

SENATE BILL REPORT

ESB 5462

As Amended by House, February 29, 2024

Title: An act relating to promoting inclusive learning standards and instructional materials in public schools.

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 History:

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

Floor Activity: Passed Senate: 2/28/23, 29-19; 1/17/24, 29-19.

Passed House: 2/29/24, 56-37.

Brief Summary of Engrossed Bill

- Directs the Office of the Superintendent of Public Instruction (OSPI) to review and update relevant state learning standards at all grade levels to include the histories, contributions, and perspectives of LGBTQ people, by December 1, 2024.
- Directs the Washington State School Directors' Association, with the assistance of OSPI, to review and update a model policy and procedure to require school districts to adopt inclusive curricula and select diverse, equitable, inclusive, age-appropriate instructional materials that include the histories, contributions, and perspectives of historically marginalized and underrepresented groups.
- Requires school districts, charter schools, and state-tribal compact schools to amend their policies and procedures to incorporate all the elements of the model by October 1, 2025.
- Directs each educational service district to designate a regional inclusive

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curricula coordinator and establish a regional youth advisory council for inclusive curricula and equity, subject to appropriations.

- Tasks OSPI, in collaboration with other entities, with creating an open educational resource database for developing inclusive curricula, subject to appropriations.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass.

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: State Learning Standards. State law requires the Office of the Superintendent of Public Instruction (OSPI) to develop the state's learning standards, which defines what all students need to know and be able to do at each grade level. OSPI has published learning standards for 14 content areas.

Student learning standards are required to be taught in school districts. If a content area is not named as a primary goal, then the standards must be taught if and when the subject is offered.

School Board Responsibilities. State law identifies certain responsibilities of school district boards of directors including:

- establishing final curriculum standards consistent with law and OSPI rules, relevant to the particular needs or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and
- evaluating teaching materials, including text books, teaching aids, handouts, or other printed materials, in public hearing upon complaint by parents, guardians, or custodians of students who consider dissemination of such material to students objectionable.

Instructional Materials Policy and Committee. State law requires school boards to adopt a policy related to the selection or deletion of instructional materials, which includes:

- the school district's goals and principles related to instructional materials;
- the procedures to be followed in the selection of all instructional materials;
- the establishment of an Instructional Materials Committee to make recommendations on instructional materials, which may include parents; and

- the complaint procedures regarding instructional materials.

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.

Washington State LGBTQ Commission. The LGBTQ Commission is established in the Office of the Governor. The commission has several duties including:

- 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;
- providing resource and referral information; and
- reviewing best practices for discrimination and harassment policies and training, and providing recommendations to state agencies.

LGBTQ includes lesbian, gay, bisexual, transgender, and queer communities.

Summary of Engrossed Bill: State Learning Standards. By December 1, 2024, OSPI, in consultation with the LGBTQ Commission, must review and update relevant state learning standards at all grade levels to include the histories, contributions, and perspectives of LGBTQ people.

Model Policy and Procedure. By June 1, 2025, WSSDA, with the assistance of OSPI, must review and update a model policy and procedure regarding course design, selection, and adoption of instructional materials.

The model must require that the school board of directors adopt inclusive curricula and select diverse, equitable, inclusive, age-appropriate instructional materials that include histories, contributions, and perspectives of historically marginalized and underrepresented

groups. Certain groups are named in a non-exhaustive list.

By October 1, 2025, school districts, charter schools, and state-tribal compact schools must amend their policies and procedures to incorporate all the elements in the model.

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 adopt inclusive curricula and 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.

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.

Instructional Materials Policy and Committee. School boards of directors must include all the elements of the model policy and procedure in their policy relative to the selection or deletion of instructional materials. The committee appointed by school districts must consist of the regional inclusive curricula coordinator to the extent that person is available. School boards must determine that the Instructional Materials Committee made recommendations in accordance with the policy.

The requirements of the instructional materials policy and committee are reorganized, and state law is amended to align with the model policy and procedure.

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.

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: PRO: Inclusive curricula is important to reflect the diverse identities of students. When students see themselves in the curricula, it leads to better attendance, achievement, and mental health. Washington State has a rich history of contributions of LGBTQ people, and it is important for students to hear about this rich history. This bill will help students feel comfortable to be their full selves and feel good about who they are. If this bill passes, Washington would be the eighth state to pass legislation that makes sure the learning standards and curricula honor the histories, contributions, and perspectives of historically marginalized and underrepresented groups.

CON: This bill does not define women, and women have been marginalized throughout human history. Any bill that teaches intersectionality is divisive. Teaching equity over equality teaches racism. Parents will not be able to opt their children out of this instruction, which will lead to more families leaving public schools. Like comprehensive sexual education and social-emotional learning, the bill will alienate families.

OTHER: It is important to eliminate discrimination from curriculum. School districts work on inclusive education in a variety of ways. It is important that school districts maintain their established timelines for curriculum review and adoption.

Persons Testifying: PRO: Senator Marko Liias, Prime Sponsor; Nasue Nishida, Washington Education Association.

CON: Jennifer Heine-Withee; Gary Wilson; Dawn Land.

OTHER: Rebecca Stillings, Washington State School Directors' Association.

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

EFFECT OF HOUSE AMENDMENT(S):

- Removes provisions related to general responsibilities of school boards; the designation of regional inclusive curricula coordinators by ESDs; and the establishment of regional youth advisory councils for inclusive curricula and equity by ESDs.
- Specifies examples of inclusive curricula and instructional materials to include people from various racial, ethnic, and religious backgrounds, people with differing learning needs, people with disabilities, LGBTQ people, and people with various socioeconomic and immigration backgrounds.
- Requires school boards to seek curricula and instructional materials that are as culturally and experientially diverse as possible, recognizing that the availability of materials that include the histories, contributions, and perspectives of historically marginalized groups may vary.
- Requires school boards to submit their updated policy and procedure, which must be in conformance with the model, to OSPI within ten days of completing updates.
- Directs OSPI to compile this information and prepare best practices and other informative materials to support schools to meet these requirements.
- 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.
- Requires OSPI, in consultation with applicable commissions, 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 are incorporated into each new or revised state learning standard.
- Directs OSPI to post on its website a schedule for the revision of state learning standards by September 1, 2025 to notify parents, schools, and the public of any pending revisions, plans, or actions.
- Refers to an open collection of educational resources for inclusive curricula instead of an open educational resource database.
- Revises the intent section.