
SENATE BILL 5227

State of Washington

67th Legislature

2021 Regular Session

By Senators Randall, Nobles, Das, Lovelett, and Wilson, C.

1 AN ACT Relating to diversity, equity, inclusion, and antiracism
2 training and assessments at institutions of higher education; adding
3 new sections to chapter 28B.10 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that a postsecondary
6 credential such as a degree, apprenticeship, or certificate is
7 increasingly necessary to obtain a job that offers a good salary and
8 advancement opportunities and that increasing the number of students
9 in Washington who obtain such a credential is essential to the
10 state's economic success. The legislature also recognizes that equity
11 gaps remain among postsecondary students and that those gaps
12 particularly impact students from historically marginalized
13 communities.

14 The legislature finds that developing and maintaining a culture
15 of belonging and support for students, faculty, and staff at
16 institutions of higher education is essential to student success, and
17 that faculty and staff play a key role. The legislature therefore
18 seeks to ensure that public institutions of higher education provide
19 faculty and staff, as well as students, with training to give them
20 tools to address matters related to antiracism, diversity, equity,
21 and inclusion.

1 The legislature further finds it necessary to regularly analyze
2 the impact of that training on the campus community and to identify
3 any measures needed to increase diversity, equity, and inclusion.
4 Accordingly, the legislature intends that each public institution of
5 higher education annually assess the learning, working, and living
6 environment on campus that students, faculty, and staff experience to
7 better understand the evolving state of diversity, equity, and
8 inclusion.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.10
10 RCW to read as follows:

11 (1) Each institution of higher education must:

12 (a) Develop and establish a professional development program on
13 diversity, equity, inclusion, and antiracism for faculty and staff.
14 If possible, this program must be developed and delivered by campus
15 faculty experts chosen by the faculty union or, if the institution
16 has no faculty union, then by the faculty senate. If that is not
17 possible, whatever consultant the institution hires must be approved
18 by campus faculty experts. Efforts should be made to ensure the
19 program is developed and delivered by individuals with innate and
20 acquired experience and expertise in the field of diversity, equity,
21 and inclusion;

22 (b) Provide professional development training on diversity,
23 equity, inclusion, and antiracism to faculty and staff beginning with
24 the 2022-23 academic year;

25 (c) Develop clear learning objectives for professional
26 development program participants and provide those objectives to the
27 student achievement council by July 1, 2022, and, subsequently, if
28 there is a meaningful change in objectives or by request by the
29 student achievement council;

30 (d) Create an evaluation for program participants, with
31 assistance from the student achievement council, that must be
32 conducted before and after participation in the professional
33 development program, and a follow-up evaluation to be conducted at a
34 later date. The evaluation forms, and curriculum, must be shared with
35 the student achievement council by July 1, 2022. The before-and-after
36 evaluations must capture participant's level of satisfaction with the
37 program and the degree to which they acquired the knowledge intended
38 by the institution of higher education. The follow-up evaluation must
39 focus on participants' behavior and how they apply what they learned

1 in the program to their jobs. Curriculum must only be submitted again
2 if there is a meaningful change or by request of the student
3 achievement council; and

4 (e)(i) Share completed evaluations of program participants
5 annually with the student achievement council and (ii) submit
6 curriculum and other pertinent information regarding the program
7 beginning July 1, 2023, and, subsequently, if there is a meaningful
8 change in evaluation or by request of the student achievement
9 council.

10 (2) The purpose of each professional development program
11 curriculum must be rooted in eliminating structural racism and
12 promoting diversity, equity, and inclusion while improving outcomes
13 for students from historically marginalized communities. Institutions
14 of higher education may further develop a curriculum that is
15 reflective of the needs of the campus community.

16 (3) Beginning with the 2022-23 academic year, every faculty and
17 staff member at an institution of higher education must participate
18 in the program annually, regardless of whether they are full-time or
19 part-time employees. All faculty and staff must complete an
20 evaluation before and after participation in the program. Part-time
21 faculty and staff may provide proof of attendance and completion to
22 other institutions of higher education employers to receive credit
23 for participation.

24 (4) The education data center, established in RCW 43.41.400, and
25 the student achievement council may collaborate for the purpose of
26 conducting analysis on the impact of the professional development
27 program for faculty and staff on the campus community. Data from
28 annual data-sharing agreements established in section 3(7) of this
29 act may be used.

30 (5) The student achievement council shall conduct further
31 quantitative or qualitative analysis of the professional development
32 programs, through participant evaluation data, use of focus groups,
33 or other methods. The student achievement council may determine
34 promising practices based their analysis.

35 (6) The student achievement council must develop a report on
36 their analysis of the professional development programs and submit it
37 to the higher education committees of the legislature by December 31,
38 2024, and biennially thereafter.

39 (7) The student achievement council and institutions of higher
40 education shall adopt rules as necessary or appropriate for effecting

1 the provisions of this section, and not in conflict with this
2 chapter, in accordance with the provisions of chapter 34.05 RCW, the
3 administrative procedure act.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.10
5 RCW to read as follows:

6 (1)(a) The four-year institutions of higher education as defined
7 in RCW 28B.10.016 shall conduct a campus climate assessment to
8 understand the current state of diversity, equity, and inclusion in
9 the learning, working, and living environment on campus for students,
10 faculty, and staff.

11 (b) The state board for community and technical colleges shall
12 conduct a uniform campus climate assessment of community and
13 technical colleges to understand the current state of diversity,
14 equity, and inclusion in the learning, working, and living
15 environment on each campus for students, faculty, and staff.

