

CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 2331

Chapter 316, Laws of 2024

68th Legislature
2024 Regular Session

PUBLIC SCHOOL INSTRUCTIONAL MATERIALS—VARIOUS PROVISIONS

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024
Yeas 57 Nays 38

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate February 22,
2024
Yeas 29 Nays 20

DENNY HECK

President of the Senate

Approved March 28, 2024 10:26 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2331** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2331

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington 68th Legislature 2024 Regular Session

By House Education (originally sponsored by Representatives Stonier, Macri, Davis, Pollet, Reed, and Ramel)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to modifying requirements for public school
2 instructional materials and supplemental instructional materials by
3 prohibiting improper exclusions of certain materials, establishing
4 complaint procedures, and promoting culturally and experientially
5 representative materials; amending RCW 28A.320.230, 28A.150.230, and
6 28A.642.020; adding new sections to chapter 28A.320 RCW; adding a new
7 section to chapter 28A.640 RCW; and adding a new section to chapter
8 28A.642 RCW.

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

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320
11 RCW to read as follows:

12 (1)(a) Except as provided otherwise by this section, a school
13 district board of directors may not refuse to approve, or prohibit
14 the use of, any textbook, instructional material, supplemental
15 instructional material, or other curriculum for student instruction
16 on the basis that it relates to or includes the study of the role and
17 contributions of any individual or group who is part of a protected
18 class as established in RCW 28A.642.010 and 28A.640.010.

19 (b) Subsection (1)(a) of this section does not apply if the
20 content of the material relating to the role and contributions of an
21 individual or group violates the provisions of chapter 28A.642 or

1 28A.640 RCW, including materials containing bias against any
2 individual or group who is part of a protected class as established
3 in RCW 28A.642.010 and 28A.640.010.

4 (2) Anyone alleging a violation of subsection (1) of this section
5 may bring a complaint under the provisions of chapter 28A.642 or
6 28A.640 RCW. Any school district board of directors found to be in
7 violation of subsection (1) of this section shall be considered to
8 have violated chapter 28A.642 or 28A.640 RCW and is subject to the
9 provisions of that chapter.

10 (3) For the purposes of this section, "supplemental instructional
11 materials" has the same meaning as in section 2 of this act.

12 (4) This section governs school operation and management under
13 RCW 28A.710.040 and 28A.715.020 and applies to charter schools
14 established under chapter 28A.710 RCW and state-tribal education
15 compact schools subject to chapter 28A.715 RCW to the same extent as
16 it applies to school districts.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.320
18 RCW to read as follows:

19 (1) By the beginning of the 2025-26 school year, each school
20 district board of directors shall adopt or revise as necessary
21 policies and procedures governing requested reviews and removals of
22 supplemental instructional materials. The policies and procedures
23 must:

24 (a) Include a summary of, and citation to, the requirements
25 governing supplemental instructional materials established in section
26 1 of this act;

27 (b) Require that requests for the review and potential removal of
28 supplemental instructional materials be in writing from a parent and
29 submitted to the applicable certificated teacher or teacher-librarian
30 and school principal;

31 (c) Seek to resolve requests for reviews and potential removals
32 of supplemental instructional materials at the school building level
33 through, if requested by the parent, a meeting with the parent, the
34 applicable certificated teacher or teacher-librarian, and school
35 principal;

36 (d) Require, if a resolution cannot be agreed upon with the
37 parent and the school principal, and following a review of the
38 supplemental instructional materials by the principal, in
39 consultation with a teacher-librarian of the school district if one

1 is available, the principal to provide a written decision on whether
2 to remove the materials within: (i) 30 days of the meeting with the
3 parent; or (ii) 60 days of receiving the request under (b) of this
4 subsection if the parent does not request to meet with school
5 personnel as provided in (c) of this subsection; and

6 (e) Provide a process for appealing decisions of principals,
7 either by the parent or the applicable certificated teacher or
8 teacher-librarian, to the superintendent of the school district or a
9 designee of the superintendent. Appeal requests must be made in
10 writing and decisions by the superintendent or designee under this
11 subsection are not subject to appeal. Final decisions at any point in
12 the process made in accordance with this subsection (1) may not be
13 reconsidered for a minimum of three years unless there is a
14 substantive change of circumstances as determined by the
15 superintendent.

16 (2) Decisions made in accordance with subsection (1)(d) and (e)
17 of this section must be in conformity with section 1 of this act and
18 may be limited in application to only the student or students of the
19 parent who submitted the complaint.

20 (3) For the purposes of this section, the following definitions
21 apply:

22 (a) "Parent" means a parent or legal guardian of a student who is
23 enrolled in the school or school district;

24 (b) "Supplemental instructional materials" or "materials" means:
25 (i) Materials in school libraries; and (ii) educational materials
26 that are not expressly required by the school or school district and
27 are instead selected at the discretion of a certificated teacher or
28 teacher-librarian for materials in school libraries; and

29 (c) "Teacher-librarian" has the same meaning as in RCW
30 28A.320.240.

