
SENATE BILL 5462

State of Washington

68th Legislature

2023 Regular Session

By Senators Lias, C. Wilson, Kuderer, Lovelett, Nguyen, Pedersen, Randall, Saldaña, and Valdez

Read first time 01/19/23. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to promoting inclusive learning standards and
2 instructional materials in public schools; amending RCW 28A.150.230,
3 28A.320.230, 28A.655.070, 28A.710.040, and 28A.715.020; adding a new
4 section to chapter 28A.345 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that
7 Washington state law prohibits discrimination in public schools for
8 certain protected classes. The legislature also acknowledges that
9 school districts are required to adopt a policy related to the
10 selection or removal of instructional materials. Under state rule,
11 the instructional materials policy of each school district must
12 establish and use appropriate screening criteria to identify and
13 eliminate bias pertaining to protected classes.

14 (2) The legislature intends to expand these requirements by
15 requiring school districts to adopt policies and procedures that
16 incorporate selecting inclusive instructional materials that include
17 the histories, contributions, and perspectives of historically
18 marginalized and underrepresented groups.

19 (3) The legislature further recognizes that state law requires
20 the state learning standards to be periodically updated to
21 incorporate best practices in ethnic studies. The legislature intends

1 to build on this duty by directing the office of the superintendent
2 of public instruction, in consultation with the Washington state
3 LGBTQ commission, to review and update relevant state learning
4 standards to include the histories, contributions, and perspectives
5 of LGBTQ people.

6 (4) The legislature believes that promoting inclusive learning
7 standards and instructional materials will improve student
8 achievement, attendance, parent and family engagement, and other
9 dimensions that contribute to student success.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.345
11 RCW to read as follows:

12 (1) By June 1, 2025, the Washington state school directors'
13 association, with the assistance of the office of the superintendent
14 of public instruction, must review and update a model policy and
15 procedure regarding course design, selection, and adoption of
16 instructional materials.

17 (2) The model policy and procedure must require that the school
18 board of directors will adopt inclusive curricula and select
19 inclusive, age-appropriate instructional materials that include the
20 histories, contributions, and perspectives of historically
21 marginalized and underrepresented groups including, but not limited
22 to:

- 23 (a) Native Americans and Native American tribes;
- 24 (b) People from various racial and ethnic backgrounds including,
25 but not limited to, African Americans, Hispanic Americans, Asian
26 Americans, and Pacific Islander Americans;
- 27 (c) Women;
- 28 (d) People from various socioeconomic statuses;
- 29 (e) People from various religious backgrounds;
- 30 (f) Immigrants and refugees;
- 31 (g) People with disabilities;
- 32 (h) People who are neurodiverse;
- 33 (i) People who are English learners or use sign language; and
- 34 (j) LGBTQ people as defined in RCW 43.114.010.

35 (3) By October 1, 2025, school districts must amend the policies
36 and procedures that are required under RCW 28A.320.230 to incorporate
37 all the elements described in this section.

38 (4) For the purposes of this section, "inclusive" means curricula
39 and instructional materials that create and sustain a sense of

1 respect, belonging, safety, and attention to individual needs and
2 backgrounds that ensure the full access to engagement and
3 participation in available activities and opportunities.

4 **Sec. 3.** RCW 28A.150.230 and 2010 c 235 s 201 are each amended to
5 read as follows:

6 (1) It is the intent and purpose of this section to guarantee
7 that each common school district board of directors, whether or not
8 acting through its respective administrative staff, be held
9 accountable for the proper operation of their district to the local
10 community and its electorate. In accordance with the provisions of
11 (~~Title 28A RCW~~) this title, as now or hereafter amended, each
12 common school district board of directors shall be vested with the
13 final responsibility for the setting of policies ensuring quality in
14 the content and extent of its educational program and that such
15 program provide students with the opportunity to achieve those skills
16 which are generally recognized as requisite to learning.

