
Education Committee

HB 2331

Brief Description: Modifying requirements for public school instructional and supplemental instructional materials.

Sponsors: Representatives Stonier, Macri, Davis, Pollet, Reed and Ramel.

Brief Summary of Bill

- Bars school district boards of directors (school boards) from refusing to approve or prohibiting the use of an educational material on the basis that it relates to or includes the study of the role and contributions of individuals or groups that are part of a protected class as established in public school nondiscrimination provisions.
- Directs school boards to adopt or revise policies and procedures for reviews and removals of supplemental instructional materials and establishes related requirements.
- Establishes new requirements for written complaints about instructional materials.
- Requires recommendations of instructional materials committees to include recommendations for culturally and experientially representative materials.
- Directs the Superintendent of Public Instruction to develop rules and guidelines related to the instructional materials and supplemental instructional materials provisions.

Hearing Date: 1/23/24

Staff: Ethan Moreno (786-7386).

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.

Background:

Public School Governance.

The governance of Washington's public school system is a shared responsibility between the state and 295 school districts. The Legislature and state agencies, including the Office of the Superintendent of Public Instruction (OSPI) and the State Board of Education, establish requirements for school districts, but the operation of school districts, including curricular determinations and policies for district and school operations, is the responsibility of locally elected school district boards of directors (school boards), often through adopted policies and procedures.

Washington's public school system also includes charter schools and state-tribal education compact schools. Charter schools and state-tribal education compact schools have separate laws for their governance and operation but are subject to requirements adopted by the Legislature and state agencies.

Discrimination Prohibited.

Discrimination in Washington public schools on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability is prohibited. The Superintendent of Public Instruction (SPI) is charged with developing rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks and instructional materials used by students.

The OSPI is required to monitor local compliance with nondiscrimination provisions, and the SPI has the power to enforce and obtain compliance with state laws and guidelines prohibiting discrimination by instituting corrective action, terminating the offending program, placing the school district on probation, or withholding state funds.

Any person aggrieved by a violation of nondiscrimination provisions, or aggrieved by the violation of any rule or guideline adopted in accordance with the nondiscrimination provisions, has a right of action in superior court for civil damages and such equitable relief as the court determines.

Instructional Materials.

School boards must have policies for the selection and deletion of instructional materials. The policies must comply with specified requirements, including:

- stating the school district's goals and principles relative to instructional materials;
- delegating responsibility for the preparation and recommendation of teachers' reading lists and specifying the procedures to be followed in the selection of all instructional materials;
- establishing an instructional materials committee (IMC) to be appointed, with the approval of the school board, by the school district's chief administrative officer. Each IMC must

consist of members of the school district's professional staff and may include parents at the school board's discretion; and

- providing a system for receiving, considering, and acting upon written complaints regarding instructional materials used by the school district.

Recommendation of instructional materials are to be made by the IMC in accordance with school district policy, but final approval or disapproval decisions must be made by the school board.

Summary of Bill:

Educational Materials: Barring Certain Inactions and Prohibitions.

A school district board of directors (school board) may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group that is part of a protected class as established in public school nondiscrimination provisions. Requirements barring the prohibition of materials do not apply if the content of the material relating to the role and contributions of an individual or group violates nondiscrimination provisions for public schools, including if the materials contain bias against any individual or group who is part of a protected class.

Anyone believing a school board has not complied with the requirements barring the specified inactions and prohibitions may bring a complaint under provisions prohibiting discrimination in public schools. Any school board found to be in violation of the requirements is considered to have violated public school nondiscrimination provisions and is subject to the applicable actions.

Supplemental Instructional Materials - Policies and Procedures for Requested Reviews.

By the beginning of the 2025-26 school year, each school board must adopt or revise as necessary policies and procedures governing requested reviews and removals of supplemental instructional materials. The policies and procedures must:

- include a summary of provisions barring the specified inactions and prohibitions for supplemental instructional materials, a defined term;
- require that requests for the review and potential removal of the materials be in writing from a parent and submitted to the applicable certificated teacher or teacher-librarian and school principal;
- seek to resolve requests for reviews and potential removals of the materials at the school building level through, if requested by the parent, a meeting with the parent, the applicable certificated teacher or teacher-librarian, and school principal;
- require, if a resolution cannot be agreed upon with the parent and the school principal, and following a review of the materials by the principal, the principal to provide a written decision on whether to remove the materials within specified timeframes; and
- provide a process for appealing decisions of principals, either by the parent or the applicable certificated teacher or teacher-librarian, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee are final and not subject to appeal.

Decisions about requested reviews and removals of supplemental instructional materials must be in conformity provisions barring the specified inactions and prohibitions for supplemental instructional materials. The decisions may also be limited in application to only the student or students of the parent who submitted the complaint.

Instructional Materials.

Complaint Systems. Provisions governing mandatory systems for written complaints about instructional materials used by school districts are modified. The complaint systems must:

- require that complaints be in writing from a parent or legal guardian of a student who is enrolled in the district and submitted to a principal from a school where the materials that are the subject of the complaint are used;
- seek to resolve complaints through, if requested by the parent or guardian, a meeting with the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, and the principal to whom the complaint was submitted; and
- require, if a resolution cannot be agreed upon with the parent or guardian and the school principal, the instructional materials committee (IMC) to provide a written decision on the matter within a specified timeframe. Decisions made by the IMC must be in conformity with provisions barring the specified inactions and prohibitions for instructional materials and may be limited in application to only the student or students of the parent or guardian who submitted the complaint.

The complaint systems must also provide a process for appealing decisions of the IMC, by the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, or a principal from a school where the materials that are the subject of the complaint are used, to the superintendent of the school district or a designee of the superintendent. These appeal requests must be made in writing and decisions by the superintendent or designee are final and not subject to appeal.

Recommendations of IMCs. Provisions governing IMCs are modified to specify that recommendations of IMCs must include recommendations for culturally and experientially representative instructional materials.

Rules and Guidelines of the Superintendent of Public Instruction.

Rules and guidelines developed by the Superintendent of Public Instruction to eliminate discrimination in the public school system must include provisions for the barred inactions and prohibitions related to instructional and supplemental instructional materials.

Applicability to Charter Schools and State-Tribal Education Compact Schools.

Requirements in the bill for school districts also apply to charter schools and state-tribal education compact schools.

Appropriation: None.

Fiscal Note: Requested on January 19, 2024.

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