

# SENATE BILL REPORT

## E2SHB 1332

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As of February 14, 2024

**Title:** An act relating to supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.

**Brief Description:** Supporting public school instruction in tribal sovereignty and federally recognized Indian tribes.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Lekanoff, Berry, Ramel, Rude, Reed, Donaghy, Pollet and Macri).

**Brief History:** Passed House: 1/31/24, 97-0.

**Committee Activity:** Early Learning & K-12 Education: 3/16/23, 3/23/23 [DPA-WM]; 2/14/24.

### Brief Summary of Bill

- Requires all school districts to incorporate a tribal sovereignty curriculum into their social studies curricula by September 1, 2024.
- Requires all districts to incorporate materials about the history, culture, and government of their nearest federally recognized tribe or tribes into their social studies curricula by September 1, 2026, and to consult with the tribes about meeting the requirement.
- Authorizes the Office of the Superintendent of Public Instruction to administer grants to school districts and federally recognized tribes to meet curricula update requirements.
- Requires the State Board of Education, in coordination with the Office of Native Education, to implement a system of annual monitoring and evaluation with compliance.

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

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*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.*

**Staff:** Benjamin Omdal (786-7442)

**Background:** The 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 performs several functions, including providing assistance to school districts in meeting the educational needs of Native American students, and facilitating the development and implementation of curricula and instructional materials in native languages, culture and history, and the concept of tribal sovereignty.

Social Studies Curricula—Tribal History and Culture. The Since Time Immemorial (STI) curriculum was developed by ONE in partnership with public and private agencies and several of the 29 federally recognized Indian tribes whose reservations are located in Washington. STI supports teaching tribal sovereignty, tribal history, and current tribal issues within existing history and other courses at the elementary, middle, and high-school levels. STI curriculum is available online, free of charge from OSPI.

In 2015, legislation was enacted to require school districts to incorporate STI curriculum when reviewing or adopting social studies curriculum. Districts must collaborate with local tribes to incorporate curriculum materials and to create programs of classroom and community cultural exchanges.

State Board of Education. The 16-member State Board of Education (SBE) is comprised of five members elected by geographic regions by school directors, one member elected by private school directors, seven members appointed by the Governor, the Superintendent of Public Instruction, and two student members.

The SBE has various duties and powers prescribed in statute, including:

- providing advocacy and strategic oversight of public education;
- establishing high school graduation requirements or equivalencies;
- identifying scores students must meet to achieve standard on statewide assessments;
- and
- ensuring school district compliance with basic education requirements.

**Summary of Bill:** Incorporation of Materials into School District Curricula by Specified Dates. By September 1, 2024, school districts must incorporate STI curriculum developed and made available free of charge by OSPI into their social studies curricula. School districts may modify STI curriculum to include elements with a regionally specific focus or integrate it into existing curricular materials. Instruction provided in accordance with STI curriculum must be incorporated into all classes teaching United States history, United States government, or civics in grades 9 through 12, and also provided no less than:

- once to students while they are in kindergarten through grade 3;
- once to students while they are in grades 4 through 5; and
- twice to students while they are in any of the grades 6 through 8.

By September 1, 2026, school districts must incorporate materials about the history, culture, and government of the nearest federally recognized Indian tribe or tribes, including federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but that now reside in Oregon, Idaho, and British Columbia, into their social studies curricula for the purpose of giving students the opportunity to learn about the unique heritage and experience of their closest federally recognized tribal neighbors. School districts, before making the curricula updates, must consult with the nearest federally recognized Indian tribe or tribes about strategies and practices for effectively implementing the curricula incorporation requirements.

Additional requirements obligating school districts to consult with tribes are established. As school districts conduct regularly scheduled reviews and revisions of their social studies and history curricula, they must consult and collaborate, instead of only collaborating, with any federally recognized Indian tribe within their district, and with neighboring Indian tribes, including federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but that now reside in Oregon, Idaho, and British Columbia for the purpose of incorporating expanded and improved curricular materials about Indian tribes, and creating programs of classroom and community cultural exchanges.

School districts must also collaborate with OSPI and ONE, instead of only OSPI, on curricular areas regarding tribal government and history that are statewide in nature.

ONE is directed to collaborate with tribes that may have unique consultation challenges with school districts in implementing the social studies curricular requirements. Examples of challenges include consulting with a large number of school districts, or with school districts that have large student enrollments.

Monitoring and Evaluation Requirements. Beginning in the 2024-25 school year and concluding in 2028, SBE, in coordination with ONE, must implement a system of annual monitoring and evaluations of school district compliance with tribal sovereignty curriculum incorporation obligations and related requirements. The monitoring and evaluations, which may be conducted concurrently with other oversight and monitoring conducted by SBE, must include collected information for each school district about:

- collaborations with the nearest federally recognized Indian tribes;
- the grade levels in which the curriculum is taught;
- the courses for which credit may be awarded and the number of students enrolled in, and having received credit for, those courses during the preceding school year;
- summaries of the curriculum implementation process; and
- the availability and implementation of applicable professional development.