17 (2) In conformance with the provisions of (~~Title 28A RCW~~) this
18 title, as now or hereafter amended, it shall be the responsibility of
19 each common school district board of directors to adopt policies to:

20 (a) Establish performance criteria and an evaluation process for
21 its superintendent, classified staff, certificated personnel,
22 including administrative staff, and for all programs constituting a
23 part of such district's curriculum. Each district shall report
24 annually to the superintendent of public instruction the following
25 for each employee group listed in this subsection (2)(a): (i)
26 Evaluation criteria and rubrics; (ii) a description of each rating;
27 and (iii) the number of staff in each rating;

28 (b) Determine the final assignment of staff, certificated or
29 classified, according to board enumerated classroom and program needs
30 and data, based upon a plan to ensure that the assignment policy: (i)
31 Supports the learning needs of all the students in the district; and
32 (ii) gives specific attention to high-need schools and classrooms;

33 (c) Provide information to the local community and its electorate
34 describing the school district's policies concerning hiring,
35 assigning, terminating, and evaluating staff, including the criteria
36 for evaluating teachers and principals;

37 (d) Determine the amount of instructional hours necessary for any
38 student to acquire a quality education in such district, in not less

1 than an amount otherwise required in RCW 28A.150.220, or rules of the
2 state board of education;

3 (e) Determine the allocation of staff time, whether certificated
4 or classified;

5 (f) (~~Establish final curriculum standards~~) Adopt curricula
6 consistent with law, including section 2 of this act, and rules of
7 the superintendent of public instruction, relevant to the particular
8 needs of district students or the unusual characteristics of the
9 district, and ensuring a quality education for each student in the
10 district; and

11 (g) Evaluate teaching materials, including text books, teaching
12 aids, handouts, or other printed material, in public hearing upon
13 complaint by parents, guardians or custodians of students who
14 consider dissemination of such material to students objectionable.

15 **Sec. 4.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to
16 read as follows:

17 (1) Every board of directors, unless otherwise specifically
18 provided by law, shall(~~(+~~

19 ~~(1) Prepare~~) prepare, negotiate, set forth in writing, and
20 adopt, policy relative to the selection or deletion of instructional
21 materials. Such policy shall:

22 (a) State the school district's goals and principles relative to
23 instructional materials;

24 (b) Include all the elements of the model policy and procedure
25 described in section 2 of this act;

26 (c) Delegate responsibility for the preparation and
27 recommendation of teachers' reading lists and specify the procedures
28 to be followed in the selection of all instructional materials
29 including textbooks;

30 (~~(e)~~) (d) Establish an instructional materials committee to be
31 appointed, with the approval of the school board, by the school
32 district's chief administrative officer(~~(. This committee shall~~
33 ~~consist of representative members of the district's professional~~
34 ~~staff, including representation from the district's curriculum~~
35 ~~development committees, and, in the case of districts which operate~~
36 ~~elementary school(s) only, the educational service district~~
37 ~~superintendent, one of whose responsibilities shall be to assure the~~
38 ~~correlation of those elementary district adoptions with those of the~~
39 ~~high school district(s) which serve their children. The committee may~~

1 ~~include parents at the school board's discretion: PROVIDED, That~~
2 ~~parent members shall make up less than one-half of the total~~
3 ~~membership of the committee;~~

4 ~~(d) Provide for reasonable notice to parents of the opportunity~~
5 ~~to serve on the committee and for terms of office for members of the~~
6 ~~instructional materials committee)); and~~

7 (e) Provide a system for receiving, considering and acting upon
8 written complaints regarding instructional materials used by the
9 school district((~~7~~

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

15 (2) (a) The instructional materials committee established under
16 subsection (1) of this section shall consist of representative
17 members of the district's professional staff, including
18 representation from the district's curriculum development committees,
19 and, in the case of districts which operate elementary school(s)
20 only, the educational service district superintendent, one of whose
21 responsibilities shall be to assure the correlation of those
22 elementary district adoptions with those of the high school
23 district(s) which serve their children. The committee may include
24 parents at the school board's discretion: PROVIDED, That parent
25 members shall make up less than one-half of the total membership of
26 the committee.

27 (b) School districts must provide reasonable notice to parents of
28 the opportunity to serve on the committee and for terms of office for
29 members of the instructional materials committee.

30 (c) Recommendation of instructional materials shall be by the
31 district's instructional materials committee in accordance with
32 district policy described in subsection (1) of this section. Approval
33 or disapproval shall be by the local school district's board of
34 directors. Local school district's board of directors must determine
35 that the instructional materials committee made recommendations in
36 accordance with district policy adopted under subsection (1) of this
37 section before approving the recommendation.

