

POLICY NOTE

Initiative 1495, to provide for curriculum transparency in public education

By Liv Finne, Director, Center for Education

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Key Findings

1. Initiative 1495 is an initiative to the legislature that would require school districts to make certain teacher and staff training materials available to the public.
2. If the measure gains enough signatures lawmakers can adopt it next session, propose an alternative or take no action.
3. If lawmakers do not pass the initiative it will be placed on the November 2023 ballot, possibly with an alternative.
4. The initiative is a response to recent laws passed by the legislature that require controversial CRT training sessions in K-12 public schools, public universities and medical schools.
5. Failure to attend CRT sessions can result in termination for school teachers and university faculty, and expulsion for medical students.
6. Some public employees have expressed concern about a hostile work environment and whether mandated CRT sessions violate state and federal civil rights protections.
7. Initiative 1495 would not change existing state law, but it would provide information to lawmakers and the public about whether to make changes in the future.

Introduction

A group of concerned citizens called Let's Go Washington is gathering signatures for a proposed people's initiative to the legislature, Initiative 1495, which would require curriculum transparency in public schools related to mandated teacher and staff training.¹

Initiative sponsors need to collect 324,516 valid signatures (8% of the votes cast in the last election for governor) to submit Initiative 1495 for consideration in the 2023 legislative session. The signatures must be received by the Secretary of State's office by December 31, 2022.²

If the measure qualifies the legislature must debate and consider the initiative during the session. Lawmakers have three choices:³

- They can enact the initiative into law as is (the governor's signature is not required);
- They can take no action, in which case the initiative is forwarded to voters on the November 2023 ballot. If voters approve the initiative it becomes law;
- They can pass their own alternative version, in which case both versions, the original and the legislature's, will appear on the November 2023 ballot. Voters will first decide if either version should become law and, if so, indicate on the same ballot which one should pass.

Text of Initiative 1495

The text of Initiative 1495 provides that, within one week of first use, publicly-available materials and activities used in teacher and staff training, and accurate descriptions of non-public materials, along with

1 "I-1495, Curriculum Transparency, Our Kids Education Should Not Be Secret," The Initiatives, Let's Go Washington, accessed October 24, 2022, at <https://letsgowashington.com/initiatives/>.

2 "Initiatives and Referenda Handbook – 2022," Elections Division, Office of the Secretary of State, Washington State, accessed October 20, 2022, at https://www.sos.wa.gov/_assets/elections/initiatives/initiative-and-referenda-handbook-2022.pdf.

3 Ibid.

funding sources and expenditures, be made accessible online to parents, taxpayers and the general public.⁴

Ballot Title

“Initiative Measure No. 1495 concerns educational materials and other education-related information.

The measure would require public education providers to display certain information online regarding student instruction and staff training, and make nonpublic and copyright-protected materials available for public inspection and, if legally allowed, copying.”

Should this measure be enacted into law?”

Ballot Measure Summary

“The measure would require public education providers to make available online, with one week of first use, publicly-available materials and activities used for student instruction or staff training, descriptions of nonpublic materials, and certain information regarding staff training requirements, funding sources, and expenditures. If a copyright holder objects, education providers must request permission to post the materials, display the request and response online, and permit public inspection and, if legally allowed, copying of materials.”

Initiative 1495 would require timely access to all training materials for teachers and staff in the K-12 public schools and of educational materials for students.

The measure would require the identification of all sources and amounts of funding used for staff and faculty training. It would require identification of the teacher, staff member, official or outside presenter who created the training or educational materials. It would prohibit public schools from imposing nondisclosure agreements on parents who receive a copy or review copies of these staff training materials.

Specifically, the public disclosure required under Initiative 1495 includes:

- Training materials or activities for public school staff and faculty;
- Sources and amounts of funding used for or supporting staff and faculty training;
- Educational materials or activities used for student instruction;
- A link to the training or educational material or a brief description and information about how to request review of a copy;

⁴ “I-1495, Curriculum Transparency,” Initiative Full Text, The Initiatives, Let’s Go Washington, accessed October 24, 2022, at <https://letsgowashington.com/i-1509/>, and “Initiative Measure No. 1495,” Office of the Secretary of State, Washington State, April 15, 2022, at https://www.sos.wa.gov/_assets/elections/initiatives/finaltext_2661.pdf.

