

ESB 5462 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 02/29/2024

1 Strike everything after the enacting clause and insert the
2 following:

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

11 (2) The legislature intends to expand these requirements by
12 requiring school districts to adopt policies and procedures that
13 incorporate adopting inclusive curricula and selecting inclusive
14 instructional materials that include the histories, contributions,
15 and perspectives of historically marginalized and underrepresented
16 groups. The legislature recognizes that inclusive curricula have been
17 shown to often improve the mental health, academic performance,
18 attendance rates, and graduation rates of historically marginalized
19 and underrepresented communities. Research on students' sense of
20 belonging and community in the school setting confirms that inclusive
21 curricula and learning environments contribute to increased school
22 motivation, participation, and achievement.

23 (3) The legislature intends to promote culturally and
24 experientially representative learning opportunities for all students
25 by directing the office of the superintendent of public instruction,
26 when revising or developing state learning standards, to screen for
27 inappropriate bias in the proposed state learning standards and to
28 ensure that the histories, contributions, and perspectives of
29 historically marginalized and underrepresented peoples and
30 communities are included in the standards.

31 (4) The legislature believes that promoting inclusive learning
32 standards, curricula, and instructional materials will improve

1 student achievement, attendance, parent and family engagement, and
2 other dimensions that contribute to student success.

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

5 (1) By June 1, 2025, the Washington state school directors'
6 association, with the assistance of the office of the superintendent
7 of public instruction, must review and update a model policy and
8 procedure regarding course design, selection, and adoption of
9 instructional materials.

10 (2) The model policy and procedure must require that school
11 district boards of directors, within available materials, adopt
12 inclusive curricula and select diverse, equitable, inclusive, age-
13 appropriate instructional materials that include the histories,
14 contributions, and perspectives of historically marginalized and
15 underrepresented groups including, but not limited to, people from
16 various racial, ethnic, and religious backgrounds, people with
17 differing learning needs, people with disabilities, LGBTQ people as
18 the term is defined in RCW 43.114.010, and people with various
19 socioeconomic and immigration backgrounds.

20 (3) The model policy and procedure must require that, in adopting
21 curricula and selecting instructional materials in accordance with
22 this section, school district boards of directors must seek curricula
23 and instructional materials that are as culturally and experientially
24 diverse as possible, recognizing that the availability of materials
25 that include the histories, contributions, and perspectives of
26 historically marginalized and underrepresented groups may vary.

27 (4) By October 1, 2025, school district boards of directors must
28 amend the policy and procedures required under RCW 28A.320.230 to
29 conform with the model policy and procedure required by this section.
30 Additionally, by October 1, 2025, charter school boards and schools
31 subject to state-tribal education compacts must adopt or amend their
32 policies and procedures governing curricula adoption and the
33 selection of instructional materials to conform with the model policy
34 and procedure required by this section. For the purpose of
35 documenting compliance with this section and assisting school
36 districts in accordance with section 6 of this act, school district
37 boards of directors, within 10 days of completing the policy and
38 procedure updates required by this subsection (4), shall provide
39 notice of the completed actions and electronic copies of the

1 applicable policies and procedures to the office of the
2 superintendent of public instruction.

3 (5) This section governs school operation and management under
4 RCW 28A.710.040 and 28A.715.020, and applies to charter schools
5 established under chapter 28A.710 RCW and state-tribal education
6 compact schools subject to chapter 28A.715 RCW to the same extent as
7 it applies to school districts.

8 **Sec. 3.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to
9 read as follows:

10 Every board of directors, unless otherwise specifically provided
11 by law, shall:

12 (1) (~~Prepare~~) In accordance with section 2 of this act,
13 prepare, negotiate, set forth in writing and adopt, policy relative
14 to the selection or deletion of instructional materials. Such policy
15 shall:

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

18 (b) Delegate responsibility for the preparation and
19 recommendation of teachers' reading lists and specify the procedures
20 to be followed in the selection of all instructional materials
21 including text books;

