

ESB 5462 - H COMM AMD  
By Committee on Appropriations

ADOPTED AS AMENDED 02/29/2024

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature recognizes that  
4 Washington state law prohibits discrimination in public schools for  
5 certain protected classes. The legislature also acknowledges that  
6 school districts are required to adopt a policy related to the  
7 selection or removal of instructional materials. Under state rule,  
8 the instructional materials policy of each school district must  
9 establish and use appropriate screening criteria to identify and  
10 eliminate bias pertaining to protected classes.

11 (2) The legislature intends to expand these requirements by  
12 requiring school districts to adopt policies and procedures that  
13 incorporate adopting inclusive curricula and selecting inclusive  
14 instructional materials that include the histories, contributions,  
15 and perspectives of historically marginalized and underrepresented  
16 groups. The legislature recognizes that inclusive curricula have been  
17 shown to often improve the mental health, academic performance,  
18 attendance rates, and graduation rates of marginalized communities.  
19 Research on students' sense of belonging and community in the school  
20 setting confirms that inclusive curricula and learning environments  
21 contribute to increased school motivation, participation, and  
22 achievement.

23 (3) The legislature intends to promote culturally and  
24 experientially representative learning opportunities for all students  
25 by directing the office of the superintendent of public instruction,  
26 when revising or developing state learning standards, to screen for  
27 inappropriate bias in the proposed state learning standards and to  
28 ensure that the histories, contributions, and perspectives of  
29 underrepresented peoples and communities are included in the  
30 standards.

31 (4) The legislature believes that promoting inclusive learning  
32 standards, curricula, and instructional materials will improve

1 student achievement, attendance, parent and family engagement, and  
2 other dimensions that contribute to student success.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.345  
4 RCW to read as follows:

5 (1) By June 1, 2025, the Washington state school directors'  
6 association, with the assistance of the office of the superintendent  
7 of public instruction, must review and update a model policy and  
8 procedure regarding course design, selection, and adoption of  
9 instructional materials.

10 (2) The model policy and procedure must require that school  
11 district boards of directors, within available materials, adopt  
12 inclusive curricula and select diverse, equitable, inclusive, age-  
13 appropriate instructional materials that include the histories,  
14 contributions, and perspectives of historically marginalized and  
15 underrepresented groups including, but not limited to, people from  
16 various racial, ethnic, and religious backgrounds, people with  
17 differing learning needs, people with disabilities, LGBTQ people as  
18 the term is defined in RCW 43.114.010, and people with various  
19 socioeconomic and immigration backgrounds.

20 (3) The model policy and procedure must require that, in adopting  
21 curricula and selecting instructional materials in accordance with  
22 this section, school district boards of directors must seek curricula  
23 and instructional materials that are as culturally and experientially  
24 diverse as possible, recognizing that the availability of materials  
25 that include the histories, contributions, and perspectives of  
26 historically marginalized groups may vary.

27 (4) By October 1, 2025, school district boards of directors must  
28 amend the policy and procedures required under RCW 28A.320.230 to  
29 conform with the model policy and procedure required by this section.  
30 Additionally, by October 1, 2025, charter school boards and schools  
31 subject to state-tribal education compacts must adopt or amend their  
32 policies and procedures governing curricula adoption and the  
33 selection of instructional materials to conform with the model policy  
34 and procedure required by this section. For the purpose of  
35 documenting compliance with this section and assisting school  
36 districts in accordance with section 6 of this act, school district  
37 boards of directors, within 10 days of completing the policy and  
38 procedure updates required by this subsection (4), shall provide  
39 notice of the completed actions and electronic copies of the

1 applicable policies and procedures to the office of the  
2 superintendent of public instruction.

3 (5) This section governs school operation and management under  
4 RCW 28A.710.040 and 28A.715.020, and applies to charter schools  
5 established under chapter 28A.710 RCW and state-tribal education  
6 compact schools subject to chapter 28A.715 RCW to the same extent as  
7 it applies to school districts.

