

ESHB 2331 - S COMM AMD

By Committee on Early Learning & K-12 Education

ADOPTED AND ENGROSSED 02/22/2024

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
4 RCW to read as follows:

5 (1)(a) Except as provided otherwise by this section, a school
6 district board of directors may not refuse to approve, or prohibit
7 the use of, any textbook, instructional material, supplemental
8 instructional material, or other curriculum for student instruction
9 on the basis that it relates to or includes the study of the role and
10 contributions of any individual or group who is part of a protected
11 class as established in RCW 28A.642.010 and 28A.640.010.

12 (b) Subsection (1)(a) of this section does not apply if the
13 content of the material relating to the role and contributions of an
14 individual or group violates the provisions of chapter 28A.642 or
15 28A.640 RCW, including materials containing bias against any
16 individual or group who is part of a protected class as established
17 in RCW 28A.642.010 and 28A.640.010.

18 (2) Anyone alleging a violation of subsection (1) of this section
19 may bring a complaint under the provisions of chapter 28A.642 or
20 28A.640 RCW. Any school district board of directors found to be in
21 violation of subsection (1) of this section shall be considered to
22 have violated chapter 28A.642 or 28A.640 RCW and is subject to the
23 provisions of that chapter.

24 (3) For the purposes of this section, "supplemental instructional
25 materials" has the same meaning as in section 2 of this act.

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

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
2 RCW to read as follows:

3 (1) By the beginning of the 2025-26 school year, each school
4 district board of directors shall adopt or revise as necessary
5 policies and procedures governing requested reviews and removals of
6 supplemental instructional materials. The policies and procedures
7 must:

8 (a) Include a summary of, and citation to, the requirements
9 governing supplemental instructional materials established in section
10 1 of this act;

11 (b) Require that requests for the review and potential removal of
12 supplemental instructional materials be in writing from a parent and
13 submitted to the applicable certificated teacher or teacher-librarian
14 and school principal;

15 (c) Seek to resolve requests for reviews and potential removals
16 of supplemental instructional materials at the school building level
17 through, if requested by the parent, a meeting with the parent, the
18 applicable certificated teacher or teacher-librarian, and school
19 principal;

20 (d) Require, if a resolution cannot be agreed upon with the
21 parent and the school principal, and following a review of the
22 supplemental instructional materials by the principal, in
23 consultation with a teacher-librarian of the school district if one
24 is available, the principal to provide a written decision on whether
25 to remove the materials within: (i) 30 days of the meeting with the
26 parent; or (ii) 60 days of receiving the request under (b) of this
27 subsection if the parent does not request to meet with school
28 personnel as provided in (c) of this subsection; and

29 (e) Provide a process for appealing decisions of principals,
30 either by the parent or the applicable certificated teacher or
31 teacher-librarian, to the superintendent of the school district or a
32 designee of the superintendent. Appeal requests must be made in
33 writing and decisions by the superintendent or designee under this
34 subsection are not subject to appeal. Final decisions at any point in
35 the process made in accordance with this subsection (1) may not be
36 reconsidered for a minimum of three years unless there is a
37 substantive change of circumstances as determined by the
38 superintendent.

39 (2) Decisions made in accordance with subsection (1)(d) and (e)
40 of this section must be in conformity with section 1 of this act and

1 may be limited in application to only the student or students of the
2 parent who submitted the complaint.

3 (3) For the purposes of this section, the following definitions
4 apply:

5 (a) "Parent" means a parent or legal guardian of a student who is
6 enrolled in the school or school district;

7 (b) "Supplemental instructional materials" or "materials" means:
8 (i) Materials in school libraries; and (ii) educational materials
9 that are not expressly required by the school or school district and
10 are instead selected at the discretion of a certificated teacher or
11 teacher-librarian for materials in school libraries; and

12 (c) "Teacher-librarian" has the same meaning as in RCW
13 28A.320.240.

14 (4) This section governs school operation and management under
15 RCW 28A.710.040 and 28A.715.020 and applies to charter schools
16 established under chapter 28A.710 RCW and state-tribal education
17 compact schools subject to chapter 28A.715 RCW to the same extent as
18 it applies to school districts.

