

SENATE BILL REPORT

SB 5441

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 8, 2023

Title: An act relating to promoting and supporting the development and adoption of school district curricula that is diverse, equitable, and inclusive.

Brief Description: Promoting the adoption of school district curricula that is diverse, equitable, and inclusive.

Sponsors: Senators Wilson, C., Lias, Hunt, Lovelett, Nguyen, Saldaña and Valdez.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/30/23, 2/08/23 [DPS-WM, DNP].

Brief Summary of First Substitute Bill

- Requires each educational service district (ESD) to designate a regional inclusive curricula coordinator with certain duties, subject to appropriations.
- Specifies that regional coordinators serve on school district instructional materials committees to the extent the person is available.
- Tasks each ESD with establishing a regional youth advisory council for inclusive curricula and equity to advise and inform the work of school districts and the Office of the Superintendent of Public Instruction (OSPI), subject to appropriations.
- Directs OSPI, in collaboration with other entities, to create an open educational resource database for developing inclusive curricula.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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.

Majority Report: That Substitute Senate Bill No. 5441 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

Minority Report: Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Staff: Ailey Kato (786-7434)

Background: Instructional Materials Committee. School district boards of directors must adopt a policy relative to the selection or deletion of instructional materials. The policy must establish an instructional materials committee with certain members. The instructional materials committee makes a recommendation about the materials in accordance with district policy, and the school board approves or disapproves the recommendations.

Diversity, Equity, and Inclusion. State law defines the following terms:

- 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, and also includes eliminating barriers that prevent the full participation of individuals and groups; and
- 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 full access to engagement and participation in available activities and opportunities.

Beginning in the 2023-24 school year, and every other school year thereafter, school districts must use one of the professional learning days to provide staff a variety of opportunities aligned with cultural competency, equity, diversity, and inclusion standards of practice developed by the Professional Educator Standards Board.

Washington State Office of Equity. This office is established within the Office of the Governor for promoting access to equitable opportunities and resources that reduce disparities, and improve outcomes statewide across state government.

Bias Screening Tool. State law directs the Office of the Superintendent of Public Instruction (OSPI) to develop rules and guidelines to eliminate discrimination in textbooks and instructional materials used by students. OSPI rule requires school districts and charter schools to adopt an instructional materials policy that includes selection criteria designed to eliminate bias based on sex; race; creed; religion; color; national origin; honorably

discharged veteran or military status; sexual orientation; gender expression; gender identity; the presence of any sensory, mental, or physical disability; and the use of a trained dog guide or service animal.

Summary of Bill (First Substitute): Inclusive Curricula Coordinators. Subject to appropriations, each educational service districts (ESDs) must designate a regional inclusive curricula coordinator with the following duties:

- helping school districts to ensure that diversity, equity, and inclusion are interwoven throughout curricula;
- facilitating school district use of a bias screening tool to review instructional materials;
- serving as a resource to Instructional Materials Committees for school districts within the ESD;
- coordinating with and assisting any school districts that is leading efforts on diversity, equity, or inclusion, OSPI, and the Office of Equity;
- supporting professional development efforts; and
- helping school districts improve school and classroom culture and climate.

The Instructional Materials Committee appointed by school districts must consist of the regional inclusive curricula coordinator to the extent that person is available.

Regional Youth Advisory Councils. Subject to appropriations, each ESD must establish a Regional Youth Advisory Council for inclusive curricula and equity. The purpose of the councils is to advise and inform the work of school districts and OSPI, and they must:

- distribute an annual survey to assess student access to inclusive instructional materials; and
- coordinate with certain student or youth councils or groups.

The council must consist of at least one student representative from each school district within the ESD and have students with diverse backgrounds. Students may be selected to serve on the council by staff recommendation, application, or interview.

Open Educational Resource Database. Subject to appropriations, OSPI, in collaboration with the statewide association of educational service districts, the Regional Youth Advisory Councils, the Legislative Youth Advisory Council, and the Washington State School Directors' Association, must create an open educational resource database for developing inclusive curricula. OSPI must consult with the Office of Equity and other relevant agencies.

