

# HOUSE BILL REPORT

## ESSB 5044

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### As Reported by House Committee On:

Education  
Appropriations

**Title:** An act relating to equity, cultural competency, and dismantling institutional racism in the public school system.

**Brief Description:** Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system.

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

### Brief History:

#### Committee Activity:

Education: 3/11/21, 3/26/21 [DPA];

Appropriations: 3/31/21, 4/1/21 [DPA(APP w/o ED)].

### Brief Summary of Engrossed Substitute Bill (As Amended By Committee)

- Directs the Washington State School Directors' Association (WSSDA) and the Professional Educator Standards Board (PESB) to separately develop standards on cultural competency, diversity, equity, and inclusion (CCDEI), to collaborate to align the standards, and to separately review the standards every 10 years.
- Defines the terms "cultural competency," "diversity," "equity," and inclusion, and directs the WSSDA and the PESB to report to the Legislature every 10 years with any recommendations for revising the definitions.
- Requires each member of a board of directors to complete a CCDEI governance training program provided (and identified or developed) by

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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.*

the WSSDA at least once every four years, beginning with the 2022 calendar year.

- Requires school districts to use one of the state-funded professional learning days every other year to train school district staff on CCDEI and provide staff with a variety of learning opportunities aligned with CCDEI standards developed by the PESB beginning with the 2023-24 school year.
- Requires alignment of paraeducator and educator preparation and development programs to the CCDEI standards.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Santos, Chair; Dolan, Vice Chair; Berg, Bergquist, Callan, Ortiz-Self and Stonier.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Walsh, Assistant Ranking Minority Member; McCaslin and McEntire.

**Minority Report:** Without recommendation. Signed by 3 members: Representatives Ybarra, Ranking Minority Member; Rude and Steele.

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

### **Background:**

Cultural Competency Definition and Model Standards. "Cultural competency" is defined as knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students. The Professional Educator Standards Board (PESB), in consultation and collaboration with the Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC), identified a list of model standards for cultural competency.

Cultural Competency Training Programs. Numerous school district staff preparation and development programs are aligned to the model standards for cultural competency. The PESB has integrated the model standards for cultural competency into paraeducator standards of practice and into teacher career continuum standards. The model standards for cultural competency have also been incorporated into paraeducator apprenticeship and certificate programs at community and technical colleges.

The Washington State School Directors' Association (WSSDA), in consultation with other entities, developed a plan for the creation and delivery of cultural competency training for school board directors and superintendents. The Office of the Superintendent of Public Instruction (OSPI), in collaboration with other entities, developed professional development and training in cultural competence for classified staff, certificated instructional staff, school administrators, and district administrators. The OSPI also developed a professional development program to support the implementation of the Teacher Principal Evaluation System.

The WSSDA plan and the OSPI professional development and training were aligned to the model standards for cultural competency and include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. Educational service districts and school districts are encouraged to use the professional development and training and provide opportunities for all school and district staff to gain knowledge and skills in cultural competence, including in partnership with their local communities. In addition, specified school districts identified by federal or state law as needing improvement are strongly encouraged to provide cultural competence professional development and training to all staff.

Professional Learning Definition, Funding, and Use. "Professional learning" is defined as a comprehensive, sustained, job-embedded, and collaborative approach to improving teachers' and principals' effectiveness in raising student achievement. The state provides school districts with funding to provide three professional learning days for teachers and other certificated instructional staff; however individual certificated instructional staff are not entitled to any particular number of professional learning days.

Every other year, beginning with the 2020-21 school year, school districts must use one of the professional learning days to train school district staff on one or more of the following topics: social-emotional learning, trauma-informed practices, recognizing and responding to emotional or behavioral distress in students, consideration of adverse childhood experiences, mental health literacy, antibullying strategies, or culturally sustaining practices. In addition, the 2020 Supplemental Operating Budget required one professional learning day to be used to train school district staff on racial literacy, cultural responsiveness, and stereotype threat for purposes of closing persistent opportunity gaps.

