

---

## Education Committee

---

### SSB 5252

**Brief Description:** Concerning school district consultation with local tribes.

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

#### Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction to develop and provide a tribal consultation training and schedule to assist school district board directors and staff in understanding how to engage in the federally required tribal consultation process.
- Requires school board members and certain staff to complete the tribal consultation training every three years, beginning September 1, 2024.
- Directs the Washington State School Directors' Association (WSSDA) to convene annual, regional meetings and invite tribal councils from the federally recognized tribes for the purposes of establishing government-to-government relationships and dialogue between the tribal councils and school district boards of directors.
- Requires the WSSDA to submit three biennial reports to the Legislature regarding the progress made in the development of effective government-to-government relations and other topics.

**Hearing Date:** 2/18/22

**Staff:** Megan Wargacki (786-7194)

**Background:**

---

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

Tribal Consultation Requirements. Federal and state laws require local education agencies (LEAs), including school districts, to consult with tribes and tribal organizations on issues affecting American Indian and Alaska Native (AI/AN) students. 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 nine specified federal programs. This consultation requirement applies to LEAs that have a student enrollment of 50 percent or more AI/AN students or that receive certain funding under Title VI of ESSA.

Among other state-required tribal collaborations, school districts must collaborate with neighboring tribes to incorporate instructional materials about the tribes and to create programs of classroom and community cultural exchanges. In addition, legislation enacted in 2005 encouraged the Washington State School Directors' Association (WSSDA) to convene four annual regional meetings and invite the tribal councils from the region for the purpose of establishing government-to-government relationships and dialogue between tribal councils and school district boards of directors. Participants were encouraged to discuss issues of mutual concern and work to on specified topics. The legislation also required the WSSDA to submit three biennial reports to the Legislature regarding the progress made in the development of effective government-to-government relations and the narrowing of the achievement gap, among other things.

The 2020 supplemental and 2021-23 biennial operating budgets direct the WSSDA's government-to-government task force and the association of educational service districts to collaborate with the Tribal Leaders Congress on Education to develop a tribal consultation training and schedule by January 1, 2022.

Federally Recognized Tribes. There are 29 federally recognized tribes in Washington. Federal recognition, granted by the United States Bureau of Indian Affairs, bestows the right of self-government to a tribe. Recognition also permits a tribe to receive funding and services from the federal government.

Office of Native Education. Legislation was enacted in 2011 that created the Office of Native Education (ONE) within the Office of the Superintendent of Public Instruction (OSPI). To the extent funds are available, the ONE must conduct eight types of activities, for example: (1) provide assistance to school districts in meeting the educational needs of AI/AN students; (2) assist with the acquisition of funds to develop instructional materials in Native languages, culture and history, and the concept of tribal sovereignty, as well as preparation of staff to use the curricula; and (3) prepare annual reports regarding the state of Indian education and the implementation of all state laws regarding Indian education. The ONE also serves as a liaison between the OSPI and school districts, tribal governments, state-tribal compact schools, tribal schools, and Native families and communities.

Native American Education Advisory Committee. The Native American Education Advisory Committee consists of 21 members nominated by tribes and tribal organizations to provide

consultation with the OSPI on matters and issues related to the well-being and achievement of AI/AN students who attend public, state-tribal compact schools, and tribal schools in Washington.

Since Time Immemorial Curriculum. The Since Time Immemorial (STI) curriculum was developed by the OSPI in partnership with the federally recognized tribes in Washington. The STI curriculum teaches elementary, middle, and high school classrooms about tribal sovereignty in Washington and is aligned to state learning standards. School districts must use the STI curriculum, which is available free of charge from the OSPI.

### **Summary of Bill:**

Tribal Consultation and Training. The Office of the Superintendent of Public Instruction (OSPI), the Office of Native Education (ONE) in conjunction with the Native American Education Advisory Committee, and the Washington State School Directors' Association (WSSDA) must collaborate, at a minimum, with the Tribal Leaders Congress on Education, and 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 federally required tribal consultation process.

The tribal consultation training and schedule, which must be developed and finalized by January 1, 2023, must incorporate, at a minimum, the following issues:

- identification of Native students, including federal identification guidelines for American Indian and Alaska Native (AI/AN) students;
- data sharing from school districts to federally recognized tribes; and
- implementation of the Since Time Immemorial curriculum.

The tribal consultation training, which must be offered by the ONE, must be made available to all school district directors and educational service district board members. It is encouraged that the training be included in onboarding training for all new school district directors and educational service district board members.

Beginning September 1, 2024, school board members, superintendents, and any other staff at school districts that must perform federally required tribal consultation must take and certify completion of the tribal consultation training. All individuals required to take the tribal consultation training renew the certification of completion of the training at least every three years.

The OSPI must adopt rules to implement these requirements.

Regional Meetings. Beginning in 2023, the WSSDA must convene annual meetings regionally and invite tribal councils from the federally recognized tribes in the region for the purposes of establishing government-to-government relationships and dialogue between the tribal councils and school district boards of directors. Meetings may be conducted virtually if cost or other

factors impact participants' ability to travel or meet in person.

Participants are encouraged to discuss issues of mutual concern and work to:

- identify the extent and nature of the achievement gap and strategies necessary to close it;
- 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
- ensure school boards understand the importance of identifying and adopting curriculum that includes federally recognized tribes' experiences and perspectives so that 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.

Meetings held regionally must include discussions of:

- tribal consultation training and training requirements;
- identification of Native students, including federal identification guidelines for AI/AN students;
- data sharing from school districts to federally recognized tribes; and
- consultations between individual school boards and local federally recognized tribes.

By December 1, 2024, and every two years thereafter through 2028, the WSSDA must report to 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. The WSSDA must, at a minimum, partner with the ONE to gather data for the purposes of this report.

**Appropriation:** None.

**Fiscal Note:** Available.

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