
Education Committee

ESB 5462

Brief Description: Promoting inclusive learning standards and instructional materials in public schools.

Sponsors: Senators Liias, Wilson, C., Kuderer, Lovelett, Nguyen, Pedersen, Randall, Saldaña and Valdez.

Brief Summary of Engrossed Bill

- Requires the Office of the Superintendent of Public Instruction (OSPI), in consultation with the Washington State LGBTQ Commission (Commission), to review and update by December 1, 2024, relevant state learning standards at all grade levels to include the histories, contributions, and perspectives of lesbian, gay, bisexual, transgender, and queer people.
- Requires the Washington State School Directors' Association (WSSDA), with the assistance of the OSPI, to review and update by June 1, 2025, a model policy and procedure that requires school district boards of directors (school boards) to adopt inclusive curricula and select diverse, equitable, inclusive, and age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.
- Requires school boards, charter schools, and state-tribal education compact schools to adopt curricula that are consistent with the WSSDA model policy and procedure on inclusive curricula.
- Requires, subject to funding provisions, each educational service district to designate a regional inclusive curricula coordinator and a regional youth advisory council for inclusive curricula and equity.
- Requires, subject to funding provisions, the OSPI, in collaboration with

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specified entities, to create an open educational resource database for developing inclusive curricula that includes resources about the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

Hearing Date: 3/13/23

Staff: Ethan Moreno (786-7386).

Background:

State Learning Standards.

The Superintendent of Public Instruction (SPI) is responsible for developing and periodically revising state learning standards that identify the knowledge and skills public school students need to know and be able to do at each grade level based on four basic education learning goals established by the Legislature. The SPI, in consultation with the State Board of Education (SBE) is also responsible for developing, maintaining, and revising a statewide academic assessment system that is designed to determine if students have mastered the state learning standards.

Additionally, legislation adopted in 2020 directed the Office of the Superintendent of Public Instruction (OSPI) to identify existing state learning standards that address the knowledge and skills that all public school students need to be global citizens in a global society with an appreciation for the contributions of diverse cultures. These state learning standards must be periodically updated to incorporate best practices in ethnic studies.

School districts must teach content aligned to the standards when the content area is required or offered, but districts do not ratify or formally adopt the standards, as curriculum choices are, with limited exceptions, determined by school districts.

School District Boards of Directors and Adoption of Instructional Materials.

School district boards of directors (school boards) are the locally elected governing body of each district. School boards are granted broad discretionary authority to determine and adopt policies for the development and implementation of programs, activities, services, or practices to promote the education and daily physical activity of students, and the effective, efficient, or safe management and operation of the district.

Among other duties, school boards must:

- establish final curriculum standards, consistent with statutory requirements and rules of the SPI, relevant to the particular needs of district's students or the unusual characteristics of the district, and to ensure a quality education for each student; and
- evaluate teaching materials, including textbooks, teaching aids, handouts, or other printed material, in a public hearing upon complaint by parents, guardians, or custodians of

students who consider the dissemination of such material to students to be objectionable.

School boards are required by law to adopt a policy on the selection or deletion of instructional materials. The policy must meet several requirements, including:

- stating the school district's goals and principles relative to instructional materials;
- specifying the procedures to be followed in the selection of all instructional materials, including textbooks;
- establish an instructional materials committee consisting of appointees representing members of the district's professional staff, including representation from the district's curriculum development committees, and educational service district (ESD) superintendent (under limited circumstances) and, at the discretion of the board, parent members who must be less than one half of the committee's total membership;
- providing for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee; and
- providing a system for receiving, considering, and acting upon written complaints regarding instructional materials used by the school district.

Recommendations of instructional materials must be by the instructional materials committee and in accordance with school district policy, but approval or disapproval must be by the school board.

Educational Service Districts.

Washington has nine regionally based ESDs that provide cooperative informational services to local school districts and assist the OSPI and the SBE in the performance of their duties. Among other duties, the ESDs serve as a depository and distribution center for instructional materials and assist school districts in the preparation of their budgets. The OSPI and the SBE are authorized to delegate assigned programs, projects, and services to the ESDs, and the ESDs are obligated to comply with the rules of those agencies.

Washington State School Directors' Association.

The Washington State School Directors' Association (WSSDA) is the state agency that provides advice and assistance to school boards. The WSSDA is charged with coordinating policymaking, control, and management of the state's school districts, and is empowered to prepare and adopt materials for its own organization. The WSSDA also adopts model policies and procedures that school districts may adopt, often in response to legislative directives.

Diversity, Equity, and Inclusion.

Statutes governing the public school system establish the following definitions for diversity, equity, and inclusion:

- "Diversity" describes the presence of similarities and differences within a given setting, collective, or group, based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences.
- "Equity" includes developing, strengthening, and supporting procedural and outcome

fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals. "Equity" also includes eliminating barriers that prevent the full participation of individuals and groups.