8 **Sec. 3.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to  
9 read as follows:

10 Every board of directors, unless otherwise specifically provided  
11 by law, shall:

12 (1) (~~Prepare~~) In accordance with section 2 of this act,  
13 prepare, negotiate, set forth in writing and adopt, policy relative  
14 to the selection or deletion of instructional materials. Such policy  
15 shall:

16 (a) State the school district's goals and principles relative to  
17 instructional materials;

18 (b) Delegate responsibility for the preparation and  
19 recommendation of teachers' reading lists and specify the procedures  
20 to be followed in the selection of all instructional materials  
21 including text books;

22 (c) Establish an instructional materials committee to be  
23 appointed, with the approval of the school board, by the school  
24 district's chief administrative officer. This committee shall consist  
25 of representative members of the district's professional staff,  
26 including representation from the district's curriculum development  
27 committees, and, in the case of districts which operate elementary  
28 school(s) only, the educational service district superintendent, one  
29 of whose responsibilities shall be to assure the correlation of those  
30 elementary district adoptions with those of the high school  
31 district(s) which serve their children. The committee may include  
32 parents at the school board's discretion: PROVIDED, That parent  
33 members shall make up less than one-half of the total membership of  
34 the committee;

35 (d) Provide for reasonable notice to parents of the opportunity  
36 to serve on the committee and for terms of office for members of the  
37 instructional materials committee;

1 (e) Provide a system for receiving, considering and acting upon  
2 written complaints regarding instructional materials used by the  
3 school district;

4 (f) Provide free text books, supplies and other instructional  
5 materials to be loaned to the pupils of the school, when, in its  
6 judgment, the best interests of the district will be subserved  
7 thereby and prescribe rules and regulations to preserve such books,  
8 supplies and other instructional materials from unnecessary damage.

9 Recommendation of instructional materials shall be by the  
10 district's instructional materials committee in accordance with  
11 district policy. Approval or disapproval shall be by the local school  
12 district's board of directors.

13 Districts may pay the necessary travel and subsistence expenses  
14 for expert counsel from outside the district. In addition, the  
15 committee's expenses incidental to visits to observe other districts'  
16 selection procedures may be reimbursed by the school district.

17 Districts may, within limitations stated in board policy, use and  
18 experiment with instructional materials for a period of time before  
19 general adoption is formalized.

20 Within the limitations of board policy, a school district's chief  
21 administrator may purchase instructional materials to meet deviant  
22 needs or rapidly changing circumstances.

23 (2) Establish a depreciation scale for determining the value of  
24 texts which students wish to purchase.

25 **Sec. 4.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to  
26 read as follows:

27 (1) The superintendent of public instruction shall develop state  
28 learning standards that identify the knowledge and skills all public  
29 school students need to know and be able to do based on the student  
30 learning goals in RCW 28A.150.210, develop student assessments, and  
31 implement the accountability recommendations and requests regarding  
32 assistance, rewards, and recognition of the state board of education.

33 (2) The superintendent of public instruction shall:

34 (a) Periodically revise the state learning standards, as needed,  
35 based on the student learning goals in RCW 28A.150.210. Goals one and  
36 two shall be considered primary. To the maximum extent possible, the  
37 superintendent shall integrate goal four and the knowledge and skill  
38 areas in the other goals in the state learning standards; (~~and~~)

1           (b) Include a screening for biased content in each development or  
2 revision of a state learning standard and ensure that the concepts of  
3 diversity, equity, and inclusion, as those terms are defined in RCW  
4 28A.415.443, are incorporated into each new or revised state learning  
5 standard. In meeting the requirements of this subsection (2)(b), the  
6 superintendent of public instruction shall consult with the  
7 applicable commissions established in Title 43 RCW and other persons  
8 and organizations with relevant expertise; and

9           (c) Review and prioritize the state learning standards and  
10 identify, with clear and concise descriptions, the grade level  
11 content expectations to be assessed on the statewide student  
12 assessment and used for state or federal accountability purposes. The  
13 review, prioritization, and identification shall result in more focus  
14 and targeting with an emphasis on depth over breadth in the number of  
15 grade level content expectations assessed at each grade level. Grade  
16 level content expectations shall be articulated over the grades as a  
17 sequence of expectations and performances that are logical, build  
18 with increasing depth after foundational knowledge and skills are  
19 acquired, and reflect, where appropriate, the sequential nature of  
20 the discipline. The office of the superintendent of public  
21 instruction, within seven working days, shall post on its website any  
22 grade level content expectations provided to an assessment vendor for  
23 use in constructing the statewide student assessment.