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### **Summary of Amended Bill:**

Definitions, Standards Development, Review, and Report. The WSSDA must develop cultural competency, diversity, equity, and inclusion standards (CCDEI standards) for school director governance. The PESB must develop CCDEI standards of practice for preparation, continuing education, and other training of school district staff. The term "cultural competency" has the same meaning as in current law. "Diversity" describes the

presence of similarities and differences within a given setting, collective, or group based on multiple factors including race and ethnicity, gender identity, sexual orientation, disability status, age, educational status, religion, geography, primary language, culture, and other characteristics and experiences. "Equity" includes developing, strengthening, and supporting procedural and outcome fairness in systems, procedures, and resource distribution mechanisms to create equitable opportunities for all individuals, as well as eliminating barriers that prevent the full participation of individuals and groups. "Inclusion" describes intentional efforts and consistent sets of actions to create and sustain a sense of respect, belonging, safety, and attention to individual needs and backgrounds that ensure the full access to engagement and participation in available activities and opportunities.

The WSSDA and the PESB must collaborate to compare and align the CCDEI standards. The review must include the EOGOAC and may include the Office of Equity. The WSSDA and the PESB must maintain the final CCDEI standards on their websites.

By November 1, 2030, and every 10 years thereafter, the WSSDA and the PESB must separately review the CCDEI definitions and the agency's CCDEI standards and report to the Legislature with any recommendations for revising the CCDEI definitions.

Training Program Identification, Development, and Use. The WSSDA must identify or develop and periodically update governance training programs that align with the CCDEI standards for school director governance. The training programs must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum. Beginning with the 2022 calendar year, each member of a board of directors must complete a CCDEI governance training program provided by the WSSDA once per term of elected office, except that newly elected directors must complete a governance training program within two years of election.

The PESB must identify or develop and periodically update training programs for school district staff that align with the CCDEI standards of practice. The staff training programs must also include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition, including information regarding best practices to implement the tribal history and culture curriculum.

School districts must use one of the state-funded professional learning days to train school district staff (classified, certificated instructional, certificated administrative, and superintendents) as follows:

- in the 2021-22 school year, training must be in one or more of the following topics: cultural competency; diversity; equity; or inclusion; and
- beginning with the 2023-24 school year, a CCDEI staff training program identified or developed by the PESB must be used.

Other. The following programs must be aligned to the CCDEI standards: educator preparation and certification programs; paraeducator preparation and certificate programs; and the professional development program to support the implementation of the Teacher Principal Evaluation System.

Statutes requiring activities similar to the activities described above are repealed, for example: a statute requiring the WSSDA to develop a plan for cultural competency training for school directors and superintendents; and a statute requiring the OSPI to develop professional development and training in cultural competency for school staff and encouraging school districts and educational service districts to use the professional development and training.

### **Amended Bill Compared to Engrossed Substitute Bill:**

The amended bill makes numerous changes to the engrossed substitute bill:

- directs the WSSDA and the PESB to develop or update CCDEI standards;
- directs, every 10 years, the WSSDA and the PESB to review the CCDEI definitions and standards and report to the Legislature with any recommended changes to the definitions;
- requires alignment of paraeducator and educator preparation and development programs to the CCDEI standards;
- maintains the direction to the WSSDA to identify CCDEI training programs, and also requires the PESB to identify CCDEI training programs;
- maintains the requirement that the WSSDA provide CCDEI training, and adds requirements for school districts to complete the training every four years; and
- changes the requirement that school districts use one professional learning day to provide CCDEI training to school district staff from annually to every other year.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

### **Staff Summary of Public Testimony:**

(In support) Students are not being supported in their education and are being discriminated against because of the color of their skin, culture, or identity. Ignoring racial and ethnic differences does not promote racial harmony. Racial equality requires examining systems to ensure that they are free of racial and other biases.

Washington's population of students of color has grown significantly in recent years.

Schools do not understand how black, indigenous, and other students of color are excluded, belittled, dismissed, and dehumanized. Inclusion of these students is just as important as inclusion of other students. These students face a pervading fear and lack support, academically and socially. These students face discrimination from peers, and teachers do not know how to appropriately handle these racist situations.

