
ENGROSSED SUBSTITUTE SENATE BILL 5044

AS AMENDED BY THE HOUSE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

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

READ FIRST TIME 01/21/21.

1 AN ACT Relating to equity, cultural competency, and dismantling
2 institutional racism in the public school system; amending RCW
3 28A.410.260, 28A.415.445, 28A.405.106, 28A.410.270, 28A.413.050, and
4 28B.50.891; adding a new section to chapter 28A.415 RCW; adding new
5 sections to chapter 28A.345 RCW; adding a new section to chapter
6 28A.410 RCW; adding a new section to chapter 28A.343 RCW; adding a
7 new section to chapter 28A.710 RCW; creating a new section; and
8 repealing RCW 28A.345.100, 28A.415.420, 28A.415.440, and 28A.657.140.

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

10 NEW SECTION. **Sec. 1.** (1) The legislature finds that state
11 resources have been invested to: (a) Identify model standards for
12 cultural competency; (b) incorporate these cultural competency
13 standards into both the standards for effective teaching and the
14 standards of practice for paraeducators; (c) develop cultural
15 competency training programs for school district staff from
16 paraeducators to administrators; and (d) develop a plan for the
17 creation and delivery of cultural competency training for school
18 board directors and superintendents.

19 (2) The legislature plans to continue the important work of
20 dismantling institutional racism in public schools and recognizes the
21 importance of increasing equity, diversity, inclusion, antiracism,

1 and cultural competency training throughout the entire public school
2 system by providing training programs for classified staff,
3 certificated instructional staff, certificated administrative staff,
4 superintendents, and school directors that will be provided in an
5 ongoing manner.

6 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.415
7 RCW to read as follows:

8 The definitions in this section apply throughout sections 3 and 5
9 through 7 of this act and RCW 28A.410.260 and 28A.415.445 unless the
10 context clearly requires otherwise.

11 (1) "Cultural competency" includes knowledge of student cultural
12 histories and contexts, as well as family norms and values in
13 different cultures; knowledge and skills in accessing community
14 resources and community and parent outreach; and skills in adapting
15 instruction to students' experiences and identifying cultural
16 contexts for individual students.

17 (2) "Diversity" describes the presence of similarities and
18 differences within a given setting, collective, or group based on
19 multiple factors including race and ethnicity, gender identity,
20 sexual orientation, disability status, age, educational status,
21 religion, geography, primary language, culture, and other
22 characteristics and experiences.

23 (3) "Equity" includes developing, strengthening, and supporting
24 procedural and outcome fairness in systems, procedures, and resource
25 distribution mechanisms to create equitable opportunities for all
26 individuals. The term also includes eliminating barriers that prevent
27 the full participation of individuals and groups.

28 (4) "Inclusion" describes intentional efforts and consistent sets
29 of actions to create and sustain a sense of respect, belonging,
30 safety, and attention to individual needs and backgrounds that ensure
31 the full access to engagement and participation in available
32 activities and opportunities.

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

35 (1) The Washington state school directors' association shall:

36 (a) Develop cultural competency, diversity, equity, and inclusion
37 standards for school director governance;

1 (b) Collaborate with the Washington professional educator
2 standards board to compare and align the standards for school
3 director governance developed under (a) of this subsection with the
4 standards of practice developed under RCW 28A.410.260. The review
5 must include the educational opportunity gap oversight and
6 accountability committee and may include the office of equity
7 established under RCW 43.06D.020; and

8 (c) Maintain the final cultural competency, diversity, equity,
9 and inclusion standards for school director governance on its website
10 at no cost to school districts.

11 (2) By November 1, 2030, and every 10 years thereafter, the
12 Washington state school directors' association shall review the
13 definitions in section 2 of this act and the cultural competency,
14 diversity, equity, and inclusion standards for school director
15 governance developed under subsection (1) of this section and report,
16 in compliance with RCW 43.01.036, to the appropriate committees of
17 the legislature with any recommendations for revising the definitions
18 in section 2 of this act.