- Information about the professional development service hours teachers complete, including the amount of funding spent by the school to provide it;
- Copyrighted materials shall be made available for public inspection, and no school can impose a nondisclosure on parents who reviews the materials;
- The information must remain posted and available for at least two years.

The reasoning behind Initiative 1495

The reasons a citizens group filed and promoted Initiative 1495 are recent actions taken by the governor and the legislature which have a direct impact on public schools and classrooms in communities across the state.

On May 5, 2021 Governor Inslee signed SB 5044, to require training in controversial

Critical Race Theory (CRT) in public education.⁵ Under the new law all school board member, teachers, administrators and other school staff must attend CRT training at least once a year. Failure to attend can result in termination or loss of teaching credentials.

Around the same time the governor signed SB 5227, 5194 and 5228, to require similar CRT sessions at public colleges, universities, community and technical colleges, and medical schools.⁶ Failure to attend can result in termination for faculty members and expulsion for students.

The content of Critical Race Theory

Critical Race Theory has sparked controversy with parents because it teaches students that their individuality is not based on their intrinsic worth as human persons, but as members of a group based on their perceived outward appearance. CRT holds that if people are identified as white, Jewish or Asian, they are oppressors. If they are perceived as black, Hispanic or part of another group, they are oppressed.

Some public employees are concerned mandated CRT sessions create a hostile work environment and allow the use of perceived racial identities to target and harass disfavored employees.

There is also concern mandated attendance at CRT sessions violates the Washington State Civil Rights Act, the federal Civil Rights Act of 1964, and the 14th Amendment to the U.S. Constitution. Similarly, the sessions have raised civil

5 SB 5044, "Concerning professional learning, equity, cultural competency, and dismantling institutional racism in the public school system," Washington State Legislature, signed May 5, 2021, at <https://app.leg.wa.gov/billsummary?BillNumber=5044&Year=2021&Initiative=false>.

6 SB 5227, "Requiring diversity, equity, inclusion, and antiracism training and assessments at institutions of higher education, Washington State Legislature, signed May 12, 2021, at <https://app.leg.wa.gov/billsummary?BillNumber=5227&Initiative=false&Year=2021>.

SB 5194, "Providing for equity and access in the community and technical colleges," Washington State Legislature, signed May 12, 2021, at <https://app.leg.wa.gov/billsummary?BillNumber=5194&Initiative=false&Year=2021>.

SB 5228, "Addressing disproportionate health outcomes by building a foundation of equity in medical training," Washington State Legislature, signed April 16, 2021, at <https://app.leg.wa.gov/billsummary?BillNumber=5228&Initiative=false&Year=2021>.



Liv Finne is the Director of the Center for Education at Washington Policy Center. She is the author of *An Option for Learning: An Assessment of Student Achievement in Charter Public Schools*, which in 2011 reignited the charter school debate in Washington state. She wrote “*Why parents will love charter schools,*” “*Why teachers will love charter schools,*” and many other publications during the 2012 public debate on Initiative 1240, the nation’s first charter school initiative. When charter schools came under attack from the state teachers union, she wrote “*Analysis: Why the state supreme court ruling against charter schools is wrong.*” She is also the author of Washington Policy Center’s widely-read education blog, and of Washington Policy Center’s Education Reform Plan: *Eight Practical Ways to Improve Public Schools*. Liv holds a law degree from Boston University School of Law and a Bachelor of Arts degree from Wellesley College. She retired from civil litigation practice to raise two children and work as business partner for a small business she owns with her husband.

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rights concerns about violations of teachers’ First Amendment rights by compelling speech or by punishing the expression of disfavored views and opinions.

Conclusion

The public schools in Washington state are experiencing a period of turmoil and division due to controversial lesson plans and mandated training sessions. Initiative 1495 seeks to shed sunlight on these materials by requiring them to be posted online in a timely way. The initiative would not alter existing state law or require the repeal of CRT legislation. Instead it would inform parents and the public about what is being taught in public schools and whether local school boards and state lawmakers should consider changes in the future.