

HOUSE BILL REPORT

ESB 5462

As Reported by House Committee On:

Education
Appropriations

Title: An act relating to promoting inclusive learning standards and instructional materials in public schools.

Brief Description: Promoting inclusive learning standards and instructional materials in public schools.

Sponsors: Senators Liias, Wilson, C., Kuderer, Lovelett, Nguyen, Pedersen, Randall, Saldaña and Valdez.

Brief History:

Committee Activity:

Education: 3/13/23, 2/14/24, 2/20/24 [DPA];

Appropriations: 2/23/24, 2/26/24 [DPA(APP w/o ED)].

Brief Summary of Engrossed Bill (As Amended by Committee)

- 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 ensure that the concepts of diversity, equity, and inclusion are incorporated into each new or revised state learning standard.
- Requires the SPI to produce and post on its website a schedule for the revision of state learning standards and to update the posting as necessary to inform persons about pending revisions and plans or actions related to developing new standards.
- Requires the Washington State School Directors' Association (WSSDA), with the assistance of the Office of the Superintendent of Public Instruction (OSPI), to review and update a model policy and procedure

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.

that requires school district boards of directors (school boards) and certain public schools to 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.

- Requires the OSPI to compile information from school boards and, based on the received materials, prepare best practices and other informative materials to support school districts and certain public schools in meeting the requirements of the WSSDA model policy and procedure.
- Requires the OSPI, subject to funding provisions and in collaboration with specified entities, to create an open collection of educational resources for inclusive curricula that includes the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 8 members: Representatives Santos, Chair; Shavers, Vice Chair; Bergquist, Nance, Ortiz-Self, Pollet, Stonier and Timmons.

Minority Report: Do not pass. Signed by 7 members: Representatives Rude, Ranking Minority Member; McEntire, Assistant Ranking Minority Member; Couture, Eslick, Harris, McClintock and Steele.

Staff: Ethan Moreno (786-7386).

Background:

State Learning Standards.

The Superintendent of Public Instruction (SPI) is responsible for developing and periodically revising state learning standards that identify the knowledge and skills public school students need to know and be able to do at each grade level based on four basic education learning goals established by the Legislature. The SPI, in consultation with the State Board of Education (SBE) is also responsible for developing, maintaining, and revising a statewide academic assessment system that is designed to determine if students have mastered the state learning standards.

Legislation adopted in 2020 directed the Office of the Superintendent of Public Instruction (OSPI) to identify existing state learning standards that address the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. These state learning standards must

be periodically updated to incorporate best practices in ethnic studies.

School districts must teach content aligned to the standards when the content area is required or offered, but districts do not ratify or formally adopt the standards, as curriculum choices are, with limited exceptions, determined by school districts.

School District Boards of Directors and Adoption of Instructional Materials.

School district boards of directors (school boards) are the locally elected governing body of each district. School boards are granted discretionary authority to determine and adopt policies for the development and implementation of programs, activities, services, or practices to promote the education and daily physical activity of students, and the effective, efficient, or safe management and operation of the district.

Among other duties, school boards must:

- establish final curriculum standards, consistent with statutory requirements and rules of the SPI, relevant to the particular needs of district's students or the unusual characteristics of the district, and to ensure a quality education for each student;
- evaluate teaching materials, including textbooks, teaching aids, handouts, or other printed material, in a public hearing upon complaint by parents, guardians, or custodians of students who consider the dissemination of such material to students to be objectionable; and
- adopt a policy on the selection or deletion of instructional materials.

Washington State School Directors' Association.

The Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts, and is empowered to prepare and adopt materials for its own organization. The WSSDA also adopts model policies and procedures that school districts may adopt, often in response to legislative directives.

Summary of Amended Bill:

State Learning Standards.

The Superintendent of Public Instruction (SPI) must 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 a specified statute, are incorporated into each new or revised state learning standard. In meeting these requirements, the SPI must consult with the applicable commissions established in laws governing the executive branch of government and other persons and organizations with relevant expertise.

The SPI must also produce and post on its website a schedule for the revision of state

learning standards by September 1, 2025. In addition to notifying parents, schools, and the public of the schedule and timelines for the revision, 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.

Washington State School Directors' Association—Model Policy and Procedure.

By June 1, 2025, the Washington State School Directors' Association (WSSDA), with the assistance of the Office of the Superintendent of Public Instruction (OSPI), must review and update a model policy and procedure regarding course design, selection, and adoption of instructional materials. The model policy and procedure must require that school district boards of directors (school boards), within available materials, adopt inclusive curricula and select diverse, equitable, inclusive, and 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; and people with various socioeconomic and immigration backgrounds.

By October 1, 2025, school boards must amend their applicable policies and procedures to incorporate the elements of the WSSDA model policy and procedure on inclusive curricula. For the purpose of documenting compliance and assisting school districts in meeting these requirements, school boards, within 10 days of completing the policy and procedure updates, must provide notice of the completed actions and electronic copies of the applicable policies and procedures to the OSPI.

The OSPI must, as soon as is practicable, compile information received from school boards and, based on the received materials, prepare best practices and other informative materials to support school districts and certain public schools in meeting the requirements of the WSSDA model policy and procedure on inclusive curricula.

Additionally, the WSSDA model policy and procedure requirements for school districts apply also to charter schools and state-tribal education compact schools.

Open Collection of Educational Resources for Inclusive Curricula.