31 (4) This section governs school operation and management under
32 RCW 28A.710.040 and 28A.715.020 and applies to charter schools
33 established under chapter 28A.710 RCW and state-tribal education
34 compact schools subject to chapter 28A.715 RCW to the same extent as
35 it applies to school districts.

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

38 (1) Every board of directors, unless otherwise specifically
39 provided by law, shall:

1 ~~((1))~~ (a) Prepare, negotiate, set forth in writing and adopt,
2 policy relative to the selection or deletion of instructional
3 materials. Such policy shall:

4 ~~((a))~~ (i) State the school district's goals and principles
5 relative to instructional materials;

6 ~~((b))~~ (ii) Delegate responsibility for the preparation and
7 recommendation of teachers' reading lists and specify the procedures
8 to be followed in the selection of all instructional materials
9 including text books;

10 ~~((c))~~ (iii) Establish an instructional materials committee to
11 be appointed, with the approval of the school board, by the school
12 district's chief administrative officer. This committee shall consist
13 of ~~((representative))~~: Representative members of the district's
14 professional staff, including representation from the district's
15 curriculum development committees(~~, and, in the case of districts~~
16 ~~which~~); one or more parents of enrolled students, with the parent
17 members equaling less than one-half of the total membership of the
18 committee; and in the case of districts that operate elementary
19 school(s) only, the educational service district superintendent, one
20 of whose responsibilities shall be to assure the correlation of those
21 elementary district adoptions with those of the high school
22 district(s) which serve their children. (~~The committee may include~~
23 parents at the school board's discretion: PROVIDED, That parent
24 members shall make up less than one-half of the total membership of)
25 School districts shall develop and implement comprehensive outreach
26 programs to parents of enrolled students in the district for the
27 purpose of recruiting a diverse pool of parent members for
28 instructional materials committees that reflects the demographics and
29 learning needs in the district to the greatest extent possible;

30 (iv) Instructional materials committees that are unable to
31 recruit at least one parent of an enrolled student to serve on the
32 committee must, while they are without a parent member, report
33 quarterly to the school district board of directors and the public on
34 their efforts to recruit one or more parents to serve on the
35 committee;

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

39 ~~((e))~~ (vi) Provide a system for receiving, considering and
40 acting upon written complaints regarding instructional materials used

1 by the school district. The system required by this subsection
2 (1)(a)(vi) must:

3 (A) Require that complaints be in writing from a parent or legal
4 guardian of a student who is enrolled in the district and submitted
5 to a principal from a school where the materials that are the subject
6 of the complaint are used;

7 (B) Seek to resolve complaints through, if requested by the
8 parent or guardian, a meeting with the parent or guardian, a
9 certificated teacher who uses the materials that are the subject of
10 the complaint, and the principal to whom the complaint was submitted;

11 (C) Require, if a resolution cannot be agreed upon with the
12 parent or guardian and the school principal, the instructional
13 materials committee to provide a written decision on the matter
14 within: (I) 60 days of a meeting held under (a)(vi)(B) of this
15 subsection; or (II) 90 days after the complaint was received by the
16 principal, whichever date is later. Decisions made in accordance with
17 this subsection (1)(a)(vi) must be in conformity with section 1 of
18 this act and may be limited in application to only the student or
19 students of the parent or guardian who submitted the complaint; and

20 (D) Provide a process for appealing decisions of the
21 instructional materials committee, by the parent or guardian, a
22 certificated teacher who uses the materials that are the subject of
23 the complaint, or a principal from a school where the materials that
24 are the subject of the complaint are used, to the superintendent of
25 the school district or a designee of the superintendent. Appeal
26 requests must be made in writing and decisions by the superintendent
27 or designee under this subsection are not subject to appeal. Final
28 decisions at any point in the process made in accordance with this
29 subsection (1)(a)(vi) may not be reconsidered for a minimum of three
30 years unless there is a substantive change of circumstances as
31 determined by the superintendent; and

32 ((-f-)) (vii) Provide free text books, supplies and other
33 instructional materials to be loaned to the pupils of the school,
34 when, in its judgment, the best interests of the district will be
35 suberved thereby and prescribe rules and regulations to preserve
36 such books, supplies and other instructional materials from
37 unnecessary damage; and

38 (b) Establish a depreciation scale for determining the value of
39 texts which students wish to purchase.

1 (2) Recommendation of instructional materials shall be by the
2 district's instructional materials committee in accordance with
3 district policy. (~~Approval~~) Recommendations made in accordance with
4 this section must include recommendations for culturally and
5 experientially representative instructional materials including
6 materials on the study of the role and contributions of individuals
7 or groups that are part of a protected class under RCW 28A.642.010
8 and 28A.640.010, but approval or disapproval shall be by the local
9 school district's board of directors.

