

SENATE BILL REPORT

SB 6073

As of February 27, 2009

Title: An act relating to profoundly capable divergent students.

Brief Description: Regarding profoundly capable divergent students.

Sponsors: Senators Oemig, Shin, Roach, Jarrett and McDermott.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/25/09.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Brandon Roché (786-7405)

Background: Highly Capable Students. School districts may operate programs for highly capable students who exhibit outstanding cognitive ability, exceptional creativity, or excel in specific academic fields. If a district offers such a program, the district receives categorical state funds to supplement the basic education funding for the students. The 2007-09 operating budget limits the percentage of highly capable students eligible for state funding in each district to 2.314 percent of the district's full-time equivalent enrollment.

Current state statutes and rules adopted by the Office of the Superintendent of Public Instruction (OSPI) set minimum requirements for the program; however, program design and implementation vary greatly between school districts.

In the 2006-07 school year, a total of 23,641 students were reported by school districts as participating in highly capable programs.

Special Education. A program of special education is provided for all children with disabilities. A student eligible for special education means a student who has been evaluated and determined to need special education because of having a disability in one of the following categories: mental retardation; a hearing impairment; a speech or language impairment; a visual impairment; an emotional behavioral disability; an orthopedic impairment; autism; traumatic brain injury; any other health impairment; a specific learning disability; deaf-blindness; multiple disabilities; or for students, ages three through eight, a developmental delay, which because of the disability and adverse educational impact, requires unique needs that cannot be addressed exclusively through education in general

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education classes with or without individual accommodations, and needs special education and related services.

In December of 2008 there were 125,334 school-age children classified with some type of disability.

Summary of Bill: This bill creates a classification of profoundly divergent children as measured by those demonstrating an intelligence quotient of three standard deviations below or above the mean. Profoundly divergent children are treated as having special needs. For funding and administrative purposes, special needs children are both children with disabilities and profoundly divergent children.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: You have a challenge of designing an education system for the twenty-first century which should include those children who are profoundly divergent. The dollars spent on gifted education are leveraged more dramatically than any dollars spent on education. Three standard deviations is a bit high; two would be better, but it's not quite that simple. Either way, these kids need something special. The federal definition of highly capable shows that the children are above and beyond what's available in most classrooms. What's needed by these students is an optimal match. My family feels very fortunate to have the Quest program available for the highly capable children. But that program is at serious risk of being cut. The Quest program is a haven for learning because in the regular classrooms they must teach to the lowest common denominator. It's important that these kids are together in an environment where kids want to learn. We continue to believe that gifted education must be included in the basic education funding formula.

CON: My major criticism is that we haven't had a study group come together. One of the major misunderstandings in special education is that in order to receive special education services you have to have a disability and that has to have an adverse effect on your performance. I would highly recommend that gifted and capable children have more funding but not to have them come under the category of special education. I have a concern that in the special education arena the major push is for inclusion and we need far more training for the educators to handle that. I would not support the idea of putting this under the special education umbrella.

Persons Testifying: PRO: Nancy Robinson, University of Washington; David Berg, Paulina Davison, Quest/ABC; Marcia Holland Risch, Northwest Gifted Child Association.

CON: Christie Perkins, Washington State Special Education Coalition.