Subject to funding requirements, the OSPI, in collaboration with the statewide association of educational service districts, the Legislative Youth Advisory Council, and the WSSDA, must create an open collection of educational resources for inclusive curricula. The OSPI must consult with the Washington State Office of Equity within the Office of the Governor and any other relevant state agencies when creating the collection. The collection must include resources that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

Amended Bill Compared to Engrossed Bill:

As compared to the engrossed substitute bill, the amended bill:

- removes provisions related to:
 - general responsibilities of school district boards of directors (school boards);
 - the designation of regional inclusive curricula coordinators by educational service districts (ESDs);
 - the establishment of regional youth advisory councils for inclusive curricula and equity by ESDs;
 - instructional materials obligations of school boards, including obligations related to instructional materials committees; and
 - governing requirements for charter schools and state-tribal education compact schools;
- 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;
- 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;
- includes examples of historically marginalized and underrepresented groups in provisions for the WSSDA model policy and procedure;
- 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);
- makes the model policy and procedure requirements apply to charter schools and state-tribal education compact schools;
- 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;
- 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;
- requires the SPI to produce and post on its website a schedule for the revision of state learning standards by December 1, 2025;
- 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;
- 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, charter schools, and state-tribal education compact schools in meeting requirements for the WSSDA inclusive materials model policies and procedures;
- 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"; and
- revises intent language.
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Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) When curricula reflect the diversity of students, it sets them up for success. Creating inclusive learning environments requires supports that this bill provides. Student voice is important, and this bill is about the dignity of all people.

Students of minority backgrounds can feel invisible in the curriculum. This bill will incorporate diversity and inclusion in curricula. Washington can create an environment that celebrates the contributions of all students.

Queer individuals do not have welcoming environments in school districts. LGBTQ persons feel excluded or included as a secondary requirement. All students deserve to see themselves reflected in their educational content.

This bill fulfills the promise of public education to welcome all students. This bill will support efforts to promote global citizenship and supports positive student outcomes.

Proponents of the bill want to make all students feel as though they belong and are supported. This bill will save lives and reduce bullying.

(Opposed) Members of the LGBTQ Commission are advocates of sex worker legalization and they are required under this bill to consult with the Office of the Superintendent of Public Instruction (OSPI). Sex worker advocates should not be required to consult with the OSPI on state learning standards.

This bill is another attack on local control. The education standards should be reviewed by school districts, but this bill does not require that. This bill will be divisive for communities: it will make it more difficult to for school boards to represent communities and promote disengagement from public schools.

This bill will be costly, will create additional burdens for schools, and will foster

divisiveness.

The individuals and institutions closest to the schools should make curriculum decisions. This bill undermines local control. Curriculum decisions should remain in the hands of local school directors.

(Other) The compliance dates should be changed, and policymakers may wish to consider an alternative proposal for revising state learning standards by using an existing bias tool.

Persons Testifying: (In support) Brooke Brown, Washington State Board of Education; Kristie Bennett, Issaquah Education Association and Washington Education Association; Vienna Pham; Linden Jordan, PFLAG Skagit; and Sara Betnel, Shoreline School Board.

(Opposed) Trish Huddleston; Gabriel Jacobs; Britney Inglis; Jennifer Killman; and Andy Cilley.

(Other) Mikhail Cherniske, Office of the Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: More than 20 persons signed in. Please see committee staff for information.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Callan, Chopp, Davis, Fitzgibbon, Lekanoff, Pollet, Riccelli, Ryu, Senn, Simmons, Slatter, Springer, Stonier and Tharinger.

Minority Report: Do not pass. Signed by 10 members: Representatives Corry, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Couture, Assistant Ranking Minority Member; Harris, Rude, Sandlin, Schmick, Stokesbary and Wilcox.

Staff: Jordan Clarke (786-7123).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:

The Appropriations Committee recommended:

- aligning provisions governing school district policies for the selection and deletion of instructional materials with requirements in the underlying striking amendment obligating school districts to incorporate provisions of a model policy and procedure on inclusive curricula and diverse instructional materials into their instructional

- materials policies;
- making technical corrections to requirements obligating charter schools and state-tribal education compact schools to comply with provisions of the model policy and procedure on inclusive curricula and diverse instructional materials by separating the requirement from comparable directives for school districts; and
- clarifying that one objective of a website posting by the Superintendent of Public Instruction is to notify parents, schools, and the public of the revision schedules and timelines for state learning standards.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This legislation would promote and cultivate a safe and welcoming school culture for families and communities. Sharing stories in classrooms about people that students can relate to helps students feel seen and valued, and learning about experiences that are different from their own helps them see and value others. When students feel included and accepted, they respond with confidence and kindness. Representation of broader groups of people in school curriculum demonstrates acceptance and encourages empathy and understanding.

(Opposed) School boards, especially school boards of small school districts, will face undue burdens and large fiscal impacts if this bill is passed. Many school boards have already passed resolutions opposing this bill. There is existing statute that already addresses how curriculum must be adopted, and this bill undermines current statute, local school boards, community members, and parents. Communities elect school boards to work with community members and help represent them in their communities.

The amendment passed in the House Education Committee improved the bill, but the fiscal note is not accurate because it does not capture the cost to local school districts. This attack on local control will cost school districts levy funding and will lead to more students withdrawing from the public school system. School district enrollment is already low in many districts due to decreased trust from local communities during the pandemic, and parents have already discussed withdrawing their children from local school districts because of this bill. The state's public school system has already lost over 50,000 students due to private school or homeschooling in the last few years, and districts cannot afford further enrollment decline due to divisive bills passed by the Legislature.

Persons Testifying: (In support) Devon Kellogg, Washington State Parent Teacher

Association.

(Opposed) Britney Inglis; and Trish Huddleston.

Persons Signed In To Testify But Not Testifying: None.