
ENGROSSED SUBSTITUTE HOUSE BILL 2331

State of Washington

68th Legislature

2024 Regular Session

By House Education (originally sponsored by Representatives Stonier, Macri, Davis, Pollet, Reed, and Ramel)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to modifying requirements for public school
2 instructional materials and supplemental instructional materials by
3 prohibiting improper exclusions of certain materials, establishing
4 complaint procedures, and promoting culturally and experientially
5 representative materials; amending RCW 28A.320.230 and 28A.642.020;
6 adding new sections to chapter 28A.320 RCW; adding a new section to
7 chapter 28A.640 RCW; and adding a new section to chapter 28A.642 RCW.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

18 (b) Subsection (1)(a) of this section does not apply if the
19 content of the material relating to the role and contributions of an
20 individual or group violates the provisions of chapter 28A.642 or
21 28A.640 RCW, including materials containing bias against any

1 individual or group who is part of a protected class as established
2 in RCW 28A.642.010 and 28A.640.010.

3 (2) Anyone alleging a violation of subsection (1) of this section
4 may bring a complaint under the provisions of chapter 28A.642 or
5 28A.640 RCW. Any school district board of directors found to be in
6 violation of subsection (1) of this section shall be considered to
7 have violated chapter 28A.642 or 28A.640 RCW and is subject to the
8 provisions of that chapter.

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

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

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

18 (1) By the beginning of the 2025-26 school year, each school
19 district board of directors shall adopt or revise as necessary
20 policies and procedures governing requested reviews and removals of
21 supplemental instructional materials. The policies and procedures
22 must:

23 (a) Include a summary of, and citation to, the requirements
24 governing supplemental instructional materials established in section
25 1 of this act;

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

30 (c) Seek to resolve requests for reviews and potential removals
31 of supplemental instructional materials at the school building level
32 through, if requested by the parent, a meeting with the parent, the
33 applicable certificated teacher or teacher-librarian, and school
34 principal;

35 (d) Require, if a resolution cannot be agreed upon with the
36 parent and the school principal, and following a review of the
37 supplemental instructional materials by the principal, in
38 consultation with a teacher-librarian of the school district if one
39 is available, the principal to provide a written decision on whether

1 to remove the materials within: (i) 30 days of the meeting with the
2 parent; or (ii) 60 days of receiving the request under (b) of this
3 subsection if the parent does not request to meet with school
4 personnel as provided in (c) of this subsection; and

5 (e) Provide a process for appealing decisions of principals,
6 either by the parent or the applicable certificated teacher or
7 teacher-librarian, to the superintendent of the school district or a
8 designee of the superintendent. Appeal requests must be made in
9 writing and decisions by the superintendent or designee under this
10 subsection may be appealed to the school district board of directors.
11 Decisions made in accordance with this subsection (1)(e) may not be
12 reconsidered for a minimum of three years unless there is a
13 substantive change of circumstances as determined by the
14 superintendent.

15 (2) Decisions made in accordance with subsection (1)(d) and (e)
16 of this section must be in conformity with section 1 of this act and
17 may be limited in application to only the student or students of the
18 parent who submitted the complaint.

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

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

23 (b) "Supplemental instructional materials" or "materials" means:
24 (i) Materials in school libraries; and (ii) educational materials
25 that are not expressly required by the school or school district and
26 are instead selected at the discretion of a certificated teacher or
27 teacher-librarian for materials in school libraries; and

28 (c) "Teacher-librarian" has the same meaning as in RCW
29 28A.320.240.

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

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

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

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

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

6 ~~((b))~~ (ii) Delegate responsibility for the preparation and
7 recommendation of teachers' reading lists and specify the procedures
8 to be followed in the selection of all instructional materials
9 including text books;

10 ~~((c))~~ (iii) Establish an instructional materials committee to
11 be appointed, with the approval of the school board, by the school
12 district's chief administrative officer. This committee shall consist
13 of ~~((representative))~~: Representative members of the district's
14 professional staff, including representation from the district's
15 curriculum development committees(~~, and, in the case of districts~~
16 ~~which~~); one or more parents of enrolled students, with the parent
17 members equaling less than one-half of the total membership of the
18 committee; and in the case of districts that operate elementary
19 school(s) only, the educational service district superintendent, one
20 of whose responsibilities shall be to assure the correlation of those
21 elementary district adoptions with those of the high school
22 district(s) which serve their children. (~~The committee may include~~
23 parents at the school board's discretion: PROVIDED, That parent
24 members shall make up less than one-half of the total membership of)
25 School districts shall develop and implement comprehensive outreach
26 programs to parents of enrolled students in the district for the
27 purpose of recruiting parent members for instructional materials
28 committees;