Beginning in 2025 and concluding in 2028, SBE must annually provide a report to the education committees of the Legislature that summarizes school district compliance with tribal sovereignty curriculum incorporation obligations and related requirements. The reports may be incorporated within other oversight and monitoring reports produced SBE.

Grant Program. Subject to the availability of amounts appropriated for this specific purpose, OSPI must administer grants for the 2024-25 and 2025-26 school years to school districts for implementing tribal sovereignty curriculum incorporation obligations and related requirements. Grants may cover costs for collaboration with federally recognized tribes, which may comprise reimbursements to tribes for collaboration-related costs, and costs for curriculum design and implementation. When implementing the grant provisions, OSPI may establish limits on the percentage of grant funds a school district may retain for administrative purposes.

Additional Requirements for the Office of Native Education. The annual reports of ONE issued in 2024 through 2027 must include information about consultations and collaborations between school districts and federally recognized Indian tribes for required social studies curricula updates. This information must include tribal perspectives on the implementation of the required curriculum and recommendations for promoting tribal consultation efforts with school districts.

Provisions directing ONE to assist local school districts in identifying federally recognized Indian tribes whose reservations are in whole or in part within the boundaries of the district and those nearest to the school district, are modified to require ONE to also assist districts in identifying federally recognized Indian tribes whose traditional lands and territories included parts of Washington, but who now reside in Oregon, Idaho, and British Columbia.

**Appropriation:** The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

**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 Second Substitute House Bill (Early Learning & K-12 Education) (Regular Session 2023):** *The committee recommended a different version of the bill than what was heard.* PRO: Education is a key part of establishing collaborative governance. This bill strengthens the law passed 15 years ago relating to the Since Time Immemorial curriculum and provides guidance and sideboards. The bill will help districts implement current requirements, while also helping school districts work with local federally recognized tribes. The grant program in the bill will help to set local communities up for success. The state's great history of its tribes has been largely left out of school curriculums. The bill strengthens the current curriculum by setting a date by which it must be implemented. Implementing an accountability measure will strengthen communication between schools and local tribal communities. Providing grants to tribes will help tribes be able to work with school districts, especially those that are required to

consult with many school districts.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative Debra Lekanoff, Prime Sponsor; Bill Kallappa, Washington State Board of Education; Anna Hernandez-French, Office of Superintendent of Public Instruction; Shandy Abrahamson, Office of Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):** No one.

**Staff Summary of Public Testimony on Bill as Amended by Early Learning & K-12 Education (Ways & Means) (Regular Session 2023):** PRO: The bill closes an existing gap in implementation of the Since Time Immemorial curriculum. Districts are best equipped to implement when they are properly resourced. We would like the Senate to fully fund the fiscal note and maintain the grant funding in the House budget.

**Persons Testifying (Ways & Means):** PRO: Anna Hernandez-French, Office of Superintendent of Public Instruction.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**Staff Summary of Public Testimony (Early Learning & K-12 Education) (Regular Session 2024):** PRO: This is the 3rd attempt to strengthen Washington law to incorporate the STI curriculum. The bill has good direction and guidance to help the remaining districts incorporate the STI curriculum. Having the government-to-government relationship is beneficial to teachers, to staff, to administration, to bus drivers, all the way down to kids from K to 12. The bill strengthens and galvanizes the STI instruction in schools. When districts implement this curriculum it works well. Language should be retained that includes tribes whose historical lands include Washington but who now reside in other locations. The bill will put timeframes and provide much needed oversight and evaluation of STI implementation. The curriculum allows students to engage with their culture and better connect with who they are. This bill is important to all youth so that they have a better understanding of the hardships that our ancestors endured and to name the gifts our culture has to offer. Telling the story of how our Native culture and beliefs were almost lost and how our culture survived and thrived is critical.

OTHER: Reimbursement grants like the ones proposed in this bill can at times hold back funding or redefine eligibility for payments, hindering a tribe's ability to recover actual costs. The funding estimated by OSPI limits the reach of the bill. The majority of the funding should be distributed to tribes to develop curriculum rather than just to school districts.

**Persons Testifying (Early Learning & K-12 Education):** PRO: Representative Debra Lekanoff, Prime Sponsor; Bill Kallappa, Washington State Board of Education; Willard Bill

Jr., Office of Superintendent of Public Instruction; Image Morris-Enick, Student and tribal member; Lisa Ganuelas, Tribal Council, Confederated Tribes of the Umatilla Indian Reservation.

CON: Jeannette Mcchesney.

OTHER: Karen Condon, Confederated Tribes of the Colville Reservation; Michael Moran, Colville Tribes.

**Persons Signed In To Testify But Not Testifying (Early Learning & K-12 Education):**  
No one.