19 (3) For purposes of this section, "cultural competency,"
20 "diversity," "equity," and "inclusion" have the same meaning as in
21 section 2 of this act.

22 **Sec. 4.** RCW 28A.410.260 and 2009 c 468 s 5 are each amended to
23 read as follows:

24 ~~(1) ((The professional educator standards board, in consultation
25 and collaboration with the achievement gap oversight and
26 accountability committee established under RCW 28A.300.136, shall
27 identify a list of model standards for cultural competency and make
28 recommendations to the education committees of the legislature on the
29 strengths and weaknesses of those standards.~~

30 ~~(2)-))~~ The Washington professional educator standards board shall:

31 (a) Develop or update cultural competency, diversity, equity, and
32 inclusion standards of practice for preparation, continuing
33 education, and other training of school district staff;

34 (b) Collaborate with the Washington state school directors'
35 association to compare and align the standards of practice developed
36 under (a) of this subsection with the standards of governance
37 developed under section 3 of this act. The review must include the
38 educational opportunity gap oversight and accountability committee

1 and may include the office of equity established under RCW
2 43.06D.020; and

3 (c) Post on its public website the cultural competency,
4 diversity, equity, and inclusion standards of practice for school
5 district staff.

6 (2) The Washington professional educator standards board shall
7 develop and periodically update rubrics to evaluate the alignment of
8 training and professional development programs and related materials
9 with the cultural competency, diversity, equity, and inclusion
10 standards of practice for school district staff developed under
11 subsection (1) of this section.

12 (3) By November 1, 2030, and every 10 years thereafter, the
13 Washington professional educator standards board shall review the
14 definitions in section 2 of this act and the cultural competency,
15 diversity, equity, and inclusion standards of practice for school
16 district staff developed under subsection (1) of this section and
17 report, in compliance with RCW 43.01.036, to the appropriate
18 committees of the legislature any recommendations for revising the
19 definitions in section 2 of this act.

20 (4) For ((the)) purposes of this section, "cultural ((competency"
21 includes knowledge of student cultural histories and contexts, as
22 well as family norms and values in different cultures; knowledge and
23 skills in accessing community resources and community and parent
24 outreach; and skills in adapting instruction to students' experiences
25 and identifying cultural contexts for individual students))
26 competency," "diversity," "equity," and "inclusion" have the same
27 meaning as in section 2 of this act.

28 NEW SECTION. Sec. 5. A new section is added to chapter 28A.345
29 RCW to read as follows:

30 (1) The Washington state school directors' association shall
31 identify or develop and periodically update governance training
32 programs that align with the cultural competency, diversity, equity,
33 and inclusion standards for school director governance developed
34 under section 3 of this act. The governance training programs must
35 also include building government-to-government relationships with
36 federally recognized tribes, multicultural education, and principles
37 of English language acquisition. Governance training programs may be
38 developed in collaboration with other entities.

1 (2) Beginning with the 2022 calendar year, the Washington state
2 school directors' association shall provide a governance training
3 program identified or developed under subsection (1) of this section
4 at the frequency necessary for school directors to meet the
5 requirement in section 7 of this act.

6 (3) For purposes of this section, "cultural competency,"
7 "diversity," "equity," and "inclusion" have the same meaning as in
8 section 2 of this act.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 28A.410
10 RCW to read as follows:

11 (1) In establishing policies and requirements for the preparation
12 and certification of educators under RCW 28A.410.210, the Washington
13 professional educator standards board shall require that the programs
14 of courses, requirements, and other activities leading to educator
15 certification incorporate the cultural competency, diversity, equity,
16 and inclusion standards of practice developed under RCW 28A.410.260
17 and include the foundational elements of cultural competence,
18 focusing on multicultural education and principles of English
19 language acquisition, including information regarding best practices
20 to implement the tribal history and culture curriculum.

21 (2) For purposes of this section, "cultural competency,"
22 "diversity," "equity," and "inclusion" have the same meaning as in
23 section 2 of this act.