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

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

3 (e) 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 (3) 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))~~ (4) Every board of directors, unless otherwise
10 specifically provided by law, shall:

11 (a) Provide free textbooks, supplies, and other instructional
12 materials to be loaned to the students of the school, when, in its
13 judgment, the best interests of the district will be subserved
14 thereby and prescribe rules and regulations to preserve such books,
15 supplies, and other instructional materials from unnecessary damage;
16 and

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

19 **Sec. 5.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to
20 read as follows:

21 (1) The superintendent of public instruction shall develop state
22 learning standards that identify the knowledge and skills all public
23 school students need to know and be able to do based on the student
24 learning goals in RCW 28A.150.210, develop student assessments, and
25 implement the accountability recommendations and requests regarding
26 assistance, rewards, and recognition of the state board of education.

27 (2) The superintendent of public instruction shall:

28 (a) Periodically revise the state learning standards, as needed,
29 based on the student learning goals in RCW 28A.150.210. Goals one and
30 two shall be considered primary. To the maximum extent possible, the
31 superintendent shall integrate goal four and the knowledge and skill
32 areas in the other goals in the state learning standards; and

33 (b) Review and prioritize the state learning standards and
34 identify, with clear and concise descriptions, the grade level
35 content expectations to be assessed on the statewide student
36 assessment and used for state or federal accountability purposes. The
37 review, prioritization, and identification shall result in more focus
38 and targeting with an emphasis on depth over breadth in the number of
39 grade level content expectations assessed at each grade level. Grade

1 level content expectations shall be articulated over the grades as a
2 sequence of expectations and performances that are logical, build
3 with increasing depth after foundational knowledge and skills are
4 acquired, and reflect, where appropriate, the sequential nature of
5 the discipline. The office of the superintendent of public
6 instruction, within seven working days, shall post on its website any
7 grade level content expectations provided to an assessment vendor for
8 use in constructing the statewide student assessment.

9 (3) (a) In consultation with the state board of education, the
10 superintendent of public instruction shall maintain and continue to
11 develop and revise a statewide academic assessment system in the
12 content areas of reading, writing, mathematics, and science for use
13 in the elementary, middle, and high school years designed to
14 determine if each student has mastered the state learning standards
15 identified in subsection (1) of this section. School districts shall
16 administer the assessments under guidelines adopted by the
17 superintendent of public instruction. The academic assessment system
18 may include a variety of assessment methods, including criterion-
19 referenced and performance-based measures.

20 (b) Effective with the 2009 administration of the Washington
21 assessment of student learning and continuing with the statewide
22 student assessment, the superintendent shall redesign the assessment
23 in the content areas of reading, mathematics, and science in all
24 grades except high school by shortening test administration and
25 reducing the number of short answer and extended response questions.

26 (c) By the 2014-15 school year, the superintendent of public
27 instruction, in consultation with the state board of education, shall
28 modify the statewide student assessment system to transition to
29 assessments developed with a multistate consortium, as provided in
30 this subsection:

31 (i) The assessments developed with a multistate consortium to
32 assess student proficiency in English language arts and mathematics
33 shall be administered beginning in the 2014-15 school year, and
34 beginning with the graduating class of 2020, the assessments must be
35 administered to students in the tenth grade. The reading and writing
36 assessments shall not be administered by the superintendent of public
37 instruction or schools after the 2013-14 school year.

38 (ii) The high school assessments in English language arts and
39 mathematics in (c) (i) of this subsection shall be used for the

1 purposes of federal and state accountability and for assessing
2 student career and college readiness.

3 (d) The statewide academic assessment system must also include
4 the Washington access to instruction and measurement assessment for
5 students with significant cognitive challenges.

6 (4) If the superintendent proposes any modification to the state
7 learning standards or the statewide assessments, then the
8 superintendent shall, upon request, provide opportunities for the
9 education committees of the house of representatives and the senate
10 to review the assessments and proposed modifications to the state
11 learning standards before the modifications are adopted.