22 (c) Establish an instructional materials committee to be
23 appointed, with the approval of the school board, by the school
24 district's chief administrative officer. This committee shall consist
25 of representative members of the district's professional staff,
26 including representation from the district's curriculum development
27 committees, and, in the case of districts which operate elementary
28 school(s) only, the educational service district superintendent, one
29 of whose responsibilities shall be to assure the correlation of those
30 elementary district adoptions with those of the high school
31 district(s) which serve their children. The committee may include
32 parents at the school board's discretion: PROVIDED, That parent
33 members shall make up less than one-half of the total membership of
34 the committee;

35 (d) Provide for reasonable notice to parents of the opportunity
36 to serve on the committee and for terms of office for members of the
37 instructional materials committee;

1 (e) Provide a system for receiving, considering and acting upon
2 written complaints regarding instructional materials used by the
3 school district;

4 (f) Provide free text books, supplies and other instructional
5 materials to be loaned to the pupils of the school, when, in its
6 judgment, the best interests of the district will be subserved
7 thereby and prescribe rules and regulations to preserve such books,
8 supplies and other instructional materials from unnecessary damage.

9 Recommendation of instructional materials shall be by the
10 district's instructional materials committee in accordance with
11 district policy. Approval or disapproval shall be by the local school
12 district's board of directors.

13 Districts may pay the necessary travel and subsistence expenses
14 for expert counsel from outside the district. In addition, the
15 committee's expenses incidental to visits to observe other districts'
16 selection procedures may be reimbursed by the school district.

17 Districts may, within limitations stated in board policy, use and
18 experiment with instructional materials for a period of time before
19 general adoption is formalized.

20 Within the limitations of board policy, a school district's chief
21 administrator may purchase instructional materials to meet deviant
22 needs or rapidly changing circumstances.

23 (2) Establish a depreciation scale for determining the value of
24 texts which students wish to purchase.

25 **Sec. 4.** RCW 28A.655.070 and 2019 c 252 s 119 are each amended to
26 read as follows:

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

33 (2) The superintendent of public instruction shall:

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

1 (b) Include a screening for biased content in each development or
2 revision of a state learning standard and ensure that the concepts of
3 diversity, equity, and inclusion, as those terms are defined in RCW
4 28A.415.443, are incorporated into each new or revised state learning
5 standard. In meeting the requirements of this subsection (2)(b), the
6 superintendent of public instruction shall consult with the
7 applicable commissions established in Title 43 RCW and other persons
8 and organizations with relevant expertise; and

9 (c) Review and prioritize the state learning standards and
10 identify, with clear and concise descriptions, the grade level
11 content expectations to be assessed on the statewide student
12 assessment and used for state or federal accountability purposes. The
13 review, prioritization, and identification shall result in more focus
14 and targeting with an emphasis on depth over breadth in the number of
15 grade level content expectations assessed at each grade level. Grade
16 level content expectations shall be articulated over the grades as a
17 sequence of expectations and performances that are logical, build
18 with increasing depth after foundational knowledge and skills are
19 acquired, and reflect, where appropriate, the sequential nature of
20 the discipline. The office of the superintendent of public
21 instruction, within seven working days, shall post on its website any
22 grade level content expectations provided to an assessment vendor for
23 use in constructing the statewide student assessment.

24 (3)(a) In consultation with the state board of education, the
25 superintendent of public instruction shall maintain and continue to
26 develop and revise a statewide academic assessment system in the
27 content areas of reading, writing, mathematics, and science for use
28 in the elementary, middle, and high school years designed to
29 determine if each student has mastered the state learning standards
30 identified in subsection (1) of this section. School districts shall
31 administer the assessments under guidelines adopted by the
32 superintendent of public instruction. The academic assessment system
33 may include a variety of assessment methods, including criterion-
34 referenced and performance-based measures.

35 (b) Effective with the 2009 administration of the Washington
36 assessment of student learning and continuing with the statewide
37 student assessment, the superintendent shall redesign the assessment
38 in the content areas of reading, mathematics, and science in all
39 grades except high school by shortening test administration and
40 reducing the number of short answer and extended response questions.

