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**HOUSE BILL 2331**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Representatives Stonier, Macri, Davis, Pollet, Reed, and Ramel

Read first time 01/12/24. Referred to Committee on Education.

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; and adding a new section  
7 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) The prohibition in (a) of this subsection does not apply if  
19 the content of the material relating to the role and contributions of  
20 an 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 believing a school district board of directors has not  
4 complied with subsection (1) of this section may bring a complaint  
5 under the provisions of chapter 28A.642 or 28A.640 RCW. Any school  
6 district board of directors found to be in violation of subsection  
7 (1) of this section shall be considered to have violated chapter  
8 28A.642 or 28A.640 RCW and is subject to the provisions of that  
9 chapter.

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

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

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

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

24 (a) Include a summary of, and citation to, the requirements  
25 governing supplemental instructional materials established in section  
26 1 of this act;

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

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

36 (d) Require, if a resolution cannot be agreed upon with the  
37 parent and the school principal, and following a review of the  
38 supplemental instructional materials by the principal, the principal  
39 to provide a written decision on whether to remove the materials

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

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

15 (3) For the purposes of this section, the following definitions  
16 apply:

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

19 (b) "Supplemental instructional materials" or "materials" means:  
20 (i) Materials in school libraries; and (ii) educational materials  
21 that are not expressly required by the school or school district and  
22 are instead selected at the discretion of a certificated teacher; and

23 (c) "Teacher-librarian" has the same meaning as in RCW  
24 28A.320.240.

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

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

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

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

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

1       (~~(b)~~) (ii) Delegate responsibility for the preparation and  
2 recommendation of teachers' reading lists and specify the procedures  
3 to be followed in the selection of all instructional materials  
4 including text books;

5       (~~(c)~~) (iii) Establish an instructional materials committee to  
6 be appointed, with the approval of the school board, by the school  
7 district's chief administrative officer. This committee shall consist  
8 of representative members of the district's professional staff,  
9 including representation from the district's curriculum development  
10 committees, and, in the case of districts which operate elementary  
11 school(s) only, the educational service district superintendent, one  
12 of whose responsibilities shall be to assure the correlation of those  
13 elementary district adoptions with those of the high school  
14 district(s) which serve their children. The committee may include  
15 parents at the school board's discretion: PROVIDED, That parent  
16 members shall make up less than one-half of the total membership of  
17 the committee;

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

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

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

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

33       (C) Require, if a resolution cannot be agreed upon with the  
34 parent or guardian and the school principal, the instructional  
35 materials committee to provide a written decision on the matter  
36 within: (I) 60 days of a meeting held under (a)(v)(B) of this  
37 subsection; or (II) 90 days after the complaint was received by the  
38 principal, whichever date is later. Decisions made in accordance with  
39 this subsection (1)(a)(v) must be in conformity with section 1 of

1 this act and may be limited in application to only the student or  
2 students of the parent or guardian who submitted the complaint; and

3 (D) Provide a process for appealing decisions of the  
4 instructional materials committee, by the parent or guardian, a  
5 certificated teacher who uses the materials that are the subject of  
6 the complaint, or a principal from a school where the materials that  
7 are the subject of the complaint are used, to the superintendent of  
8 the school district or a designee of the superintendent. Appeal  
9 requests must be made in writing and decisions by the superintendent  
10 or designee under this subsection are final and not subject to  
11 appeal; and

12 ~~((f))~~ (vi) Provide free text books, supplies and other  
13 instructional materials to be loaned to the pupils of the school,  
14 when, in its judgment, the best interests of the district will be  
15 suberved thereby and prescribe rules and regulations to preserve  
16 such books, supplies and other instructional materials from  
17 unnecessary damage; and

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

20 (2) Recommendation of instructional materials shall be by the  
21 district's instructional materials committee in accordance with  
22 district policy. ~~(Approval)~~ Recommendations made in accordance with  
23 this section must include recommendations for culturally and  
24 experientially representative instructional materials. Except as  
25 provided in subsection (1)(a)(v) of this section, approval or  
26 disapproval shall be by the local school district's board of  
27 directors.

28 (3) Districts may pay the necessary travel and subsistence  
29 expenses for expert counsel from outside the district. In addition,  
30 the committee's expenses incidental to visits to observe other  
31 districts' selection procedures may be reimbursed by the school  
32 district.

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

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

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

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

3       (1) The superintendent of public instruction shall develop rules  
4 and guidelines to eliminate discrimination prohibited in RCW  
5 28A.642.010 and section 1 of this act as it applies to public school  
6 employment, counseling and guidance services to students,  
7 recreational and athletic activities for students, access to course  
8 offerings, and in textbooks ((and)), instructional materials ((used  
9 by students)), and supplemental instructional materials, and student  
10 access to those materials.

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

13       NEW SECTION.   **Sec. 5.** A new section is added to chapter 28A.642  
14 RCW to read as follows:

15       In accordance with section 1 of this act, decisions by school  
16 district boards of directors, charter school boards under chapter  
17 28A.710 RCW, and state-tribal education compact schools subject to  
18 chapter 28A.715 RCW that pertain to textbooks, instructional  
19 materials, supplemental instructional materials, and other curriculum  
20 for student instruction may be subject to the provisions of this  
21 chapter.

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