12 (5) The assessment system shall be designed so that the results
13 under the assessment system are used by educators as tools to
14 evaluate instructional practices, and to initiate appropriate
15 educational support for students who have not mastered the state
16 learning standards at the appropriate periods in the student's
17 educational development.

18 (6) By September 2007, the results for reading and mathematics
19 shall be reported in a format that will allow parents and teachers to
20 determine the academic gain a student has acquired in those content
21 areas from one school year to the next.

22 (7) To assist parents and teachers in their efforts to provide
23 educational support to individual students, the superintendent of
24 public instruction shall provide as much individual student
25 performance information as possible within the constraints of the
26 assessment system's item bank. The superintendent shall also provide
27 to school districts:

28 (a) Information on classroom-based and other assessments that may
29 provide additional achievement information for individual students;
30 and

31 (b) A collection of diagnostic tools that educators may use to
32 evaluate the academic status of individual students. The tools shall
33 be designed to be inexpensive, easily administered, and quickly and
34 easily scored, with results provided in a format that may be easily
35 shared with parents and students.

36 (8) To the maximum extent possible, the superintendent shall
37 integrate knowledge and skill areas in development of the
38 assessments.

1 (9) Assessments for goals three and four of RCW 28A.150.210 shall
2 be integrated in the state learning standards and assessments for
3 goals one and two.

4 (10) The superintendent shall develop assessments that are
5 directly related to the state learning standards, and are not biased
6 toward persons with different learning styles, racial or ethnic
7 backgrounds, or on the basis of gender.

8 (11) The superintendent shall review available and appropriate
9 options for competency-based assessments that meet the state learning
10 standards. In accordance with the review required by this subsection,
11 the superintendent shall provide a report and recommendations to the
12 education committees of the house of representatives and the senate
13 by November 1, 2019.

14 (12) The superintendent shall consider methods to address the
15 unique needs of special education students when developing the
16 assessments under this section.

17 (13) The superintendent shall consider methods to address the
18 unique needs of highly capable students when developing the
19 assessments under this section.

20 (14) The superintendent shall post on the superintendent's
21 website lists of resources and model assessments in social studies,
22 the arts, and health and fitness.

23 (15) The superintendent shall integrate financial education
24 skills and content knowledge into the state learning standards
25 pursuant to RCW 28A.300.460(2)(d).

26 (16)(a) The superintendent shall notify the state board of
27 education in writing before initiating the development or revision of
28 the state learning standards under subsections (1) and (2) of this
29 section. The notification must be provided to the state board of
30 education in advance for review at a regularly scheduled or special
31 board meeting and must include the following information:

32 (i) The subject matter of the state learning standards;

33 (ii) The reason or reasons the superintendent is initiating the
34 development or revision; and

35 (iii) The process and timeline that the superintendent intends to
36 follow for the development or revision.

37 (b) The state board of education may provide a response to the
38 superintendent's notification for consideration in the development or
39 revision process in (a) of this subsection.

1 (c) Prior to adoption by the superintendent of any new or revised
2 state learning standards, the superintendent shall submit the
3 proposed new or revised state learning standards to the state board
4 of education in advance in writing for review at a regularly
5 scheduled or special board meeting. The state board of education may
6 provide a response to the superintendent's proposal for consideration
7 prior to final adoption.

8 (17) The state board of education may propose new or revised
9 state learning standards to the superintendent. The superintendent
10 must respond to the state board of education's proposal in writing.

11 (18)(a) By December 1, 2024, the office of the superintendent of
12 public instruction, in consultation with the Washington state LGBTQ
13 commission, must review and update relevant state learning standards
14 at all grade levels to include the histories, contributions, and
15 perspectives of LGBTQ people.

16 (b) For the purposes of this subsection, "LGBTQ" has the same
17 meaning as in RCW 43.114.010.

18 **Sec. 6.** RCW 28A.710.040 and 2018 c 75 s 9 are each amended to
19 read as follows:

20 (1) A charter school must operate according to the terms of its
21 charter contract and the provisions of this chapter.