16 (2) Findings must include an evaluation of student and employee
17 attitudes and awareness of campus diversity, equity, and inclusion
18 issues and, if needed, should provide recommendations for improving
19 measures to address diversity, equity, and inclusion and eliminating
20 structural racism on campus. College and university diversity
21 officers may be consulted in the development of recommendations.

22 (3) The four-year institutions of higher education and the state
23 board for community and technical colleges shall report their
24 findings to the student achievement council annually beginning July
25 1, 2022.

26 (4) Diversity, equity, and inclusion campus climate assessments
27 that have been and will be conducted annually may fulfill the
28 requirements in this section.

29 (5) Each student advisory committee established under RCW
30 28B.15.190, and selected student representatives at each community
31 and technical college, shall assist administrators in the development
32 of the campus climate assessment and provide recommendations based on
33 the results of the campus climate assessment. If a student advisory
34 committee, or the selected student representatives at a community and
35 technical college, disagree as to the method and form of the campus
36 climate assessment or to an institution of higher education's
37 recommendations resulting from the assessment's results, then the
38 institution of higher education must change the assessment or

1 recommendations to accommodate the student advisory committee or
2 selected student representatives.

3 (6) The student achievement council must develop a report on
4 campus climate assessment results and submit it to the higher
5 education committees of the legislature by December 31, 2024, and
6 biennially thereafter. The report must include a summary of each
7 campus climate assessment on diversity, equity, and inclusion. The
8 report must also include pertinent aggregated data on each campus's
9 student and faculty population, and opportunities to improve outcomes
10 based on assessment results and data. To develop the report, the
11 student achievement council shall enter annual data-sharing
12 agreements as set forth in subsection (7) of this section.

13 (7) The education data center, established in RCW 43.41.400,
14 shall include the student achievement council in their annual data-
15 sharing agreements with institutions of higher education. The annual
16 data-sharing agreements must ensure access to necessary disaggregated
17 data for the purpose of developing the biannual report and conducting
18 analysis of the impact of professional development programs for
19 faculty and staff established in section 2 of this act. Data
20 collected and received by the student achievement council is private
21 and confidential and must only be used for statistical analysis,
22 research, and evaluation purposes.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 28B.10
24 RCW to read as follows:

25 (1) Each institution of higher education must:

26 (a) Develop and establish a program on diversity, equity,
27 inclusion, and antiracism for students;

28 (b) Provide training on diversity, equity, inclusion, and
29 antiracism to students beginning with the 2024-25 academic year;

30 (c) Develop clear learning objectives for program participants
31 and provide those objectives to the student achievement council by
32 July 1, 2024, and, subsequently, if there is a meaningful change in
33 objectives or by request by the student achievement council;

34 (d) Create an evaluation for program participants, with
35 assistance from the student achievement council, that must be
36 conducted before and after participation in the program, and a
37 follow-up evaluation to be conducted at a later date. The evaluation
38 forms, and curriculum, must be shared with the student achievement
39 council by July 1, 2024. The before-and-after evaluations must

1 capture participant's level of satisfaction with the program and the
2 degree to which they acquired the knowledge intended by the
3 institution of higher education. The follow-up evaluation must focus
4 on participants' behavior and how they apply what they learned in the
5 program. Curriculum must only be submitted again if there is a
6 meaningful change or by request of the student achievement council;
7 and

8 (e)(i) Share completed evaluations of program participants
9 annually with the student achievement council; and (ii) submit
10 curriculum and other pertinent information regarding the program
11 beginning July 1, 2025, and, subsequently, if there is a meaningful
12 change in evaluation or by request of the student achievement
13 council.

14 (2) The purpose of each program curriculum must be rooted in
15 eliminating structural racism and promoting diversity, equity, and
16 inclusion while improving outcomes for campus community members from
17 historically marginalized communities. Prior to the establishment of
18 a program on diversity, equity, inclusion, and antiracism for
19 students, institutions of higher education shall use the data and
20 evaluation of the professional development program established under
21 section 2 of this act, together with the results of the campus
22 climate assessment established under section 3 of this act, to
23 determine the professional development program's impact and create an
24 impactful and relevant program geared toward students and the needs
25 of the campus community.

26 (3) Beginning with the 2024-25 academic year, every student at an
27 institution of higher education must participate in the program
28 annually, regardless of whether they are full-time or part-time
29 students. All students must complete an evaluation before and after
30 participation in the program. Part-time students may provide proof of
31 attendance and completion to other institutions of higher education
32 to receive credit for participation.

33 (4) The education data center, established in RCW 43.41.400, and
34 the student achievement council may collaborate for the purpose of
35 conducting analysis on the impact of the program. Data from annual
36 data-sharing agreements established in section 3(7) of this act may
37 be used.

38 (5) The student achievement council shall use results from the
39 campus climate assessments, established in section 3 of this act, to

1 conduct an analysis of the program. The student achievement council
2 may determine promising practices based on their analysis.

3 (6) The student achievement council must develop a report on
4 their analysis of the programs and submit it to the higher education
5 committees of the legislature by December 31, 2026, and biennially
6 thereafter.

7 (7) The student achievement council and institutions of higher
8 education shall adopt rules as necessary or appropriate for effecting
9 the provisions of this section, and not in conflict with this
10 chapter, in accordance with the provisions of chapter 34.05 RCW, the
11 administrative procedure act.

12 NEW SECTION. **Sec. 5.** If any part of this act is found to be in
13 conflict with federal requirements that are a prescribed condition to
14 the allocation of federal funds to the state, the conflicting part of
15 this act is inoperative solely to the extent of the conflict and with
16 respect to the agencies directly affected, and this finding does not
17 affect the operation of the remainder of this act in its application
18 to the agencies concerned. Rules adopted under this act must meet
19 federal requirements that are a necessary condition to the receipt of
20 federal funds by the state.

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