24 NEW SECTION. **Sec. 7.** A new section is added to chapter 28A.343
25 RCW to read as follows:

26 (1) Except as provided otherwise by this subsection (1),
27 beginning with the 2022 calendar year, each member of a board of
28 directors shall complete a governance training program once per term
29 of elected office. If the director is appointed or elected to a first
30 term of office, the director must complete a governance training
31 required by this subsection (1) within two years of appointment or
32 certification of the election in which they were elected.

33 (2) Governance training programs completed by directors in
34 accordance with subsection (1) of this section must be aligned with
35 the cultural competency, diversity, equity, and inclusion standards
36 for school director governance developed under section 3 of this act
37 and provided by the Washington state school directors' association.

1 (3) For purposes of this section, "cultural competency,"
2 "diversity," "equity," and "inclusion" have the same meaning as in
3 section 2 of this act.

4 **Sec. 8.** RCW 28A.415.445 and 2019 c 360 s 3 are each amended to
5 read as follows:

6 (1) Beginning in the 2020-21 school year, and every other school
7 year thereafter, school districts must use one of the professional
8 learning days funded under RCW 28A.150.415 to train school district
9 staff in one or more of the following topics: Social-emotional
10 learning, trauma-informed practices, using the model plan developed
11 under RCW 28A.320.1271 related to recognition and response to
12 emotional or behavioral distress, consideration of adverse childhood
13 experiences, mental health literacy, antibullying strategies, or
14 culturally sustaining practices.

15 (2) (a) In the 2021-22 school year, school districts must use one
16 of the professional learning days funded under RCW 28A.150.415 to
17 train school district staff in one or more of the following topics:
18 Cultural competency, diversity, equity, or inclusion.

19 (b) Beginning in the 2023-24 school year, and every other school
20 year thereafter, school districts must use one of the professional
21 learning days funded under RCW 28A.150.415 to provide to school
22 district staff a variety of opportunities for training, professional
23 development, and professional learning aligned with the cultural
24 competency, equity, diversity, and inclusion standards of practice
25 developed by the Washington professional educator standards board
26 under RCW 28A.410.260. Alignment with the standards of practice must
27 be evaluated using the rubrics developed under RCW 28A.410.260. The
28 opportunities must also include training on multicultural education
29 and principles of English language acquisition.

30 (3) For the purposes of this section:

31 (a) "Cultural competency," "diversity," "equity," and "inclusion"
32 have the same meaning as in section 2 of this act.

33 (b) "School district staff" includes classified staff,
34 certificated instructional staff, certificated administrative staff,
35 and superintendents.

36 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.710
37 RCW to read as follows:

1 Sections 7 and 8 of this act govern school operation and
2 management under RCW 28A.710.040 and apply to charter schools
3 established under chapter 28A.710 RCW.

4 **Sec. 10.** RCW 28A.405.106 and 2016 c 72 s 202 are each amended to
5 read as follows:

6 (1) Subject to funds appropriated for this purpose, the office of
7 the superintendent of public instruction must develop and make
8 available a professional development program to support the
9 implementation of the evaluation systems required by RCW 28A.405.100.
10 The program components may be organized into professional development
11 modules for principals, administrators, and teachers. The
12 professional development program shall include a comprehensive online
13 training package.

14 (2) The training program must include, but not be limited to, the
15 following topics:

16 (a) Introduction of the evaluation criteria for teachers and
17 principals and the four-level rating system;

18 (b) Orientation to and use of instructional frameworks;

19 (c) Orientation to and use of the leadership frameworks;

20 (d) Best practices in developing and using data in the evaluation
21 systems, including multiple measures, student growth data, classroom
22 observations, and other measures and evidence;

23 (e) Strategies for achieving maximum rater agreement;

24 (f) Evaluator feedback protocols in the evaluation systems;

25 (g) Examples of high quality teaching and leadership; and

26 (h) Methods to link the evaluation process to ongoing educator
27 professional development.