- "Inclusion" describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities.

Washington State LGBTQ Commission.

The 15-member LGBTQ Commission (Commission) was established through legislation enacted in 2019, is appointed by the Governor, and is administratively located within in the Office of the Governor. The Commission has several duties, including:

- actively recruiting and maintaining a list of names of qualified lesbian, gay, bisexual, transgender, and queer (LGBTQ) people to fill vacancies on various boards and commissions;
- providing a clearinghouse for information regarding state and federal legislation;
- consulting with state agencies regarding the effect of agency policies, procedures, practices, laws, and administrative rules on the unique problems and needs of LGBTQ people; and
- reviewing best practices for discrimination and harassment policies and training, and providing recommendations to state agencies as they update their discrimination and harassment policies.

Provisions establishing the Commission and prescribing its duties specify that "LGBTQ" includes lesbian, gay, bisexual, transgender, and queer communities.

Summary of Bill:

State Learning Standards.

By December 1, 2024, the OPSI, in consultation with the Commission, must review and update relevant state learning standards at all grade levels to include the histories, contributions, and perspectives of LGBTQ people.

Washington State School Directors' Association - Model Policy and Procedure.

By June 1, 2025, WSSDA, with the assistance of the OSPI, must review and update a model policy and procedure regarding course design, selection, and adoption of instructional materials. The model policy and procedure must require that school boards adopt inclusive curricula and select diverse, equitable, inclusive, and age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups including, but not limited to:

- Native Americans and Native American tribes;
- people from various racial and ethnic backgrounds including, but not limited to, African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans;
- women;

- people from various socioeconomic statuses;
- people from various religious backgrounds;
- immigrants and refugees;
- people with disabilities;
- people who are neurodiverse;
- people who are English language learners or use sign language; and
- LGBTQ people.

By October 1, 2025, school districts must amend their applicable policies and procedures to incorporate all the elements of the WSSDA model policy and procedure on inclusive curricula. Additionally, charter schools and state-tribal education compact schools must comply with the WSSDA model policy and procedure.

School District Boards of Directors and Adoption of Instructional Materials.

School boards, rather than establishing final curriculum standards, are instead directed to adopt curricula that are consistent with applicable laws and requirements, including the WSSDA model policy and procedure on inclusive curricula.

Provisions governing school district policies for the selection or deletion of instructional materials are modified to require the policies to include all elements of the WSSDA model policy and procedure on inclusive curricula.

Locally established instructional materials committees must include the regional inclusive curricula coordinator from the applicable ESD. When considering recommendations from an instructional materials committee, school boards, before approving the recommendation, must determine that the committee made recommendations in accordance with district policies for the selection or deletion of instructional materials.

Educational Service Districts.

Subject to funding requirements, each ESD must designate a regional inclusive curricula coordinator. Duties are prescribed for the coordinator, including:

- helping school districts implement the WSSDA model policy and procedure on inclusive curricula and ensure that diversity, equity, and inclusion are interwoven throughout curricula and not treated as stand-alone topics;
- facilitating school district use of a bias screening tool to review instructional materials;
- serving as a resource to instructional materials committees established by school districts within the ESD;
- supporting professional development efforts regarding diversity, equity, and inclusion, including required professional learning days; and
- helping school districts improve school and classroom culture and climate using inclusive instructional materials.

Subject to funding requirements, each ESD must also establish a regional youth advisory council for inclusive curricula and equity (inclusive advisory council). The purpose of the inclusive

advisory councils is to advise and inform the work of school districts and the OSPI. Each advisory council is required to:

- distribute an annual survey to students to assess student access to inclusive instructional materials; and
- coordinate with the Legislative Youth Advisory Council (LYAC), the Washington State Leadership Board, student representatives on school boards, and any other relevant student or youth councils or groups that include student representation.

Each inclusive advisory council must consist of at least one student representative from each school district within the ESD, and students may be selected to serve on an inclusive advisory council by staff recommendation, application, or interview. The inclusive advisory councils must consist of students with diverse backgrounds, including backgrounds that include diversity as it relates to sex, race, religion, national origin, connection with the military, sexual orientation, gender expression or identity, disability, socioeconomic status, and involvement in the community.

Open Educational Resource Database.

Subject to funding requirements, the OSPI, in collaboration with the statewide association of ESDs, inclusive advisory councils, the LYAC, and WSSDA, must create an open educational resource database for developing inclusive curricula (database). The OSPI must consult with the Washington State Office of Equity within the Office of the Governor and any other relevant state agencies when creating the database.

The database must include resources that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups and must facilitate the free use, adaptation, and sharing of these resources among school districts and certificated staff.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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