

HB 2331, to defund schools that do not adopt controversial curriculum mandated by the state

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Key Findings

1. Since 2019 the state legislature has passed laws encouraging school districts to teach the false and divisive Critical Race Theory (CRT) and Diversity, Equity, and Inclusion (DEI) in public schools.
2. Many local schools object to adopting textbooks and materials that promote harmful ideas to children.
3. HB 2331 would give the state superintendent the power to cut state funding if he does not approve of the classroom materials chosen by local schools.
4. HB 2331 would effectively repeal the state law that says local schools should choose textbooks and materials that are best for children.
5. The bill would further damage the reputation of public education as a place which serves all children, regardless of race and background, on an equal and respectful basis.
6. Many parents are concerned about the radical leftwing political shift in schools. The families of 46,000 students have already left public education.
7. The bill would tell families that their local school is not responsive to the community, adding to the trend of families leaving the public system.

Introduction

Since 2019 the state legislature has passed laws encouraging school districts to teach the false and divisive Critical Race Theory (CRT) and Diversity, Equity, and Inclusion (DEI) in public schools. Both theories are based on unsupported political concepts that white students are inevitable oppressors and their

non-white classmates are automatically victims of racism.

Many parents and local school officials object to state-imposed mandates that force the use of textbooks and materials that propagate hurtful ideas. Educators are concerned these mandated materials promote misinformation and contribute to wider division in society.

Text of bill

HB 2331 (the companion bill in the senate is SB 6208) would give the Superintendent of Public Instruction the power on his own to cut state funding to any local school that he deems is uncooperative in using state-mandated textbooks and materials to present racial CRT and DEI concepts to students.¹ Often these materials present graphic sexual images that parents find inappropriate for children.² These instructional materials are causing distress and controversy across the state.³

Section 1 of the bills state:

“(1)(a)...a school district board of directors may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any

- 1 “The 1619 Project: Sloppy scholarship and distorted history under consideration in Washington schools,” by Liv Finne, Washington Policy Center, Policy Notes, October 28, 2020, at <https://www.washingtonpolicy.org/publications/detail/the-1619-project-sloppy-scholarship-and-distorted-history-under-consideration-for-washington-schools>.
- 2 For example, see Jack of Hearts and other Parts, by L.C. Rosen, Gender Queer: A Memoir, by Maia Kobabe and The Hate U Give, by Angie Thomas.
- 3 “Kent school board votes against removing ‘Jack of Hearts and Other Parts’ from middle school library,” by Daniel Beekman, The Seattle Times, June 30, 2022, at <https://www.seattletimes.com/seattle-news/politics/kent-school-board-votes-against-removing-jack-of-hearts-and-other-parts-from-middle-school-library/>.

*individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.*⁴

The two Revised Code of Washington (RCW) chapters cited refer to sexual identity and “gender expression.”

The next section of HB 2331 then provides:

“Sec 1. (2)...Any school district board of directors found to be in violation of subsection (1) shall be considered to have violated chapter 28A.642 or 28A.640 RCW and is subject to the provisions of that chapter....”

The provisions of chapters 28A.642 and 28A.640 RCW give the state superintendent the power to terminate a district’s funding.⁵

Policy Analysis

HB 2331 would function as a threat to local control of Washington’s 295 school districts. Washington’s 2,200 public schools are governed by locally-elected school boards. The commitment to the community is that public schools would be under local control, so the instruction of children would be accountable and responsive to the community.

This commitment is made both to parents and to the broader community of taxpayers. This principle is essential to maintaining wide public support for public education. Once trust is lost, the public will become reluctant to provide the funding resources that are essential to maintaining the public system.

The system of local trust and control in choosing classroom materials is supported by state law.⁶ This is a fundamental promise of school board governance. The same is true

for curriculum, meeting state standards, and ensuring children receive the education they need to succeed in life.⁷

HB 2331 would break that promise by giving the Superintendent of Public Instruction veto power over local school boards. Short of cutting funding, he could threaten district officials that they must comply with his directions, rather than listening to the concerns of parents.

Harming public education

HB 2331 would further damage the reputation of public education as a place which serves all children on an equal and respectful basis. The families of 46,000 students have already pulled their children from the public schools. Many parents report they left public education in order to protect their children from hurtful ideas and radical political ideologies.

In today’s divisive environment many school districts are anxious to choose textbooks and classroom materials which protect younger students, to shelter them from the most harmful ideas in the culture while they learn and mature.

Many local schools, in response to public concerns, have chosen to not impose textbooks and materials that are seen as indoctrinating students in harmful CRT and DEI race ideology. Yet, in proposing this bill, sponsors are signaling that locally-elected school boards will be less accountable to the community, a trend that would likely add to the departure of families from the public system.

Conclusion

HB 2331 would effectively repeal RCW 28A.320.230 on Instructional Materials, which makes it the responsibility of local school boards

4 Subsection (1)(b) provides that this prohibition would not cover materials that include “bias” against these classes of people. The bill does not define the term “bias.”

5 28A.642 Revised Code of Washington, Discrimination Prohibition, at <https://app.leg.wa.gov/rcw/default.aspx?cite=28A.642&full=true#28A.642.050>

RCW 28A.642.040 Authority of superintendent of public instruction—Administrative orders.

RCW 28.640.050 Enforcement—Superintendent’s orders, scope.

6 RCW 28A.320.230 (1)(f) states:

“...Recommendation of instructional materials shall be by the district’s instructional materials committee in accordance with district policy. Approval or disapproval shall be by the local school district’s board of directors.”

7 RCW 28A.150.230 states:

2)...It shall be the responsibility of each common school district board of directors to adopt policies to:

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

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

to choose and approve curricula and textbooks in the common schools.

The bill would make public education less democratic because locally-elected school boards would no longer be able to maintain high academic standards, or protect students from the harmful impacts of the CRT and DEI misinformation.

High-quality public education requires adults to work together collaboratively to deliver the best results for children. HB 2331, and its companion SB 6208, would move public education backwards. They would reduce local control, raise further concerns among parents about whether local schools are safe for children, and add another reason for more families to leave public education.

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the Center for Education.*

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