultations with tribes.

The provision of a timeline for the implementation of STI requirements is welcomed. The bill should be modified to include greater specificity in implementation requirements.

There is a vacuum of tribal history in Washington and this bill helps to address that. The implementation of the STI has been spotty, as 44 percent of school districts have yet to implement the STI curriculum. This bill strengthens implementation requirements, establishes compliance dates, requires consulting with tribes, and establishes monitoring and reporting for the ONE with the assistance of the SBE.

The Umatilla Tribe has worked to bring its history to local school districts. It is important to have an accurate curriculum to provide the history of tribes to students. This bill provides an opportunity to have federally recognized tribes participate in the education students receive from school districts. The bill should be modified and restored to address treaty rights provisions. An amendment to be offered will allow Washington schools to work with the Umatilla Tribe.

Tribal sovereignty, history, culture, and language have not been included in traditional education. The requirement to update social studies curricula only upon review, a requirement that has existed since 2015, must be changed to be implemented more quickly.

Significant effort was put into developing the STI curriculum of the OSPI. Native Americans are invisible in our own schools, except when it is misinformation. The original STI legislation was designed to build relationships, trust, and a curriculum that could be widely used. Existing misinformation creates fear, and racism is alive and well. It is time to learn about who Native Americans are and that is what the STI curriculum is about. The STI curriculum is important to all students, not just Native American students.

(Opposed) None.

### **Staff Summary of Public Testimony (Appropriations):**

(In support) The Since Time Immemorial curriculum was adopted 15 years ago, and this bill provides financial support and oversight for federally recognized tribes and for all school districts to begin collaborating to incorporate Native American history into social studies curriculum. The bill also provides an opportunity for the state to consult with tribes. Yakama Nation has already begun this process with over 20 school districts and provides best model practices of how to collaborate with local school districts to share the

history of the First Peoples.

The Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to develop the Since Time Immemorial curriculum. It has been posted on the OSPI website and freely available for districts to adopt for years. This bill requires districts to consult with local tribal nations and incorporate localized content into the curriculum. Some districts and tribes have already begun this process, while others will be doing it for the first time. The OSPI is prepared to offer technical support and guidance, but the grant program will also support districts.

(Opposed) None.

**Persons Testifying (Education):** Representative Debra Lekanoff, prime sponsor; Anna Hernandez-French and Denny Hurtado, Office of Superintendent of Public Instruction; Bill Kallappa, Washington State Board of Education; Modesta Minthorn, Confederated Tribes of the Umatilla Indian Reservation; and Rebecca Purser.

**Persons Testifying (Appropriations):** Representative Debra Lekanoff, prime sponsor; and Anna Hernandez-French, Office of the Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying (Education):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.