Skin color needs to be celebrated. Education can be a crucial part of improving empathy, so cultural competency in education should be adopted to help other students from feeling as if they are primarily responsible for fixing the trauma that they endure. It is time to prioritize the voices of underrepresented groups. Being antiracist is fighting against racism; it is not about who you are, but about what you do.

The OSPI convened a workgroup that recommended this training. Mandating this training is important when school districts' practices are ineffective. The bill will add equity, diversity, inclusion, and antiracism to existing cultural competency training for school board members and school district staff. The bill will ensure that all school staff join students in understanding our differences and similarities and how to treat each other with respect.

The bill covers a lot of important topics, but which can be disparate topics. Trainings that cover all these topics might be too broad and will not equip school districts with meaningful resources to undo systemic racism. The trainings should instead incorporate the roots and current manifestations of race and current scholarship on racial equity. This will result in stronger trainings with real positive impact on school culture in student lives.

The bill is critical to better serving students of color. These trainings will benefit students of varied cultural backgrounds, ethnicities, and races, especially students of color. This bill is a step forward in improving our accountability to each other. This bill continues the work that allows the education system to reflect, correct, and grow.

(Opposed) There is a concern about the content of the training materials. Using government power to require explicitly racist curriculums will not improve society, but will lower educator morale, and make matters worse. People are filing lawsuits against these trainings and the plaintiffs are winning. Prominent black, Hispanic, and Jewish intellectuals are speaking out against the curriculum because it will hurt children of color. They say that, rather than emphasizing common humanity and respecting each other as individuals, it lumps people into simplistic racial groupings, judges people based on appearance, and teaches that each person's identity and status is largely based on skin color. This violates core civil-rights protections that make a caring and tolerant society possible. These trainings will create hostile work environments in the public schools. School communities are based on trust, goodwill, and kindness. This trust is not possible if government institutions are training people to unfairly judge others based on the color of their skin.

It is inspiring to learn about how others overcome barriers and obstacles. This state has a

long history of oppression against Asian Americans that continues into the present. The bill should mandate that systemic racism against Asian American must be dealt with in standards, programs, and training materials for professional learnings to avoid unintended consequences of pitting one group against another, institutionalization, and reinforcement of racism against certain groups.

(Other) Accountability requirements should be added to the bill. One day of professional development per year is not enough to dismantle racial injustice. Educators recertification requirements include completing a minimum number of hours of professional development in specified topics. The bill should be amended to require a certain number of hours of professional development in antiracism to qualify for recertification. This will improve the lives of students and staff who are black, indigenous, and people of color. Staff who are trained in antiracist philosophies and paradigms are less likely to harm people of color.

**Persons Testifying:** (In support) Senator Das, prime sponsor; Virginia Barry, Stand for Children; Charlie Fisher, Washington Legislative Youth Advisory Council; Michael Pena, Washington Education Association; Glenn Jenkins, Auburn School District; Nalani Hall, Institute for Community Leadership; Hailey Wand, Open Window School; Silvia Carias-Centeno, Alianza Youth Advocacy Council; Issaquah School District Student Equity Council; and Sheila Avila, Latino Community Fund.

(Opposed) Kan Qiu, American Coalition For Equality; Liv Finne, Washington Policy Center; and Jeffery Myers.

(Other) Tracy Castro-Gill, Washington Ethnic Studies Now.

**Persons Signed In To Testify But Not Testifying:** Chris Castro Salgado and SangNu Sang, Institute for Community Leadership; Ryan Zhang; Jinju Park, Office of the Education Ombuds; Erin Lipsker; Tricia Lubach, Washington State School Directors' Association; Yelonda Wilke and Lucinda Young, Washington Education Association; Jasmin Rezaie-Tirabadi, Washington State Labor Council; Rajiv Nemani, Nara Chen, Allie Tay, Julia Barnett, and Sophia Sekits, Open Window School; Forest Ember, The Evergreen State College; Roz Thompson, Association of Washington School Principals; Giovanni Severino, Progreso, Latino Progress; Terese Emry, Office of the Superintendent of Public Instruction; Linda Yang; Sharon Hanek; Aaron Sun; Jessica Thompson; Sarah Davenport-Smith, Family Policy Institute of Washington.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass as amended by Committee on Appropriations and without amendment by Committee on Education. Signed by 19 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Springer, Stonier, Sullivan and Tharinger.