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

15 (4) Districts may, within limitations stated in board policy, use
16 and experiment with instructional materials for a period of time
17 before general adoption is formalized.

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

21 (~~(2) Establish a depreciation scale for determining the value of~~
22 ~~texts which students wish to purchase.~~)

23 **Sec. 4.** RCW 28A.150.230 and 2010 c 235 s 201 are each amended to
24 read as follows:

25 (1) It is the intent and purpose of this section to guarantee
26 that each common school district board of directors, whether or not
27 acting through its respective administrative staff, be held
28 accountable for the proper operation of their district to the local
29 community and its electorate. In accordance with the provisions of
30 (~~Title 28A RCW~~) this title, as now or hereafter amended, each
31 common school district board of directors shall be vested with the
32 final responsibility for the setting of policies ensuring quality in
33 the content and extent of its educational program and that such
34 program provide students with the opportunity to achieve those skills
35 which are generally recognized as requisite to learning.

36 (2) In conformance with the provisions of (~~Title 28A RCW~~) this
37 title, as now or hereafter amended, it shall be the responsibility of
38 each common school district board of directors to adopt policies to:

1 (a) Establish performance criteria and an evaluation process for
2 its superintendent, classified staff, certificated personnel,
3 including administrative staff, and for all programs constituting a
4 part of such district's curriculum. Each district shall report
5 annually to the superintendent of public instruction the following
6 for each employee group listed in this subsection (2)(a): (i)
7 Evaluation criteria and rubrics; (ii) a description of each rating;
8 and (iii) the number of staff in each rating;

9 (b) Determine the final assignment of staff, certificated or
10 classified, according to board enumerated classroom and program needs
11 and data, based upon a plan to ensure that the assignment policy: (i)
12 Supports the learning needs of all the students in the district; and
13 (ii) gives specific attention to high-need schools and classrooms;

14 (c) Provide information to the local community and its electorate
15 describing the school district's policies concerning hiring,
16 assigning, terminating, and evaluating staff, including the criteria
17 for evaluating teachers and principals;

18 (d) Determine the amount of instructional hours necessary for any
19 student to acquire a quality education in such district, in not less
20 than an amount otherwise required in RCW 28A.150.220, or rules of the
21 state board of education;

22 (e) Determine the allocation of staff time, whether certificated
23 or classified;

24 (f) Establish final curriculum standards consistent with law and
25 rules of the superintendent of public instruction, relevant to the
26 particular needs of district students or the unusual characteristics
27 of the district, and ensuring a quality education for each student in
28 the district; and

29 (g) Evaluate teaching materials, including text books, teaching
30 aids, handouts, or other printed material, (~~in public hearing~~) upon
31 complaint by parents, guardians or custodians of students who
32 consider dissemination of such material to students objectionable in
33 accordance with section 2 of this act and RCW 28A.320.230.

34 **Sec. 5.** RCW 28A.642.020 and 2010 c 240 s 3 are each amended to
35 read as follows:

36 (1) The superintendent of public instruction shall develop rules
37 and guidelines to eliminate discrimination prohibited in RCW
38 28A.642.010 and section 1 of this act as it applies to public school
39 employment, counseling and guidance services to students,

1 recreational and athletic activities for students, access to course
2 offerings, and in textbooks (~~and~~), instructional materials (~~used~~
3 ~~by students~~), and supplemental instructional materials, and student
4 access to those materials.

5 (2) For the purposes of this section, "supplemental instructional
6 materials" has the same meaning as in section 2 of this act.

7 NEW SECTION. Sec. 6. A new section is added to chapter 28A.640
8 RCW to read as follows:

9 In accordance with section 1 of this act, decisions by school
10 district boards of directors, charter school boards under chapter
11 28A.710 RCW, and state-tribal education compact schools subject to
12 chapter 28A.715 RCW that pertain to textbooks, instructional
13 materials, supplemental instructional materials, and other curriculum
14 for student instruction may be subject to the provisions of this
15 chapter.

16 NEW SECTION. Sec. 7. A new section is added to chapter 28A.642
17 RCW to read as follows:

18 In accordance with section 1 of this act, decisions by school
19 district boards of directors, charter school boards under chapter
20 28A.710 RCW, and state-tribal education compact schools subject to
21 chapter 28A.715 RCW that pertain to textbooks, instructional
22 materials, supplemental instructional materials, and other curriculum
23 for student instruction may be subject to the provisions of this
24 chapter.

Passed by the House March 5, 2024.
Passed by the Senate February 22, 2024.
Approved by the Governor March 28, 2024.
Filed in Office of Secretary of State March 29, 2024.

--- END ---