

HOUSE BILL REPORT

ESHB 2816

As Passed Legislature

Title: An act relating to nurturing positive social and emotional school and classroom climates.

Brief Description: Nurturing positive social and emotional school and classroom climates.

Sponsors: House Committee on Education (originally sponsored by Representatives Corry, Steele, Caldier, Van Werven, Eslick, Chambers and Boehnke).

Brief History:

Committee Activity:

Education: 1/27/20, 2/6/20 [DPS].

Floor Activity:

Passed House: 2/18/20, 95-2.

Senate Amended.

Passed Senate: 3/6/20, 33-15.

House Refused to Concur.

Senate Adheres to its Position.

House Concurred.

Passed House: 3/12/20, 94-2.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Directs the Washington State School Directors' Association (WSSDA) to develop, and periodically update, a model policy and procedure for nurturing a positive social and emotional school and classroom climate that meets specified requirements and to post the policy to its website by March 1, 2021.
- Specifies that, among other elements, the model policy and procedure must include elements to protect the integrity of learning environments by requiring districts to provide information to the parents and guardians of enrolled students regarding students' rights to a free public education and to provide meaningful access to this information for families with limited English proficiency.
- Specifies that, by the beginning of the 2021-22 school year, each school district must adopt or amend if necessary, and periodically update, policies and procedures that, at a minimum, incorporate specified elements to protect the integrity of learning environments.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

Staff: Megan Wargacki (786-7194).

Background:

Social Emotional Learning. State law provides that social emotional learning (SEL) will help students build awareness and skills in managing emotions, setting goals, establishing relationships, and making responsible decisions that support success in school and life. Legislation adopted in 2019 (i.e. Second Substitute Senate Bill 5082, enacted as Chapter 386 Laws of 2019) directed the Office of the Superintendent of Public Instruction (OSPI) and the Professional Educator Standards Board (PESB) to complete a number of activities related to SEL, for example: the OSPI must adopt SEL standards and benchmarks for students; the PESB must incorporate those SEL standards and benchmarks into principal, teacher, and paraeducator standards; and a SEL Committee must produce an annual report with accomplishments, state-level data, identification of systemic barriers or policy changes necessary to promote and expand SEL, and recommendations.

Teacher and Principal Evaluations. Classroom teacher and principal evaluations are based on specified statutory criteria. One of the criteria for teacher evaluations is fostering and managing a safe, positive learning environment. One of the criteria for principal evaluations is creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff, and another is providing for school safety.

Student's Right to a Public Education. Noncitizens, like citizens, are afforded certain rights by the Washington and United States (U.S.) Constitutions. Article IX, section 1 of the Washington Constitution declares that it is the paramount duty of the state to make ample provision for the education of all the state's children. In addition, the U.S. Supreme Court held that it is a violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution to deny enrollment in public schools to children who were not "legally admitted" into the country.

Summary of Engrossed Substitute Bill:

The Washington State School Directors' Association (WSSDA) must develop a model policy and procedure for nurturing a positive social and emotional school and classroom climate. The goal of the policy and procedure is to support and promote school and school district action plans that create, maintain, and nurture physically, emotionally, and intellectually safe, respectful, and positive school and classroom environments that foster equitable, ethical, social, emotional, and academic education for all students. The WSSDA must update the model policy and procedure periodically to align with the work of the SEL Committee.

The model policy and procedure must include the following elements: (a) recognize that there is not one best way to create, maintain, and nurture a positive social and emotional school and classroom climate and consider each school's history, strengths, needs, and goals; (b) define and describe the essential elements of a positive social and emotional school and classroom climate, which must align with the SEL benchmarks and standards; (c) recognize the important role that students' families play in collaborating with the school and school district in creating, maintaining, and nurturing a positive social and emotional school and classroom climate; and (d) describe a framework for an effective and informed positive social and emotional school and classroom climate improvement process that includes a continuous cycle of planning and preparation, evaluation, action planning, and implementation.

The model policy and procedure must also protect the integrity of learning environments by including the following elements: school districts must: (a) provide information to the parents and guardians of enrolled students regarding students' rights to a free public education, regardless of immigration status or religious beliefs; and (b) provide meaningful access to this information for families with limited English proficiency. These elements may be included in a separate model policy and procedure.

In developing the model policy and procedure, the WSSDA must: (a) consult with staff at the OSPI and organizations with expertise in social and emotional health, and in equity, race, and inclusive learning environments; (b) work with the SEL Committee to align the climate improvement framework with the statewide framework for SEL; (c) consider the relationship between the model policy and procedure and policies related to student behaviors and student discipline; and (d) review research on, and examples of effective implementation of, restorative practices, collaborative and proactive practices, trauma-sensitive and trauma-informed practices, classroom management, and other topics related to the goal of the policy.

The model policy and procedure must be posted publicly on the WSSDA website by March 1, 2021. Updates must be posted publicly within a reasonable time of development.

By the beginning of the 2021-22 school year, each school district must adopt or amend if necessary policies and procedures that, at a minimum, incorporate elements to protect the integrity of learning environments. School districts must periodically review their policies and procedures for consistency with updated versions of the model policy to protect the integrity of learning environments.

By the beginning of the 2021-22 school year, each school district may adopt or amend if necessary policies and procedures that incorporate the elements for nurturing a positive social and emotional school and classroom climate. School districts may periodically review their policies and procedures for consistency with updated versions of the model policy for nurturing a positive social and emotional school and classroom climate.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) A safe supportive school climate is the foundation of everything schools do. A student who is frightened or anxious in the school environment is not able to learn. It does not matter what curriculum is used or how qualified teachers are if a positive school climate does not make students available for learning. In order to create a classroom environment that students are comfortable in, there needs to be people in the school that care about the students, spend time with them, and work with them on life skills.

Some students have extreme trauma, come from extreme poverty, and may experience marginalization. Teachers can create a proficient and optimal climate for teaching, especially by working together collaboratively. This state should become the first to change the paradigm, so that children are honored, dignified and provided the education they deserve. This bill will save lives.

Children should not be moved out of the regular classroom without parent notification and involvement. Many educators do not understand the effects of processing disorders on student behaviors, including anxiety and depression. It is not possible to discipline a child with a processing disorder into making correct decisions. There is a generational story of bias due to labeling children. Students are discriminated and harassed using the methodology of classroom management and discipline practices.

The model policy described in this bill should engage students, families, and communities in the development of the policy and procedure. The model should be social and accessible.

(Opposed) None.

Persons Testifying: Representative Corry, prime sponsor; Katrina Bretsch, People for People; Gabrielle Gilbert; and Charlotte Cassady, Attorneys for Educational Rights.

Persons Signed In To Testify But Not Testifying: Sharon Hanek; Marissa Rathbone, Washington State School Directors' Association; Dawn Land; and Dave Mastin, Office of the Superintendent of Public Instruction.