29 (iv) Instructional materials committees that are unable to
30 recruit at least one parent of an enrolled student to serve on the
31 committee must, while they are without a parent member, report
32 quarterly to the school district board of directors and the public on
33 their efforts to recruit one or more parents to serve on the
34 committee;

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

38 ~~((e))~~ (vi) Provide a system for receiving, considering and
39 acting upon written complaints regarding instructional materials used

1 by the school district. The system required by this subsection
2 (1)(a)(vi) must:

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

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

11 (C) Require, if a resolution cannot be agreed upon with the
12 parent or guardian and the school principal, the instructional
13 materials committee to provide a written decision on the matter
14 within: (I) 60 days of a meeting held under (a)(vi)(B) of this
15 subsection; or (II) 90 days after the complaint was received by the
16 principal, whichever date is later. Decisions made in accordance with
17 this subsection (1)(a)(vi) must be in conformity with section 1 of
18 this act and may be limited in application to only the student or
19 students of the parent or guardian who submitted the complaint; and

20 (D) Provide a process for appealing decisions of the
21 instructional materials committee, by the parent or guardian, a
22 certificated teacher who uses the materials that are the subject of
23 the complaint, or a principal from a school where the materials that
24 are the subject of the complaint are used, to the superintendent of
25 the school district or a designee of the superintendent. Appeal
26 requests must be made in writing and decisions by the superintendent
27 or designee under this subsection may be appealed to the school
28 district board of directors. Decisions made in accordance with this
29 subsection (1)(a)(vi)(D) may not be reconsidered for a minimum of
30 three years unless there is a substantive change of circumstances as
31 determined by the superintendent; and

32 ((-f-)) (vii) Provide free text books, supplies and other
33 instructional materials to be loaned to the pupils of the school,
34 when, in its judgment, the best interests of the district will be
35 suberved thereby and prescribe rules and regulations to preserve
36 such books, supplies and other instructional materials from
37 unnecessary damage; and

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

1 (2) Recommendation of instructional materials shall be by the
2 district's instructional materials committee in accordance with
3 district policy. ~~((Approval))~~ Recommendations made in accordance with
4 this section must include recommendations for culturally and
5 experientially representative instructional materials including
6 materials on the study of the role and contributions of individuals
7 or groups that are part of a protected class under RCW 28A.642.010
8 and 28A.640.010, but approval or disapproval shall be by the local
9 school district's board of directors.

10 (3) Districts may pay the necessary travel and subsistence
11 expenses for expert counsel from outside the district. In addition,
12 the committee's expenses incidental to visits to observe other
13 districts' selection procedures may be reimbursed by the school
14 district.

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

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

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

23 **Sec. 4.** RCW 28A.642.020 and 2010 c 240 s 3 are each amended to
24 read as follows:

25 (1) The superintendent of public instruction shall develop rules
26 and guidelines to eliminate discrimination prohibited in RCW
27 28A.642.010 and section 1 of this act as it applies to public school
28 employment, counseling and guidance services to students,
29 recreational and athletic activities for students, access to course
30 offerings, and in textbooks ~~((and))~~, instructional materials ~~((used~~
31 ~~by students))~~, and supplemental instructional materials, and student
32 access to those materials.

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

35 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.640
36 RCW to read as follows:

37 In accordance with section 1 of this act, decisions by school
38 district boards of directors, charter school boards under chapter

1 28A.710 RCW, and state-tribal education compact schools subject to
2 chapter 28A.715 RCW that pertain to textbooks, instructional
3 materials, supplemental instructional materials, and other curriculum
4 for student instruction may be subject to the provisions of this
5 chapter.

6 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.642
7 RCW to read as follows:

8 In accordance with section 1 of this act, decisions by school
9 district boards of directors, charter school boards under chapter
10 28A.710 RCW, and state-tribal education compact schools subject to
11 chapter 28A.715 RCW that pertain to textbooks, instructional
12 materials, supplemental instructional materials, and other curriculum
13 for student instruction may be subject to the provisions of this
14 chapter.

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