

SB 5237, to cut school district budgets by 20% based on a new state-based complaint process

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Key Findings

1. **SB 5237 would create a new complaint process through which a local school district could lose 20 percent of its funding.**
2. **In current law, school boards choose appropriate textbooks and classroom materials.**
3. **SB 5237 would end local control over textbooks and instructional materials.**
4. **The families of 46,000 students have withdrawn their children from the public schools.**
5. **Many families are saying they left public education to protect their children from hurtful ideas and radical ideologies.**
6. **SB 5237 would make public education less democratic because locally-elected school boards would no longer be able to protect young students from the harmful impacts of the Critical Race Theory and radical gender ideology.**
7. **SB 5237 would move public education backwards by reducing local control, by raising further concerns about CRT, and by creating another reason for families to leave the system.**

Introduction

SB 5237 would create a procedure for cutting local school budgets by 20% through a new complaint process administered by the state Office of Superintendent of Public Instruction (OSPI). Complaints could be filed by anyone in the state against any school district or any school board member for “noncompliance with state law” related to curriculum, textbooks and classroom instructional materials. If the complaint is

confirmed, the state Superintendent would have the power to choose textbooks and classroom material for the local district and, at his discretion, withhold 20% of school district funding.

Text of SB 5237

Under SB 5237 the term “Noncompliance with state law” means:

“Action or inaction by a local superintendent, a local school district board of directors, or a member of a board of directors that results in noncompliance with state laws...”¹

The bill text contains a list of state laws related to sex discrimination and harassment, sex education, social and emotional learning, and to laws governing the selection of textbooks and materials by local school boards.

One of those listed laws is 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.

Another one of those listed laws is RCW 28A.150.230, which states:

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

....(f) Establish final curriculum standards

¹ Senate Bill 5237, Establishing complaint procedures to address noncompliance with certain state education laws, Section 2 (4), introduced January 10, 2023, by Senators C. Wilson, Wellman, Hunt, at <https://app.leg.wa.gov/bills/summary?BillNumber=5237&Initiative=false&Year=2023>.

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.

A third law on the SB 5237 target list is RCW 28A.300.476, which requires districts to provide Comprehensive Sex Education and Social and Emotional Learning.

Policy Analysis

SB 5237 would function as a new threat against local school funding because the bill would not add any oversight authority that is not already state law. Local board members and school superintendents in Washington's 295 school districts are already required to follow state law, and a review and complaint process already exists. The main element that SB 5237 would add is a potential 20% cut in local school funding.

Washington's 2,200 public schools are governed by locally-elected school boards. This system of democratic accountability based on community engagement has been in place for over 100 years. Parents and taxpayers depend on it to ensure that schools are responsive to the learning needs of children and that public funding is spent responsibly.

In the system of local control, only school boards make specific textbook selections, as provided by state law. This is a fundamental principle of school board governance. The same is true for curriculum, meeting state learning standards and ensuring children receive the education they need to succeed in life.

SB 5237 would end local control over textbooks and instructional materials used by the teachers in their schools, if the new

complaint process ended up targeting a particular school district.

SB 5237 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. The families of 46,000 students have withdrawn their children from the public schools, and many are saying they left public education to protect their children from hurtful ideas and radical 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. In particular, many communities seek textbooks and materials that avoid indoctrinating students in the most divisive elements of radical gender theory and Critical Race Theory (CRT) ideology.

In proposing SB 5237 the sponsors are signaling to many families that locally-elected school boards will be less accountable and responsive to the community, a trend that would likely add to the departure of families from the public system.

In addition, the threat of a 20% cut in funding proposed by the sponsors of SB 5237 would contribute to the fear and anxiety that is already dividing many communities.

Conclusion

SB 5237 would effectively repeal RCW 28A.320.230 on Instructional Materials, which makes it the responsibility of local school boards 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 young students from the harmful impacts of the Critical Race Theory and radical gender ideology.

High-quality public education requires adults to work together collaboratively to deliver the best results for children. Instead, SB

5237 would move public education backwards by reducing local control, by raising further concerns about CRT, and by creating another reason for families to leave the system, all while adding the threat that a community could lose 20% of its school funding.

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