

FINAL BILL REPORT

SSB 5252

C 9 L 22
Synopsis as Enacted

Brief Description: Concerning school district consultation with local tribes.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Lias, Nguyen, Nobles, Saldaña, Stanford and Wilson, C.).

Senate Committee on Early Learning & K-12 Education
Senate Committee on Ways & Means
House Committee on Education

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.

Washington State Native Education Advisory Committee. The Washington State Native Education Advisory Committee consists of 21 members nominated by tribes and tribal organizations to consult with OSPI on matters related to the well-being and achievement of American Indian and Alaska Native students who attend public, tribal compact, and tribal schools in Washington State.

School Consultation with Tribes. School districts and other local education agencies (LEAs) are required to consult with Native tribes and tribal organizations on issues

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.

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 consult, 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. Districts must also 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: Tribal Consultation and Training. OSPI, ONE in conjunction with the Washington State Native Education Advisory Committee, 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:

- 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:

- identify 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 on 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.

Votes on Final Passage:

Senate	49	0
House	94	1

Effective: June 9, 2022