24           (3)(a) In consultation with the state board of education, the  
25 superintendent of public instruction shall maintain and continue to  
26 develop and revise a statewide academic assessment system in the  
27 content areas of reading, writing, mathematics, and science for use  
28 in the elementary, middle, and high school years designed to  
29 determine if each student has mastered the state learning standards  
30 identified in subsection (1) of this section. School districts shall  
31 administer the assessments under guidelines adopted by the  
32 superintendent of public instruction. The academic assessment system  
33 may include a variety of assessment methods, including criterion-  
34 referenced and performance-based measures.

35           (b) Effective with the 2009 administration of the Washington  
36 assessment of student learning and continuing with the statewide  
37 student assessment, the superintendent shall redesign the assessment  
38 in the content areas of reading, mathematics, and science in all  
39 grades except high school by shortening test administration and  
40 reducing the number of short answer and extended response questions.

1 (c) By the 2014-15 school year, the superintendent of public  
2 instruction, in consultation with the state board of education, shall  
3 modify the statewide student assessment system to transition to  
4 assessments developed with a multistate consortium, as provided in  
5 this subsection:

6 (i) The assessments developed with a multistate consortium to  
7 assess student proficiency in English language arts and mathematics  
8 shall be administered beginning in the 2014-15 school year, and  
9 beginning with the graduating class of 2020, the assessments must be  
10 administered to students in the tenth grade. The reading and writing  
11 assessments shall not be administered by the superintendent of public  
12 instruction or schools after the 2013-14 school year.

13 (ii) The high school assessments in English language arts and  
14 mathematics in (c)(i) of this subsection shall be used for the  
15 purposes of federal and state accountability and for assessing  
16 student career and college readiness.

17 (d) The statewide academic assessment system must also include  
18 the Washington access to instruction and measurement assessment for  
19 students with significant cognitive challenges.

20 (4) If the superintendent proposes any modification to the state  
21 learning standards or the statewide assessments, then the  
22 superintendent shall, upon request, provide opportunities for the  
23 education committees of the house of representatives and the senate  
24 to review the assessments and proposed modifications to the state  
25 learning standards before the modifications are adopted.

26 (5) The assessment system shall be designed so that the results  
27 under the assessment system are used by educators as tools to  
28 evaluate instructional practices, and to initiate appropriate  
29 educational support for students who have not mastered the state  
30 learning standards at the appropriate periods in the student's  
31 educational development.

32 (6) By September 2007, the results for reading and mathematics  
33 shall be reported in a format that will allow parents and teachers to  
34 determine the academic gain a student has acquired in those content  
35 areas from one school year to the next.

36 (7) To assist parents and teachers in their efforts to provide  
37 educational support to individual students, the superintendent of  
38 public instruction shall provide as much individual student  
39 performance information as possible within the constraints of the

1 assessment system's item bank. The superintendent shall also provide  
2 to school districts:

3 (a) Information on classroom-based and other assessments that may  
4 provide additional achievement information for individual students;  
5 and

6 (b) A collection of diagnostic tools that educators may use to  
7 evaluate the academic status of individual students. The tools shall  
8 be designed to be inexpensive, easily administered, and quickly and  
9 easily scored, with results provided in a format that may be easily  
10 shared with parents and students.

11 (8) To the maximum extent possible, the superintendent shall  
12 integrate knowledge and skill areas in development of the  
13 assessments.

14 (9) Assessments for goals three and four of RCW 28A.150.210 shall  
15 be integrated in the state learning standards and assessments for  
16 goals one and two.

17 (10) The superintendent shall develop assessments that are  
18 directly related to the state learning standards, and are not biased  
19 toward persons with different learning styles, racial or ethnic  
20 backgrounds, or on the basis of gender.

21 (11) The superintendent shall review available and appropriate  
22 options for competency-based assessments that meet the state learning  
23 standards. In accordance with the review required by this subsection,  
24 the superintendent shall provide a report and recommendations to the  
25 education committees of the house of representatives and the senate  
26 by November 1, 2019.

27 (12) The superintendent shall consider methods to address the  
28 unique needs of special education students when developing the  
29 assessments under this section.