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

21 (1) Every board of directors, unless otherwise specifically
22 provided by law, shall:

23 ~~((1))~~ (a) Prepare, negotiate, set forth in writing and adopt,
24 policy relative to the selection or deletion of instructional
25 materials. Such policy shall:

26 ~~((a))~~ (i) State the school district's goals and principles
27 relative to instructional materials;

28 ~~((b))~~ (ii) Delegate responsibility for the preparation and
29 recommendation of teachers' reading lists and specify the procedures
30 to be followed in the selection of all instructional materials
31 including text books;

32 ~~((c))~~ (iii) Establish an instructional materials committee to
33 be appointed, with the approval of the school board, by the school
34 district's chief administrative officer. This committee shall consist
35 of ~~((representative))~~: Representative members of the district's
36 professional staff, including representation from the district's
37 curriculum development committees ~~((, and, in the case of districts~~
38 ~~which))~~; one or more parents of enrolled students, with the parent
39 members equaling less than one-half of the total membership of the

1 committee; and in the case of districts that operate elementary
2 school(s) only, the educational service district superintendent, one
3 of whose responsibilities shall be to assure the correlation of those
4 elementary district adoptions with those of the high school
5 district(s) which serve their children. (~~The committee may include~~
6 parents at the school board's discretion: PROVIDED, That parent
7 members shall make up less than one-half of the total membership of))
8 School districts shall develop and implement comprehensive outreach
9 programs to parents of enrolled students in the district for the
10 purpose of recruiting a diverse pool of parent members for
11 instructional materials committees that reflects the demographics and
12 learning needs in the district to the greatest extent possible;

13 (iv) Instructional materials committees that are unable to
14 recruit at least one parent of an enrolled student to serve on the
15 committee must, while they are without a parent member, report
16 quarterly to the school district board of directors and the public on
17 their efforts to recruit one or more parents to serve on the
18 committee;

19 (~~(d)~~) (v) Provide for reasonable notice to parents of the
20 opportunity to serve on the committee and for terms of office for
21 members of the instructional materials committee;

22 (~~(e)~~) (vi) Provide a system for receiving, considering and
23 acting upon written complaints regarding instructional materials used
24 by the school district. The system required by this subsection
25 (1)(a)(vi) must:

26 (A) Require that complaints be in writing from a parent or legal
27 guardian of a student who is enrolled in the district and submitted
28 to a principal from a school where the materials that are the subject
29 of the complaint are used;

30 (B) Seek to resolve complaints through, if requested by the
31 parent or guardian, a meeting with the parent or guardian, a
32 certificated teacher who uses the materials that are the subject of
33 the complaint, and the principal to whom the complaint was submitted;

34 (C) Require, if a resolution cannot be agreed upon with the
35 parent or guardian and the school principal, the instructional
36 materials committee to provide a written decision on the matter
37 within: (I) 60 days of a meeting held under (a)(vi)(B) of this
38 subsection; or (II) 90 days after the complaint was received by the
39 principal, whichever date is later. Decisions made in accordance with
40 this subsection (1)(a)(vi) must be in conformity with section 1 of

1 this act and may be limited in application to only the student or
2 students of the parent or guardian who submitted the complaint; and

3 (D) Provide a process for appealing decisions of the
4 instructional materials committee, by the parent or guardian, a
5 certificated teacher who uses the materials that are the subject of
6 the complaint, or a principal from a school where the materials that
7 are the subject of the complaint are used, to the superintendent of
8 the school district or a designee of the superintendent. Appeal
9 requests must be made in writing and decisions by the superintendent
10 or designee under this subsection are not subject to appeal. Final
11 decisions at any point in the process made in accordance with this
12 subsection (1)(a)(vi) may not be reconsidered for a minimum of three
13 years unless there is a substantive change of circumstances as
14 determined by the superintendent; and

15 ((~~f~~)) (vii) Provide free text books, supplies and other
16 instructional materials to be loaned to the pupils of the school,
17 when, in its judgment, the best interests of the district will be
18 subservd thereby and prescribe rules and regulations to preserve
19 such books, supplies and other instructional materials from
20 unnecessary damage; and

21 (b) Establish a depreciation scale for determining the value of
22 texts which students wish to purchase.

23 (2) Recommendation of instructional materials shall be by the
24 district's instructional materials committee in accordance with
25 district policy. ((Approval)) Recommendations made in accordance with
26 this section must include recommendations for culturally and
27 experientially representative instructional materials including
28 materials on the study of the role and contributions of individuals
29 or groups that are part of a protected class under RCW 28A.642.010
30 and 28A.640.010, but approval or disapproval shall be by the local
31 school district's board of directors.

32 (3) Districts may pay the necessary travel and subsistence
33 expenses for expert counsel from outside the district. In addition,
34 the committee's expenses incidental to visits to observe other
35 districts' selection procedures may be reimbursed by the school
36 district.

37 (4) Districts may, within limitations stated in board policy, use
38 and experiment with instructional materials for a period of time
39 before general adoption is formalized.

