

HOUSE BILL REPORT

HB 2927

As Reported by House Committee On:
Education

Title: An act relating to highly capable students.

Brief Description: Concerning highly capable students.

Sponsors: Representatives Vick, Harris, Senn, Frame, Young, Muri and Kloba.

Brief History:

Committee Activity:

Education: 1/29/18, 1/30/18 [DPS].

Brief Summary of Substitute Bill

- Requires the Superintendent of Public Instruction (SPI) to confirm that each school district has policies and procedures to allow for the identification of children who are highly capable.
- Directs the SPI to require school districts to have identification procedures for highly capable programs that are clearly stated and implemented by districts in accordance with specified criteria.
- Requires district identification criteria to include universal screening for all students at least once at or before second grade.
- Directs the SPI to disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs.
- Establishes new professional development, reporting, data collection, staffing, and monitoring requirements for the SPI related to highly capable students and programs.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Bergquist, Caldier, Hargrove, Johnson, Lovick, McCaslin, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

Staff: Ethan Moreno (786-7386).

Background:

School district programs for highly capable students are part of the state's program of basic education, and supplemental state funding is provided to districts for the purpose of providing enhanced learning opportunities for the most highly capable students.

At the state level, the Superintendent of Public Instruction (SPI) is obligated to implement a program for highly capable students. This program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for the additional costs of district programs.

School districts must adopt student identification procedures for highly capable students and provide educational opportunities according to requirements in state law. These requirements obligate districts, in accordance with rules adopted by the SPI, to implement procedures for nomination, assessment, and selection of their most highly capable students. Under current law:

- nominations must be based upon data from teachers, other staff, parents, students, and members of the community;
- assessment must be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities; and
- selection must be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

Legislation enacted in recent years has established intent and requirements related to district practices for identifying highly capable students. Legislation adopted in 2009 (Chapter 548, Laws of 2009, enacted as Engrossed Substitute House Bill 2261) established legislative intent provisions related to highly capable programs and specified, in part, that:

"There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the Legislature does not intend to prescribe a single method."

Additionally, legislation adopted in 2017 (Chapter 13, Laws of 2017 3rd sp.s, enacted as Engrossed House Bill 2242), modified requirements for identifying highly capable students by obligating school districts to prioritize the equitable identification of low-income students.

Students selected to participate in a highly capable program must be provided, to the extent feasible, an educational opportunity that takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district.

Summary of Substitute Bill:

New duties and requirements related to highly capable students and programs are established for the SPI, with related implementation duties for school districts and school district personnel.

Confirmation of District Policies and Procedures/System Requirements.

The SPI must confirm that each local education agency (school district) has policies and procedures to allow for the identification of children who are highly capable. Additionally, the SPI must require districts to have identification procedures for their highly capable programs that are clearly stated and implemented using 10 specified criteria, examples of which include:

- the systems and procedures used in the referral, screening, assessment, and selection of highly capable students must be implemented in a nondiscriminatory manner;
- the systems and procedures for identifying the most highly capable students must prioritize equitable identification of low-income students as required by law;
- universal screening must be conducted for all students in a grade level, using an instrument designed for that purpose, at least once at or before second grade;
- districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criteria may eliminate a student from identification; and
- all student screening and assessments must be conducted during the regular school day and in the student's home school.

The SPI must monitor school districts' compliance with the district policies and the system and procedural requirements described above.

Optional Professional Development.

The SPI must develop three hours of optional professional development for principals, counselors, administrators, and members of selection committees for highly capable students. The SPI must encourage individuals to complete the professional development at least once every two years, and the professional development must address the needs of highly capable students for the purpose of facilitating:

- better support for teachers who have highly capable students in their classrooms; and
- active participation in the identification process by recognizing students who may be eligible for services, and to improve district practices for highly capable identification and service models.

Dissemination of Guidance.

The SPI must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

Other Duties.