30 (13) The superintendent shall consider methods to address the  
31 unique needs of highly capable students when developing the  
32 assessments under this section.

33 (14) The superintendent shall post on the superintendent's  
34 website lists of resources and model assessments in social studies,  
35 the arts, and health and fitness.

36 (15) The superintendent shall integrate financial education  
37 skills and content knowledge into the state learning standards  
38 pursuant to RCW 28A.300.460(2)(d).

39 (16)(a) The superintendent shall notify the state board of  
40 education in writing before initiating the development or revision of

1 the state learning standards under subsections (1) and (2) of this  
2 section. The notification must be provided to the state board of  
3 education in advance for review at a regularly scheduled or special  
4 board meeting and must include the following information:

5 (i) The subject matter of the state learning standards;

6 (ii) The reason or reasons the superintendent is initiating the  
7 development or revision; and

8 (iii) The process and timeline that the superintendent intends to  
9 follow for the development or revision.

10 (b) The state board of education may provide a response to the  
11 superintendent's notification for consideration in the development or  
12 revision process in (a) of this subsection.

13 (c) Prior to adoption by the superintendent of any new or revised  
14 state learning standards, the superintendent shall submit the  
15 proposed new or revised state learning standards to the state board  
16 of education in advance in writing for review at a regularly  
17 scheduled or special board meeting. The state board of education may  
18 provide a response to the superintendent's proposal for consideration  
19 prior to final adoption.

20 (17) The state board of education may propose new or revised  
21 state learning standards to the superintendent. The superintendent  
22 must respond to the state board of education's proposal in writing.

23 (18) The superintendent shall produce and post on its website a  
24 schedule for the revision of state learning standards under  
25 subsection (2) of this section by September 1, 2025. In addition to  
26 notifying parents, schools, and the public of the revision schedules  
27 and timelines, the website posting must be updated as necessary to  
28 inform persons of the status of any pending revisions, and of any  
29 plans or actions related to developing new state learning standards  
30 under subsection (1) of this section.

31 NEW SECTION. Sec. 5. A new section is added to chapter 28A.300  
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this  
34 specific purpose, the office of the superintendent of public  
35 instruction, in collaboration with the statewide association of  
36 educational service districts, the legislative youth advisory council  
37 established under RCW 43.15.095, and the Washington state school  
38 directors' association, must create an open collection of educational  
39 resources for inclusive curricula. The office of the superintendent

1 of public instruction must consult with the Washington state office  
2 of equity established in RCW 43.06D.020 and any other relevant state  
3 agencies when creating the open collection of educational resources.

4 (2) The open collection of educational resources must include  
5 resources that include the histories, contributions, and perspectives  
6 of historically marginalized and underrepresented groups.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300  
8 RCW to read as follows:

9 (1) The office of the superintendent of public instruction shall,  
10 as soon as is practicable, compile information received under section  
11 2(4) of this act and, based on the received materials, prepare best  
12 practices and other informative materials to support school  
13 districts, charter schools, and state-tribal education compact  
14 schools in meeting the requirements of section 2 of this act.

15 (2) This section expires June 30, 2028."

16 Correct the title.

EFFECT: (1) Removes provisions related to:

(a) General responsibilities of school district boards of directors (school boards);

(b) The designation of regional inclusive curricula coordinators by educational service districts (ESDs);

(c) The establishment of regional youth advisory councils for inclusive curricula and equity by ESDs; and

(d) Governing requirements for charter schools and state-tribal education compact schools.

(2) 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.

(3) 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.

(4) Includes examples of historically marginalized and underrepresented groups in provisions for the WSSDA model policy and procedure.

(5) 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).

(6) Makes the model policy and procedure requirements apply to charter schools and state-tribal education compact schools.

(7) 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.

(8) 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.

(9) Requires the SPI to produce and post on its website a schedule for the revision of state learning standards by December 1, 2025.

(10) 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.

(11) 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 and certain public schools in meeting requirements for the inclusive materials model policies and procedures.

(12) 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."

(13) Revises intent language.

(14) Aligns provisions governing school district policies for the selection and deletion of instructional materials with requirements obligating school districts to incorporate provisions of a model policy and procedure on inclusive curricula and diverse instructional materials into their instructional materials policies.

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