1 (c) By the 2014-15 school year, the superintendent of public
2 instruction, in consultation with the state board of education, shall
3 modify the statewide student assessment system to transition to
4 assessments developed with a multistate consortium, as provided in
5 this subsection:

6 (i) The assessments developed with a multistate consortium to
7 assess student proficiency in English language arts and mathematics
8 shall be administered beginning in the 2014-15 school year, and
9 beginning with the graduating class of 2020, the assessments must be
10 administered to students in the tenth grade. The reading and writing
11 assessments shall not be administered by the superintendent of public
12 instruction or schools after the 2013-14 school year.

13 (ii) The high school assessments in English language arts and
14 mathematics in (c)(i) of this subsection shall be used for the
15 purposes of federal and state accountability and for assessing
16 student career and college readiness.

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

20 (4) If the superintendent proposes any modification to the state
21 learning standards or the statewide assessments, then the
22 superintendent shall, upon request, provide opportunities for the
23 education committees of the house of representatives and the senate
24 to review the assessments and proposed modifications to the state
25 learning standards before the modifications are adopted.

26 (5) The assessment system shall be designed so that the results
27 under the assessment system are used by educators as tools to
28 evaluate instructional practices, and to initiate appropriate
29 educational support for students who have not mastered the state
30 learning standards at the appropriate periods in the student's
31 educational development.

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

36 (7) To assist parents and teachers in their efforts to provide
37 educational support to individual students, the superintendent of
38 public instruction shall provide as much individual student
39 performance information as possible within the constraints of the

1 assessment system's item bank. The superintendent shall also provide
2 to school districts:

3 (a) Information on classroom-based and other assessments that may
4 provide additional achievement information for individual students;
5 and

6 (b) A collection of diagnostic tools that educators may use to
7 evaluate the academic status of individual students. The tools shall
8 be designed to be inexpensive, easily administered, and quickly and
9 easily scored, with results provided in a format that may be easily
10 shared with parents and students.

11 (8) To the maximum extent possible, the superintendent shall
12 integrate knowledge and skill areas in development of the
13 assessments.

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

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

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

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

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

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

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

39 (16)(a) The superintendent shall notify the state board of
40 education in writing before initiating the development or revision of

1 the state learning standards under subsections (1) and (2) of this
2 section. The notification must be provided to the state board of
3 education in advance for review at a regularly scheduled or special
4 board meeting and must include the following information:

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

6 (ii) The reason or reasons the superintendent is initiating the
7 development or revision; and

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

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

13 (c) Prior to adoption by the superintendent of any new or revised
14 state learning standards, the superintendent shall submit the
15 proposed new or revised state learning standards to the state board
16 of education in advance in writing for review at a regularly
17 scheduled or special board meeting. The state board of education may
18 provide a response to the superintendent's proposal for consideration
19 prior to final adoption.

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

23 (18) The superintendent shall produce and post on its website a
24 schedule for the revision of state learning standards under
25 subsection (2) of this section by September 1, 2025. In addition to
26 notifying parents, schools, and the public of the revision schedules
27 and timelines, the website posting must be updated as necessary to
28 inform persons of the status of any pending revisions, and of any
29 plans or actions related to developing new state learning standards
30 under subsection (1) of this section.

31 NEW SECTION. Sec. 5. A new section is added to chapter 28A.300
32 RCW to read as follows:

33 (1) Subject to the availability of amounts appropriated for this
34 specific purpose, the office of the superintendent of public
35 instruction, in collaboration with the statewide association of
36 educational service districts, the legislative youth advisory council
37 established under RCW 43.15.095, and the Washington state school
38 directors' association, must create an open collection of educational
39 resources for inclusive curricula. The office of the superintendent

1 of public instruction must consult with the Washington state office
2 of equity established in RCW 43.06D.020 and any other relevant state
3 agencies when creating the open collection of educational resources.

4 (2) The open collection of educational resources must include
5 resources that include the histories, contributions, and perspectives
6 of historically marginalized and underrepresented groups.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 (1) The office of the superintendent of public instruction shall,
10 as soon as is practicable, compile information received under section
11 2(4) of this act and, based on the received materials, prepare best
12 practices and other informative materials to support school
13 districts, charter schools, and state-tribal education compact
14 schools in meeting the requirements of section 2 of this act.

15 (2) This section expires June 30, 2028."

16 Correct the title.

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