28 (3) The training program must also include the foundational
29 elements of cultural competence, focusing on multicultural education
30 and principles of English language acquisition, including information
31 regarding best practices to implement the tribal history and culture
32 curriculum. The content of the training must be aligned with the
33 standards (~~(for cultural competence)~~) of practice developed by the
34 Washington professional educator standards board under ((RCW
35 ~~28A.410.270~~)) RCW 28A.410.260. The office of the superintendent of
36 public instruction, in consultation with the Washington professional
37 educator standards board, the steering committee established in RCW
38 28A.405.100, and the educational opportunity gap oversight and
39 accountability committee, must integrate the content for cultural

1 competence into the overall training for principals, administrators,
2 and teachers to support the revised evaluation systems.

3 (4) To the maximum extent feasible, the professional development
4 program must incorporate or adapt existing online training or
5 curriculum, including securing materials or curriculum under contract
6 or purchase agreements within available funds. Multiple modes of
7 instruction should be incorporated including videos of classroom
8 teaching, participatory exercises, and other engaging combinations of
9 online audio, video, and print presentation.

10 (5) The professional development program must be developed in
11 modules that allow:

12 (a) Access to material over a reasonable number of training
13 sessions;

14 (b) Delivery in person or online; and

15 (c) Use in a self-directed manner.

16 (6) The office of the superintendent of public instruction must
17 maintain a website that includes the online professional development
18 materials along with sample evaluation forms and templates, links to
19 relevant research on evaluation and on high quality teaching and
20 leadership, samples of contract and collective bargaining language on
21 key topics, examples of multiple measures of teacher and principal
22 performance, suggestions for data to measure student growth, and
23 other tools that will assist school districts in implementing the
24 revised evaluation systems.

25 (7) The office of the superintendent of public instruction must
26 identify the number of in-service training hours associated with each
27 professional development module and develop a way for users to
28 document their completion of the training. Documented completion of
29 the training under this section is considered approved in-service
30 training for the purposes of RCW 28A.415.020.

31 (8) The office of the superintendent of public instruction shall
32 periodically update the modules to reflect new topics and research on
33 performance evaluation so that the training serves as an ongoing
34 source of continuing education and professional development.

35 (9) The office of the superintendent of public instruction shall
36 work with the educational service districts to provide clearinghouse
37 services for the identification and publication of professional
38 development opportunities for teachers and principals that align with
39 performance evaluation criteria.

1 **Sec. 11.** RCW 28A.410.270 and 2019 c 386 s 3 are each amended to
2 read as follows:

3 (1) (a) The Washington professional educator standards board shall
4 adopt a set of articulated teacher knowledge, skill, and performance
5 standards for effective teaching that are evidence-based, measurable,
6 meaningful, and documented in high quality research as being
7 associated with improved student learning. The standards shall be
8 calibrated for each level along the entire career continuum.

9 (b) ~~((In developing the standards, the board shall, to the extent
10 possible, incorporate standards for cultural competency along the
11 entire continuum. For the purposes of this subsection, "cultural
12 competency" includes knowledge of student cultural histories and
13 contexts, as well as family norms and values in different cultures;
14 knowledge and skills in accessing community resources and community
15 and parent outreach; and skills in adapting instruction to students'
16 experiences and identifying cultural contexts for individual
17 students.))~~ The Washington professional educator standards board
18 shall incorporate along the entire continuum the standards of
19 practice developed under RCW 28A.410.260.

20 (c) By January 1, 2020, in order to ensure that teachers can
21 recognize signs of emotional or behavioral distress in students and
22 appropriately refer students for assistance and support, the
23 Washington professional educator standards board shall incorporate
24 along the entire continuum the social-emotional learning standards
25 and benchmarks recommended by the social-emotional learning
26 benchmarks work group in its October 1, 2016, final report titled,
27 "addressing social emotional learning in Washington's K-12 public
28 schools." In incorporating the social-emotional learning standards
29 and benchmarks, the Washington professional educator standards board
30 must include related competencies, such as trauma-informed practices,
31 consideration of adverse childhood experiences, mental health
32 literacy, antibullying strategies, and culturally sustaining
33 practices.

