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**SENATE BILL 5008**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator McCune

Prefiled 12/05/22.

1 AN ACT Relating to providing parents and legal guardians access  
2 to instructional materials; adding a new section to chapter 28A.320  
3 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 (1)(a) Each school district must post all core instructional  
8 materials used within its curricula on its website within 14 days of  
9 adoption by the school district board of directors.

10 (b) For the purposes of this section, "core instructional  
11 materials" means the primary instructional resources for a given  
12 course and have been adopted by the school district board of  
13 directors with the recommendation of an instructional materials  
14 committee in accordance with RCW 28A.320.230.

15 (2)(a) Each school building within a school district must post  
16 all supplemental instructional materials used within its curricula on  
17 its website at least 14 days before they are used in a classroom. If  
18 the school building does not have a website, the supplemental  
19 instructional materials must be posted on the school district's  
20 website.

1 (b) For the purposes of this section, "supplemental instructional  
2 materials" means the materials that are used in conjunction with the  
3 core instructional materials of a given course. Supplemental  
4 instructional materials include, but are not limited to, books,  
5 periodicals, visual aids, video, sound recordings, computer software,  
6 and other digital content.

7 (3) All the instructional materials that are required to be  
8 posted by this section must be posted in a convenient place on each  
9 respective website and easy for parents and legal guardians to access  
10 and review.

11 (4) Nothing in this section requires school districts or school  
12 buildings to post any instructional materials that would violate any  
13 copyright laws or license agreements. If a school district or school  
14 building is unable to post any instructional materials required by  
15 this section because of copyright laws or license agreements, the  
16 school district or school building must provide parents and legal  
17 guardians an alternative method for accessing any instructional  
18 materials.

19 (5)(a) A school district shall be subject to a civil penalty in  
20 the amount of \$500 for each violation of this section by the school  
21 district or a school building.

22 (b) The civil penalty must be assessed by a judge of the superior  
23 court and an action to enforce this penalty may be brought by any  
24 person. A violation of this section does not constitute a crime and  
25 assessment of the civil penalty by a judge shall not give rise to any  
26 disability or legal disadvantage based on conviction of a criminal  
27 offense.

28 (c) Any person who prevails against a school district in any  
29 action in the courts for a violation of this section must be awarded  
30 all costs, including reasonable attorney fees, incurred in connection  
31 with such legal action. Pursuant to RCW 4.84.185, any school district  
32 which prevails in any action in the courts for a violation of this  
33 chapter may be awarded reasonable expenses and attorney fees upon  
34 final judgment and written findings by the trial judge that the  
35 action was frivolous and advanced without reasonable cause.

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