The database must include resources that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

The database must facilitate the free use, adaptation, and sharing of these resources among

school districts and certificated staff.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Changes a reference from “Mexican Americans” to “Latinos” and adds “multiracial individuals” in the intent section.
- Removes the requirement that first-class districts designate an inclusive curricula coordinator and second-class districts work with regional coordinators but maintains the requirement that each ESD designate a regional coordinator with similar duties.
- Updates references to regional coordinators accordingly.
- Specifies that instructional materials committees must consist of the regional inclusive curricula coordinator to the extent the person is available.
- Adds that OSPI must collaborate with the regional youth advisory councils and the legislative youth advisory council when creating the open educational resource database.

Appropriation: The bill contains a section or sections to limit implementation to the availability of amounts appropriated for that specific purpose.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Inclusive education helps scholars from all backgrounds, cultures, and identities because it helps them connect to the instructional materials. It is important for students to feel safe, a sense of belonging, and that they see themselves reflected in school curricula. Inclusive curricula helps improve academic performance, attendance, graduation rates, and mental health. This bill was developed by the Legislative Youth Advisory Council, which is student-led. For students of color who live in predominantly white communities, it is especially important to have inclusive curricula like ethnic studies. This bill goes beyond race and is inclusive of many identities. Inclusive curricula is critical for student engagement and full participation in the school community. School districts need funding for professional development and materials to support inclusive curricula. Teaching civility, fairness, and respect for others is not new, but it is necessary. Students lose hope if their teachers do not value their culture and identity. By diversifying the educational system, it will allow students to learn from different perspectives, which will foster more empathy and is needed in this polarized socio-political climate. Inclusive education is crucial to a whole-child approach and prepares students for the diverse world. There are some implementation questions, and there could be a lack of curricula that meets the intent of the legislation.

CON: Inclusive coordinators deny the common humanity among diverse people, which leads to mental health issues. It is important for students to be involved in the legislative process, but this bill is not necessary. OSPI is already providing resources to promote and school districts are providing inclusive curricula. Students who are white and straight are getting shamed and villainized, and they represent a majority in this state. Students should not be taught that they are victims, marginalized, or oppressed. This bill would denigrate individual worth, dignity, and free will and is de-humanizing. This bill does not define women, and women have been marginalized throughout human history. Communism and socialism thrive on division. This bill raises civil liberty concerns. Teachers may be prevented from providing a range of perspectives and classroom discussions could be chilled. This bill is promoting critical race theory in public schools. This bill is not inclusive because it includes instruction that violates parents' religious beliefs. This bill could create division and promote skepticism rather than unity. School curriculum should not be politicized or elevate one particular group.

OTHER: It is important that this bill is subject to appropriations. Staffing enrichment for school principals is needed since they are the instructional leaders.

Persons Testifying: PRO: Senator Claire Wilson, Prime Sponsor; Director Liza Rankin, School Board Director, Seattle Public Schools; Keri Bullock, The Root of Our Youth / The Root of Us; Madeline Bishop; Brooke Brown, Washington State Board of Education; Hiro Hirano-Holcomb, Legislative Youth Advisory Council; Natasha Kalombo, Legislative Youth Advisory Council; Stacy Osoria, Legislative Youth Advisory Council; Micah Fitzgerald, Washington State Youth Advisory Council; Sherri Nagamine, Justice for Girls Coalition; Anna Hernandez-French, OSPI; Janae Larsen, n/a; Tara Ryan, Washington Ethnic Studies Now.

CON: Julie Barrett, Conservative Ladies of Washington; JoAnn Tolentino; Andy Cilley, Parent; Adrienne Ross; Jeannie Magdua, Conservative Ladies of Washington; Vince Navarre; Jennifer Heine-Withee; Karen Winter; Sam Winter; Dawn Land; Travis Hanson, Deer Park School District.

OTHER: Marissa Rathbone, Washington State School Directors' Association (WSSDA).

Persons Signed In To Testify But Not Testifying: No one.