

SENATE BILL REPORT

SB 6264

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 7, 2020

Title: An act relating to school district consultation with local tribes.

Brief Description: Concerning school district consultation with local tribes.

Sponsors: Senators McCoy, Wellman, Kuderer, Hasegawa, Das, Nguyen, Wilson, C. and Hunt.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/29/20, 2/07/20 [DPS-WM, w/oRec].

Brief Summary of First Substitute Bill

- Directs the Office of the Superintendent of Public Instruction and the Washington State School Directors' Association (WSSDA) to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule, to be finalized by January 1, 2021.
- Requires the consultation training and schedule to incorporate the identification of Native students, data sharing policies, and curriculum implementation.
- Requires school district directors and educational service district board members to take and certify completion of the tribal consultation training by specified dates, with completion by all directors and board members by September 1, 2024.
- Instructs WSSDA to, beginning in 2021, reconvene regional meetings for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6264 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Wellman, Chair; Wilson, C., Vice Chair; Hunt, McCoy, Mullet, Pedersen and Salomon.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Hawkins, Ranking Member; Holy, Padden and Wagoner.

Staff: Benjamin Omdal (786-7442)

Background: Washington State School Directors' Association. WSSDA is comprised of all 1477 school board members from Washington's 295 public school districts. WSSDA provides materials and educational services to its members, including model policies and procedures.

Office of Native Education. In 2011, the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) to create the Office of Native Education (ONE). ONE was tasked with several duties, including facilitating the development and implementation of curricula and instructional materials regarding native languages, culture and history, and the concept of tribal sovereignty. ONE also provides assistance to school districts on issues relating to American Indian and Alaskan Native students, and serves as a liaison between OSPI and other organizations on these issues.

School Consultation with Tribes. School districts and other local education agencies (LEAs) are required to consult with native tribes and tribal organizations on issues affecting Native students under federal and state law. Under the federal Every Student Succeeds Act (ESSA), certain LEAs must have timely and meaningful consultation with appropriate officials from tribes or tribal organizations located in the area served by the LEA, prior to the submission of a plan or application for programs covered under Title VI of ESSA. LEAs that receive funds under Title VI or that have enrollment of American Indian or Alaska Native students of 50 percent or greater are required to perform consultation, and must submit certification of consultation to OSPI.

In 2015, legislation was enacted to require school districts to incorporate curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty. In addition, districts must collaborate with local tribes to incorporate curriculum materials and to create programs of classroom and community cultural exchanges.

In 2005, the Legislature encouraged WSSDA to convene regional meetings to establish government-to-government relationships and dialogue between councils and school district board of directors. Participants were also encouraged to work towards adopting curriculum that includes tribal experiences and perspectives, as well as identify the extent and nature of the achievement gap and strategies to close it.

Summary of Bill (First Substitute): Tribal Consultation and Training. OSPI and WSSDA's government-to-government task force must collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule. The consultation and training must be developed and finalized by January 1, 2021, and must incorporate, at a minimum:

- the identification of Native students, including federal identification guidelines for American Indian and Alaskan Native students;
- data sharing between school districts and tribes, including model policies and procedures; and

- implementation of the tribal history, culture, and government curriculum.

School district directors and educational service district board members must take and certify completion of the tribal consultation training by the following dates:

- September 1, 2021 for districts required to perform tribal consultation under ESSA;
- September 1, 2023 for districts not required to perform consultation under ESSA, but that have more than 50 students reported as American Indian or Alaskan Native; and
- September 1, 2024 for all other districts.

Districts must renew the certification of completion of the training within five years of the date of initial certification.

Regional Meetings. Beginning in 2021, and at least annually through 2025, WSSDA must convene regional meetings and invite tribal councils from the region to establish government-to-government relationships and dialogue between councils and school district boards of directors. Participants should discuss issues of mutual concern, and should work towards adopting curriculum that includes tribal experiences and perspectives, as well as identifying the extent and nature of the achievement gap and strategies to close it.

Regional meetings must also include discussions of:

- tribal consultation training and training requirements created under the bill;
- identification of Native students, including federal identification guidelines;
- data sharing between school districts and tribes, including model policies; and
- consultations between individual school boards and local tribes.

By December 1, 2023, and every two years thereafter, WSSDA shall report to the education committees of the Legislature about the progress made in the issues covered by the regional meetings, any obstacles encountered, and any strategies under development to overcome them.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Requires WSSDA to develop consultation training by January 1, 2022, rather than January 1, 2021.
- Limits mandatory training to districts that are required to perform specific additional consultation under federal law.
- Directs WSSDA to work with the Office of Native Education to obtain data from districts to inform their legislative report required under the bill.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: There is a need to make sure that districts are aware of all relevant tribal histories, whether or not one tribe is taking the lead on consultation. At times the closest reservation could have multiple different tribes from various regions of the state; it is important that consultation is done with care and special attention to the distinct tribal geographies and cultures. Students deserve an education that incorporates tribal histories and culture.

Persons Testifying: PRO: Senator John McCoy, Prime Sponsor; Rodney Cawston, Chairman, Confederated Tribes of the Colville Reservation; Laura Lynn, OSPI.

Persons Signed In To Testify But Not Testifying: PRO: Melissa Gombosky, Association of Educational Service Districts.

OTHER: Marissa Rathbone, Washington State School Directors' Association.