34 (2) The Washington professional educator standards board shall
35 adopt a definition of master teacher, with a comparable level of
36 increased competency between professional certification level and
37 master level as between professional certification level and national
38 board certification. Within the definition established by the
39 Washington professional educator standards board, teachers certified

1 through the national board for professional teaching standards shall
2 be considered master teachers.

3 (3) The Washington professional educator standards board shall
4 maintain a uniform, statewide, valid, and reliable classroom-based
5 means of evaluating teacher effectiveness as a culminating measure at
6 the preservice level that is to be used during the student-teaching
7 field experience. This assessment shall include multiple measures of
8 teacher performance in classrooms, evidence of positive impact on
9 student learning, and shall include review of artifacts, such as use
10 of a variety of assessment and instructional strategies, and student
11 work.

12 (4) Award of a professional certificate shall be based on a
13 minimum of two years of successful teaching experience as defined by
14 the board, and may not require candidates to enroll in a professional
15 certification program.

16 (5) Educator preparation programs approved to offer the residency
17 teaching certificate shall be required to demonstrate how the program
18 produces effective teachers as evidenced by the measures established
19 under this section and other criteria established by the Washington
20 professional educator standards board.

21 **Sec. 12.** RCW 28A.413.050 and 2019 c 386 s 5 are each amended to
22 read as follows:

23 (1) The board shall adopt state standards of practice for
24 paraeducators that are based on the recommendations of the
25 paraeducator work group established in chapter 136, Laws of 2014.
26 These standards must include:

27 (a) Supporting instructional opportunities;

28 (b) Demonstrating professionalism and ethical practices;

29 (c) Supporting a positive and safe learning environment;

30 (d) Communicating effectively and participating in the team
31 process; and

32 (e) (~~Demonstrating cultural competency aligned with~~) The
33 standards of practice developed by the Washington professional
34 educator standards board under (~~RCW 28A.410.270~~) RCW 28A.410.260.

35 (2) By January 1, 2020, in order to ensure that paraeducators can
36 recognize signs of emotional or behavioral distress in students and
37 appropriately refer students for assistance and support, the board
38 shall incorporate into the standards of practice for paraeducators
39 adopted under subsection (1) of this section the social-emotional

1 learning standards, benchmarks, and related competencies described in
2 RCW 28A.410.270.

3 **Sec. 13.** RCW 28B.50.891 and 2017 c 237 s 20 are each amended to
4 read as follows:

5 Beginning with the 2015-16 academic year, any community or
6 technical college that offers an apprenticeship program or
7 certificate program for paraeducators must provide candidates the
8 opportunity to earn transferable course credits within the program.
9 The programs must also incorporate the standards (~~for cultural~~
10 ~~competence, including~~) of practice developed by the Washington
11 professional educator standards board under RCW 28A.410.260 and
12 include multicultural education and principles of language
13 acquisition(~~, developed by the professional educator standards board~~
14 ~~under RCW 28A.410.270)). Subject to the availability of amounts~~
15 appropriated for this specific purpose, by September 1, 2018, the
16 paraeducator apprenticeship and certificate programs must also
17 incorporate the state paraeducator standards of practice adopted by
18 the paraeducator board under RCW 28A.413.050.

19 NEW SECTION. **Sec. 14.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 28A.345.100 (Cultural competency training for school
22 board directors and superintendents) and 2016 c 72 s 201;

23 (2) RCW 28A.415.420 (Cultural competence professional development
24 and training) and 2016 c 72 s 204;

25 (3) RCW 28A.415.440 (Professional learning days—Social-emotional
26 learning) and 2019 c 386 s 7; and

27 (4) RCW 28A.657.140 (Cultural competence professional development
28 and training) and 2016 c 72 s 205.

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