22 (2) A charter school must:

23 (a) Comply with local, state, and federal health, safety,
24 parents' rights, civil rights, and nondiscrimination laws applicable
25 to school districts and to the same extent as school districts,
26 including but not limited to chapter 28A.642 RCW (discrimination
27 prohibition) ~~((and))~~, chapter 28A.640 RCW (sexual equality), and
28 section 2 of this act (inclusive model policy and procedure);

29 (b) Provide a program of basic education, that meets the goals in
30 RCW 28A.150.210, including instruction in the essential academic
31 learning requirements, and participate in the statewide student
32 assessment system as developed under RCW 28A.655.070;

33 (c) Comply with the screening and intervention requirements under
34 RCW 28A.320.260;

35 (d) Employ certificated instructional staff as required in RCW
36 28A.410.025. Charter schools, however, may hire noncertificated
37 instructional staff of unusual competence and in exceptional cases as
38 specified in RCW 28A.150.203(7);

1 (e) Comply with the employee record check requirements in RCW
2 28A.400.303;

3 (f) Adhere to generally accepted accounting principles and be
4 subject to financial examinations and audits as determined by the
5 state auditor, including annual audits for legal and fiscal
6 compliance;

7 (g) Comply with the annual performance report under RCW
8 28A.655.110;

9 (h) Be subject to the performance improvement goals adopted by
10 the state board of education under RCW 28A.305.130;

11 (i) Comply with the open public meetings act in chapter 42.30 RCW
12 and public records requirements in chapter 42.56 RCW; and

13 (j) Be subject to and comply with legislation enacted after
14 December 6, 2012, that governs the operation and management of
15 charter schools.

16 (3) Charter public schools must comply with all state statutes
17 and rules made applicable to the charter school in the school's
18 charter contract, and are subject to the specific state statutes and
19 rules identified in subsection (2) of this section. For the purpose
20 of allowing flexibility to innovate in areas such as scheduling,
21 personnel, funding, and educational programs to improve student
22 outcomes and academic achievement, charter schools are not subject
23 to, and are exempt from, all other state statutes and rules
24 applicable to school districts and school district boards of
25 directors. Except as provided otherwise by this chapter or a charter
26 contract, charter schools are exempt from all school district
27 policies.

28 (4) A charter school may not engage in any sectarian practices in
29 its educational program, admissions or employment policies, or
30 operations.

31 (5) Charter schools are subject to the supervision of the
32 superintendent of public instruction and the state board of
33 education, including accountability measures, to the same extent as
34 other public schools, except as otherwise provided in this chapter.

35 **Sec. 7.** RCW 28A.715.020 and 2013 c 242 s 3 are each amended to
36 read as follows:

37 (1) A school that is the subject of a state-tribal education
38 compact must operate according to the terms of its compact executed
39 in accordance with RCW 28A.715.010.

1 (2) Schools that are the subjects of state-tribal education
2 compacts are exempt from all state statutes and rules applicable to
3 school districts and school district boards of directors, except
4 those statutes and rules made applicable under this chapter and in
5 the state-tribal education compact executed under RCW 28A.715.010.

6 (3) Each school that is the subject of a state-tribal education
7 compact must:

8 (a) Provide a curriculum and conduct an educational program that
9 satisfies the requirements of RCW 28A.150.200 through 28A.150.240 and
10 28A.230.010 through 28A.230.195;

11 (b) Employ certificated instructional staff as required in RCW
12 28A.410.010, however such schools may hire noncertificated
13 instructional staff of unusual competence and in exceptional cases as
14 specified in RCW 28A.150.203(7);

15 (c) Comply with the employee record check requirements in RCW
16 28A.400.303 and the mandatory termination and notification provisions
17 of RCW 28A.400.320, 28A.400.330, 28A.405.470, and 28A.405.475;

18 (d) Comply with nondiscrimination laws and the provisions of
19 section 2 of this act;

20 (e) Adhere to generally accepted accounting principles and be
21 subject to financial examinations and audits as determined by the
22 state auditor, including annual audits for legal and fiscal
23 compliance; and

24 (f) Be subject to and comply with legislation enacted after July
25 28, 2013, governing the operation and management of schools that are
26 the subject of a state-tribal education compact.

27 (4) No such school may engage in any sectarian practices in its
28 educational program, admissions or employment policies, or
29 operations.

30 (5) Nothing in this chapter may limit or restrict any enrollment
31 or school choice options otherwise available under (~~Title 28A RCW~~)
32 this title.

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