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**SUBSTITUTE SENATE BILL 5252**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Wellman, Hasegawa, Conway, Das, Hunt, Kuderer, Liias, Nguyen, Nobles, Saldaña, Stanford, and C. Wilson)

AN ACT Relating to school district consultation with local tribes; amending RCW 28A.345.070; and adding a new section to chapter 28A.300 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature recognizes that federal law requires some school districts to consult with federally recognized tribes on issues affecting American Indian and Alaska Native students. Under the federal every student succeeds act, this consultation requirement is intended to "ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students." The legislature acknowledges that many school district staff have not had the opportunity to learn how to engage in meaningful consultation as required by the federal law and recognizes that additional training opportunities for school directors and school district staff are needed. The legislature finds that ensuring the federal consultation requirements are implemented in a meaningful way will contribute towards helping create a more inclusive educational environment that supports long-term success for all native students.

(2)(a) The office of the superintendent of public instruction, the office of native education in conjunction with the Washington state Native American education advisory committee, and the Washington state school directors' association shall collaborate, at a minimum, with the tribal leaders congress on education, and any other affected federally recognized tribes that express interest in participating, to develop a tribal consultation training and schedule for purposes of assisting school district board directors and staff in understanding how to engage in the consultation process required under Title VI of the federal every student succeeds act (P.L. 114-95, 20 U.S.C. Sec. 10001 et seq., 20 U.S.C. 6301 et seq.).

(b) The tribal consultation training and schedule created under this section shall be offered by the office of native education in the office of the superintendent of public instruction.

(c) The tribal consultation training and schedule must be developed and finalized by January 1, 2023.

(d) The tribal consultation training must incorporate, at a minimum, the following issues:

(i) Identification of native students, including federal identification guidelines for American Indian and Alaska Native students;

(ii) Data sharing from school districts to federally recognized tribes; and

(iii) Implementation of the tribal history, culture, and government curriculum under RCW 28A.320.170.

(e) The training must be made available to all school district directors and educational service district board members, and it is encouraged that the training also be included in onboarding training for all new school district directors and educational service district board members.

(3)(a) Beginning September 1, 2024, school board members, superintendents, and any other staff at school districts that are required to perform tribal consultation under Title VI of the federal every student succeeds act (P.L. 114-95, 20 U.S.C. Sec. 1001 et seq., 20 U.S.C. 6301 et seq.) must take and certify completion of the tribal consultation training created under this section.

(b) All individuals required to take the tribal consultation training under this section must, at a minimum, renew the certification of completion of the training every three years.

(4) The office of the superintendent of public instruction shall adopt rules to implement this section.

**Sec.**  RCW 28A.345.070 and 2005 c 205 s 2 are each amended to read as follows:

(1) Beginning in ((~~2006~~)) 2023, ((~~and at least once annually through 2010,~~)) the Washington state school directors' association ((~~is encouraged to~~)) shall convene ((~~regional~~)) annual meetings regionally and invite the tribal councils from the federally recognized tribes in the region for the purpose of establishing government-to-government relationships and dialogue between tribal councils of the federally recognized tribes and school district boards of directors. Meetings are encouraged to be in person, but may be conducted virtually if cost or other factors impact participants' ability to travel or meet in person. Participants in these meetings should discuss issues of mutual concern, and should work to:

(a) Identify the extent and nature of the achievement gap and strategies necessary to close it;

(b) ((~~Increase mutual awareness and understanding of the importance of accurate, high-quality curriculum materials about the history, culture, and government of local tribes~~)) Emphasize the importance of creating an inclusive educational environment where all native students will receive educational resources and support required to have the opportunity to succeed in the pursuit of their educational goals; and

(c) ((~~Encourage~~)) Ensure school boards ((~~to identify and adopt~~)) understand the importance of identifying and adopting curriculum that includes ((~~tribal~~)) federally recognized tribes' experiences and perspectives, so that ((~~Indian~~)) native students are more engaged and learn more successfully, and so that all students learn about the history, culture, government, and experiences of their Indian peers and neighbors.

(2) Meetings held regionally must also include discussions of:

(a) Tribal consultation training and training requirements created under section 1 of this act;

(b) Identification of native students, including federal identification guidelines for American Indian and Alaska Native students;

(c) Data sharing from school districts to federally recognized tribes; and

(d) Consultations between individual school boards and local federally recognized tribes.

(3) By December 1, ((~~2008~~)) 2024, and every two years thereafter through ((~~2012~~)) 2028, the school directors' association shall report to the education committees of the legislature regarding the progress made in the development of effective government-to-government relations, the narrowing of the achievement gap, and the identification and adoption of curriculum regarding tribal history, culture, and government. The report shall include information about any obstacles encountered, and any strategies under development to overcome them.

(4) The school directors' association shall, at a minimum, partner with the office of native education within the office of the superintendent of public instruction to gather data for the purposes of the report required in subsection (3) of this section.

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