1 (5) Within the limitations of board policy, a school district's
2 chief administrator may purchase instructional materials to meet
3 deviant needs or rapidly changing circumstances.

4 (~~(2) Establish a depreciation scale for determining the value of~~
5 ~~texts which students wish to purchase.~~)

6 **Sec. 4.** RCW 28A.150.230 and 2010 c 235 s 201 are each amended to
7 read as follows:

8 (1) It is the intent and purpose of this section to guarantee
9 that each common school district board of directors, whether or not
10 acting through its respective administrative staff, be held
11 accountable for the proper operation of their district to the local
12 community and its electorate. In accordance with the provisions of
13 (~~Title 28A RCW~~) this title, as now or hereafter amended, each
14 common school district board of directors shall be vested with the
15 final responsibility for the setting of policies ensuring quality in
16 the content and extent of its educational program and that such
17 program provide students with the opportunity to achieve those skills
18 which are generally recognized as requisite to learning.

19 (2) In conformance with the provisions of (~~Title 28A RCW~~) this
20 title, as now or hereafter amended, it shall be the responsibility of
21 each common school district board of directors to adopt policies to:

22 (a) Establish performance criteria and an evaluation process for
23 its superintendent, classified staff, certificated personnel,
24 including administrative staff, and for all programs constituting a
25 part of such district's curriculum. Each district shall report
26 annually to the superintendent of public instruction the following
27 for each employee group listed in this subsection (2)(a): (i)
28 Evaluation criteria and rubrics; (ii) a description of each rating;
29 and (iii) the number of staff in each rating;

30 (b) Determine the final assignment of staff, certificated or
31 classified, according to board enumerated classroom and program needs
32 and data, based upon a plan to ensure that the assignment policy: (i)
33 Supports the learning needs of all the students in the district; and
34 (ii) gives specific attention to high-need schools and classrooms;

35 (c) Provide information to the local community and its electorate
36 describing the school district's policies concerning hiring,
37 assigning, terminating, and evaluating staff, including the criteria
38 for evaluating teachers and principals;

1 (d) Determine the amount of instructional hours necessary for any
2 student to acquire a quality education in such district, in not less
3 than an amount otherwise required in RCW 28A.150.220, or rules of the
4 state board of education;

5 (e) Determine the allocation of staff time, whether certificated
6 or classified;

7 (f) Establish final curriculum standards consistent with law and
8 rules of the superintendent of public instruction, relevant to the
9 particular needs of district students or the unusual characteristics
10 of the district, and ensuring a quality education for each student in
11 the district; and

12 (g) Evaluate teaching materials, including text books, teaching
13 aids, handouts, or other printed material, (~~in public hearing~~) upon
14 complaint by parents, guardians or custodians of students who
15 consider dissemination of such material to students objectionable in
16 accordance with section 2 of this act and RCW 28A.320.230.

17 **Sec. 5.** RCW 28A.642.020 and 2010 c 240 s 3 are each amended to
18 read as follows:

19 (1) The superintendent of public instruction shall develop rules
20 and guidelines to eliminate discrimination prohibited in RCW
21 28A.642.010 and section 1 of this act as it applies to public school
22 employment, counseling and guidance services to students,
23 recreational and athletic activities for students, access to course
24 offerings, and in textbooks (~~and~~), instructional materials (~~used~~
25 by students), and supplemental instructional materials, and student
26 access to those materials.

27 (2) For the purposes of this section, "supplemental instructional
28 materials" has the same meaning as in section 2 of this act.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.640
30 RCW to read as follows:

31 In accordance with section 1 of this act, decisions by school
32 district boards of directors, charter school boards under chapter
33 28A.710 RCW, and state-tribal education compact schools subject to
34 chapter 28A.715 RCW that pertain to textbooks, instructional
35 materials, supplemental instructional materials, and other curriculum
36 for student instruction may be subject to the provisions of this
37 chapter.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.642
2 RCW to read as follows:

3 In accordance with section 1 of this act, decisions by school
4 district boards of directors, charter school boards under chapter
5 28A.710 RCW, and state-tribal education compact schools subject to
6 chapter 28A.715 RCW that pertain to textbooks, instructional
7 materials, supplemental instructional materials, and other curriculum
8 for student instruction may be subject to the provisions of this
9 chapter."

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10 On page 1, line 5 of the title, after "materials;" strike the
11 remainder of the title and insert "amending RCW 28A.320.230,
12 28A.150.230, and 28A.642.020; adding new sections to chapter 28A.320
13 RCW; adding a new section to chapter 28A.640 RCW; and adding a new
14 section to chapter 28A.642 RCW."

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