

SENATE BILL REPORT

SB 5252

As Reported by Senate Committee On:
Early Learning & K-12 Education, January 28, 2022

Title: An act relating to school district consultation with local tribes.

Brief Description: Concerning school district consultation with local tribes.

Sponsors: Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C..

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/25/21; 1/26/22, 1/28/22 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Requires the Office of the Superintendent of Public Instruction, in conjunction with the Washington State Native American education advisory committee, and the Washington State School Directors' Association's (WSSDA) Government-to-Government Task Force to collaborate with the Tribal Leaders Congress on Education, and any other affected federally recognized tribes that express interest in participating, to develop a tribal consultation training and schedule by January 1, 2023.
- Mandates that school board members, superintendents and any other district staff required to perform tribal consultation must take and certify completion of the training by September 1, 2024.
- Establishes that individuals required to perform consultation must renew certification of the completion every three years.
- Directs WSSDA to convene annual meetings regionally for establishing government-to-government relations and dialogue between tribal councils and school district boards.

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.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5252 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Hunt, Mullet and Pedersen.

Minority Report: That it be referred without recommendation.

Signed by Senators Dozier and McCune.

Staff: Benjamin Omdal (786-7442)

Background: Washington State School Directors' Association. The Washington State School Directors' Association (WSSDA) is comprised of all 1477 school board members from Washington's 295 public school districts. WSSDA provides materials and educational services to its members, including model policies and procedures.

Office of Native Education. In 2011, the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to create the Office of Native Education (ONE). ONE was tasked with several duties, including facilitating the development and implementation of curricula and instructional materials regarding Native languages, culture and history, and the concept of tribal sovereignty. ONE also provides assistance to school districts on issues relating to American Indian and Alaskan Native students, and serves as a liaison between OSPI and other organizations on these issues.

School Consultation with Tribes. School districts and other local education agencies (LEAs) are required to consult with Native tribes and tribal organizations on issues affecting Native students under federal and state law. Under the federal Every Student Succeeds Act (ESSA), certain LEAs must have timely and meaningful consultation with appropriate officials from tribes or tribal organizations located in the area served by the LEA, prior to the submission of a plan or application for programs covered under Title VI of ESSA. LEAs that receive funds under Title VI or that have enrollment of American Indian or Alaska Native students of 50 percent or greater are required to perform consultation, and must submit certification of consultation to OSPI.

In 2015, legislation was enacted to require school districts to incorporate curricula and instructional materials in Native languages, culture and history, and the concept of tribal sovereignty. In addition, districts must collaborate with local tribes to incorporate curriculum materials and to create programs of classroom and community cultural exchanges.

In 2005, the Legislature encouraged WSSDA to convene regional meetings to establish government-to-government relationships and dialogue between councils and school district boards of directors. Participants were also encouraged to work towards adopting

curriculum that includes tribal experiences and perspectives, as well as identify the extent and nature of the achievement gap and strategies to close it.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Tribal Consultation and Training. OSPI and WSSDA's Government-to-Government Task Force must collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule. The consultation and training must be developed and finalized by January 1, 2023, and must incorporate, at a minimum:

- the identification of Native students, including federal identification guidelines for American Indian and Alaskan Native students;
- data sharing from school districts to federally recognized tribes; and
- implementation of the tribal history, culture, and government curriculum.

The training must be made available to all school district directors and educational service district (ESD) board members. School board members, superintendents and any other school district staff required to perform specific additional consultation under federal law must take and certify completion of the tribal consultation training by September 1, 2024. Individuals required to perform tribal consultation must renew the certification of completion of the training every three years.

Regional Meetings. Beginning in 2023, WSSDA shall convene annual meetings regionally and invite tribal councils from the federally recognized tribes in the region to establish government- to-government relationships and dialogue between councils and school district boards of directors. Participants should discuss issues of mutual concern, and should work to:

- the extent and nature of the achievement gap and strategies to close it;
- emphasize the importance of creating an inclusive educational environment where all Native students will receive educational resources and support required to have the opportunity to succeed in the pursuit of their educational goals; and
- ensure that school boards understand the importance of adopting curriculum that includes tribal experiences and perspectives.

Meetings may be conducted virtually, and must also include discussions of:

- tribal consultation training and training requirements created under the bill;
- identification of Native students, including federal identification guidelines;
- data sharing from school districts to federally recognized tribes; and
- consultations between individual school boards and local federally recognized tribes.

By December 1, 2024, and every two years thereafter through 2028, WSSDA, in partnership with ONE, must report to the education committees of the Legislature about the progress made in the issues covered by the regional meetings, any obstacles encountered, and any strategies under development to overcome them. WSSDA must, at a minimum,

partner with ONE to obtain data from districts to inform the legislative report.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Encourages that the tribal consultation training be included in onboarding training for all new school district directors and educational service district board members.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is meant to provide a framework for meaningful consultation between local tribes and school districts. The bill removes barriers that have existed to consultation. There is a critical and ongoing need for districts and tribes to engage on educational issues. This legislation could be the impetus behind all districts consulting with their local tribes. Improving Native educational outcomes will benefit all students and the social fabric of our schools.

OTHER: Amendments that limit the bill to only federally recognized tribes will require districts to consult with tribes that are not from their area or that do not know the area's history. Some tribes have not received federal recognition due to refusing to leave their ancestral land during treaty negotiations.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor; Jon Claymore, OSPI; Joseph Martin, Tribal Education Officer, Muckleshoot Indian Tribe.

OTHER: Tony Johnson, Chinook Indian Nation.

Persons Signed In To Testify But Not Testifying: No one.