
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 are final and not subject to appeal. Decisions made in
11 accordance with this subsection (1)(e) may not be reconsidered for a
12 minimum of three years unless there is a substantive change of
13 circumstances as determined by the superintendent.

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

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

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

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

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

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

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

36 (1) Every board of directors, unless otherwise specifically
37 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 members of the district's professional staff,
14 including representation from the district's curriculum development
15 committees, and, in the case of districts which operate elementary
16 school(s) only, the educational service district superintendent, one
17 of whose responsibilities shall be to assure the correlation of those
18 elementary district adoptions with those of the high school
19 district(s) which serve their children. The committee may include
20 parents at the school board's discretion: PROVIDED, That parent
21 members shall make up less than one-half of the total membership of
22 the committee;

23 ~~((d))~~ (iv) Provide for reasonable notice to parents of the
24 opportunity to serve on the committee and for terms of office for
25 members of the instructional materials committee;

26 ~~((e))~~ (v) Provide a system for receiving, considering and
27 acting upon written complaints regarding instructional materials used
28 by the school district. The system required by this subsection
29 (1)(a)(v) must:

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

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

38 (C) Require, if a resolution cannot be agreed upon with the
39 parent or guardian and the school principal, the instructional
40 materials committee to provide a written decision on the matter

1 within: (I) 60 days of a meeting held under (a)(v)(B) of this
2 subsection; or (II) 90 days after the complaint was received by the
3 principal, whichever date is later. Decisions made in accordance with
4 this subsection (1)(a)(v) must be in conformity with section 1 of
5 this act and may be limited in application to only the student or
6 students of the parent or guardian who submitted the complaint; and

7 (D) Provide a process for appealing decisions of the
8 instructional materials committee, by the parent or guardian, a
9 certificated teacher who uses the materials that are the subject of
10 the complaint, or a principal from a school where the materials that
11 are the subject of the complaint are used, to the superintendent of
12 the school district or a designee of the superintendent. Appeal
13 requests must be made in writing and decisions by the superintendent
14 or designee under this subsection are final and not subject to
15 appeal. Decisions made in accordance with this subsection
16 (1)(a)(v)(D) may not be reconsidered for a minimum of three years
17 unless there is a substantive change of circumstances as determined
18 by the superintendent; and

19 ((~~f~~)) (vi) Provide free text books, supplies and other
20 instructional materials to be loaned to the pupils of the school,
21 when, in its judgment, the best interests of the district will be
22 suberved thereby and prescribe rules and regulations to preserve
23 such books, supplies and other instructional materials from
24 unnecessary damage; and

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

27 (2) Recommendation of instructional materials shall be by the
28 district's instructional materials committee in accordance with
29 district policy. (~~Approval~~) Recommendations made in accordance with
30 this section must include recommendations for culturally and
31 experientially representative instructional materials including
32 materials on the study of the role and contributions of individuals
33 or groups that are part of a protected class under RCW 28A.642.010
34 and 28A.640.010. Except as provided in subsection (1)(a)(v) of this
35 section, approval or disapproval shall be by the local school
36 district's board of directors.

37 (3) Districts may pay the necessary travel and subsistence
38 expenses for expert counsel from outside the district. In addition,
39 the committee's expenses incidental to visits to observe other

1 districts' selection procedures may be reimbursed by the school
2 district.

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

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

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

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

13 (1) The superintendent of public instruction shall develop rules
14 and guidelines to eliminate discrimination prohibited in RCW
15 28A.642.010 and section 1 of this act as it applies to public school
16 employment, counseling and guidance services to students,
17 recreational and athletic activities for students, access to course
18 offerings, and in textbooks ~~((and))~~, instructional materials ~~((used~~
19 ~~by students))~~, and supplemental instructional materials, and student
20 access to those materials.

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

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

25 In accordance with section 1 of this act, decisions by school
26 district boards of directors, charter school boards under chapter
27 28A.710 RCW, and state-tribal education compact schools subject to
28 chapter 28A.715 RCW that pertain to textbooks, instructional
29 materials, supplemental instructional materials, and other curriculum
30 for student instruction may be subject to the provisions of this
31 chapter.

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

34 In accordance with section 1 of this act, decisions by school
35 district boards of directors, charter school boards under chapter
36 28A.710 RCW, and state-tribal education compact schools subject to
37 chapter 28A.715 RCW that pertain to textbooks, instructional

1 materials, supplemental instructional materials, and other curriculum
2 for student instruction may be subject to the provisions of this
3 chapter.

--- END ---