**Minority Report:** Do not pass. Signed by 13 members: Representatives Stokesbary, Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Caldier, Chandler, Dye, Harris, Hoff, Jacobsen, Rude, Schmick and Steele.

**Staff:** James Mackison (786-7104).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Education:**

The Appropriations Committee recommended the following changes:

- The Washington State School Directors' Association training programs aligned to the cultural competency, diversity, equity, and inclusion (CCDEI) standards must also include building government-to-government relationships with federally recognized tribes (rather than information regarding best practices to implement the tribal history and culture curriculum).
- The Professional Educator Standards Board (PESB) must develop and periodically update rubrics to evaluate the alignment of training and professional development programs and related materials with the CCDEI standards of practice for school district staff.
- Provisions requiring the PESB to identify or develop and periodically update training programs for school districts staff that align with the CCDEI standards of practice are removed.
- Programs of courses, requirements, and other activities leading to educator certification must include the foundational elements of cultural competence, focusing on multicultural education and principles of English language acquisition including information regarding best practices to implement the tribal history and culture curriculum.
- School districts must use one of the state-funded professional learning days to provide to school district staff a variety of opportunities for training, professional development, and professional learning aligned with the CCDEI standards of practice developed by the PESB, which must include training on multicultural education and principals of language acquisition (rather than provide to school district staff a training program identified or developed by the PESB).
- Provisions encouraging specified school districts identified by federal or state law as needing improvement to provide cultural competence training to all staff are repealed (these provisions are also repealed in the underlying bill).
- Requirements for school board governance training and use of professional learning funding are applied to charter schools.
- Nonsubstantive changes are added, including adding cross references to the definitions of "cultural competency," "diversity," "equity," and "inclusion" in the other sections of the bill; and amendments to a current statute (rather than a new section) to direct the PESB to develop and review CCDEI standards and report to the Legislature every 10 years.



**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 5, 2021.

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

**Staff Summary of Public Testimony:**

(In support) It is important to support and fully fund this bill. Most districts commit to making students and the community feel welcome and supported, where race and other social factors are no longer predictors of student success. Every staff and board member needs training to understand implicit bias and systemic racism. Only a portion of staff will receive this training if it is not required and funded. With increasing violence against people of color, many students and staff have asked for more direct measures to address these issues in schools. With school returning to hybrid models, many students of color elect to continue remote instruction to avoid the implicit and explicit racism they experience in schools. The history of racism in society and schools for students and staff of color must be undone.

This policy improves upon existing cultural competency standards to address institutional racism. All students deserve to be supported to learn and thrive. This policy can be implemented at little cost, as standards and curricula are posted online. Students have provided compelling testimony in earlier committees about the importance of this training. The bill is incremental and transparent and should not be controversial.

This training is a priority for educators. It continues the training the Washington State School Directors' Association has implemented, which was required in last year's budget for all staff. It provides clear definitions. Training for cultural responsiveness, antiracism, equity, diversity, and inclusion are essential for adults in schools. Greater awareness of the unique cultures in communities will help students flourish. Both budgets dedicated funding for this purpose.

Embracing diversity, equity, and inclusion leads to better teachers and more well-adjusted students who are prepared to learn. Diversity and inclusion should be at the forefront of schools' efforts. This is an antiracism measure.

(Opposed) The training embraces critical race theory. Antiracism as a term sounds good, but it has become intertwined with biased political concepts. This type of training attempts to change people's psyches, focusing on presumed unconscious beliefs and biases. Some families are worried about being exposed to stereotypes and radical politics.

**Persons Testifying:** (In support) Sara Betnel, Shoreline School Board; Virginia Barry, Stand for Children; Lucinda Young, Washington Education Association; and Paula

Sardinas, Washington Build Back Black Alliance.

(Opposed) Emily Brodie.

**Persons Signed In To Testify But Not Testifying:** None.