The SPI is assigned new reporting, data collection, and staffing obligations. By November 1, 2019, the Office of the Superintendent of Public Instruction (OSPI) must identify barriers to conducting a second screening of students for highly capable programs that would occur in or

before the sixth grade. The OSPI must report its findings and recommendations to the education committees of the House of Representatives and the Senate.

With respect to data collection, the SPI must collect, disaggregate, and publicly report by subgroup, the number of students referred, universally screened, assessed, selected, and placed, as well as average, median, and standard deviation of student universal screening scores by subgroup, and the aggregate actual district spending on highly capable services. The SPI must also ensure there is appropriate staff to provide technical assistance and respond to questions from school districts regarding the requirements described above.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- makes the three hours of professional development required each biennium in the underlying bill for specified positions optional;
- removes the requirement that all teachers who have at least one highly capable student in their classroom complete three hours of professional development per biennium;
- modifies a provision in the underlying bill requiring universal screening for highly capable programs to occur for all students in or before the second grade and in or before the sixth grade by removing the requirement for the second screening;
- requires the OSPI to identify barriers to conducting second screening of students that would occur in or before the sixth grade;
- makes technical changes, including grammar changes and replacing "local education agencies" with "school districts."

Appropriation: None.

Fiscal Note: Requested on January 25, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Although the highly capable program is a mandate from the state, districts implement the program differently, if at all. There are shortcomings in the implementation of program requirements, and districts need additional resources to properly and consistently implement highly capable requirements. The bill has been vetted at the state and local level.

No matter how many times a screening is rescheduled, some students cannot attend screening tests on Saturdays. Saturday testing occurs early in the day and without school bus service. Saturday morning testing is difficult. It would be better and more fair to take the test during the school day.

Screening is sometimes performed under poor and inconsistent circumstances with school secretaries administering the test. Current practices allow teachers and principals to retain the highly capable students in the regular population and increase test scores for the building. Universal screening is needed, the testing must occur in the school day, and professional development is needed for teachers with highly capable students.

The number of Latino students in highly capable programs is growing because of universal screening. Equitable screening practices should be supported. The proposals of the bill can be achieved and will be helpful. Some students are labeled as behaviorally challenged, but this may be because they are highly capable and insufficiently challenged by the regular curriculum. Current eligibility provisions for highly capable programs are discriminatory. In Seattle, the white student will be placed in a highly capable program and provided resources throughout high school, but a black student will be placed in special education and put into the school-to-prison pipeline.

The bill continues the efforts of Engrossed House Bill 2242 from last year and promotes additional training. Stakeholders would like to offer suggestions for modifications to the bill.

If it is predictable who is in the bottom and top quartiles of a program, the program is not equitable. The state cannot close the achievement gap without addressing inequities in highly capable programs. Some districts have screened all students in kindergarten through eighth grade, but districts need access to proper screening that is culturally responsive.

District audits to identify students who may have been missed for highly capable programs have found students from underrepresented groups. These students are missing opportunities for academic acceleration. School districts need to have equitable practices for all students.

(Opposed) None.

Persons Testifying: Representative Vick, prime sponsor; Charlotte Akin, Evergreen School District; Laura Schonberg, K-12 Highly Capable Services–Mount Vernon School District; Janet Kragen, Washington Association of Educators of Talented and Gifted; Tristan Tidwell; Jody Hess, Office of the Superintendent of Public Instruction; Sebrena Burr, Washington State Parent Teacher Association; Angie Hinojos Yusuf, Highly Capable Parents Council; and Michelle Reid, Northshore School District.

Persons Signed In To Testify But Not Testifying: Reby Parsley; Austina De Bonte, Northwest Gifted Child Association; Corin Goodwin, Gifted Homeschoolers Forum; Andrea Peterman, Racial Equity in Highly Capable Cohort; Charla Griffy-Brown, Graziadio School of Business, Pepperdine University; Karen Heikes, State Board of Education; and Joy Sebe, Decatur Elementary School.