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HOUSE BILL 2927

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State of Washington                      65th Legislature                      2018 Regular Session

By Representatives Vick, Harris, Senn, Frame, Young, Muri, and Kloba

Read first time 01/25/18. Referred to Committee on Education.

1            AN ACT Relating to highly capable students; adding new sections  
2 to chapter 28A.300 RCW; and creating a new section.

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

4            NEW SECTION.        **Sec. 1.**        (1) The legislature intends to make  
5 technical corrections and clarifications to existing law concerning  
6 the highly capable program, as described in RCW 28A.185.010 through  
7 28A.185.030, to enforce equitable identification and universal  
8 screening of highly capable students.

9            (2) Highly capable students are students who perform or show  
10 potential for performing at significantly advanced academic levels  
11 when compared with others of their age, experience, or environments.  
12 Outstanding abilities are seen within students' general intellectual  
13 aptitudes, specific academic abilities, or creative productivities  
14 within a specific domain. These students are present not only in the  
15 general populace, but are present within all protected classes  
16 according to chapters 28A.640 and 28A.642 RCW.

17            (3) Research from the national center for research on gifted  
18 education shows that highly capable children in poverty and minority  
19 groups that demonstrate comparable levels of achievement and aptitude  
20 are still two hundred fifty percent less likely to be identified for,  
21 and in, highly capable programs.

1 (4) Common identification systems and procedures in Washington  
2 state school districts include practices known to be discriminatory  
3 towards low-income students and other students who are historically  
4 underrepresented in highly capable programs, such as relying on  
5 parent or teacher referrals, and conducting assessments on Saturdays  
6 or after school.

7 (5) A crucial aspect of existing law has been widely  
8 misinterpreted, concerning "multiple objective criteria" for highly  
9 capable identification. The original intent of "multiple objective  
10 criteria" was to provide multiple possible avenues for  
11 identification, not to require that a student score highly on every  
12 measure before he or she qualifies for highly capable services. This  
13 misunderstanding turns multiple measures into multiple hurdles that  
14 disproportionately limit identification of low-income and other  
15 historically underrepresented students, who may have variable scores  
16 despite high cognitive potential.

17 (6) Most in-service teachers have received little to no  
18 preservice training or professional development on the needs of  
19 highly capable students, including teachers who are assigned to work  
20 with these students. In response to this need, the superintendent of  
21 public instruction is developing professional development modules on  
22 the identification and instruction of highly capable students,  
23 including considerations for historically underrepresented groups.  
24 Highly capable program professional staff developers are available  
25 throughout each educational service district region.

26 (7) While the funding formula for highly capable programs is  
27 based on five percent of district enrollment, districts are not  
28 limited to identifying five percent of their student population as  
29 highly capable.

30 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.300  
31 RCW to read as follows:

32 (1) The superintendent of public instruction must confirm that  
33 each local educational agency has policies and procedures to allow  
34 for the identification of children who are highly capable.

35 (2) The superintendent of public instruction must require school  
36 districts to have highly capable systems and procedures that are  
37 clearly stated and implemented by school districts using the  
38 following criteria:

1 (a) The systems and procedures used in the referral, screening,  
2 assessment, and selection of highly capable students are implemented  
3 in a nondiscriminatory manner;

4 (b) The systems and procedures for identifying the most highly  
5 capable students must prioritize equitable identification of low-  
6 income students as required by RCW 28A.185.020;

7 (c) Universal screening must be conducted for all students in a  
8 grade level, using an instrument designed for that purpose, at least  
9 once at or before second grade, and again at or before sixth grade.  
10 If students are not enrolled in a grade level where universal  
11 screening is being conducted, there must be a referral process  
12 available for screening;

13 (d) All students newly enrolled in a school district who missed  
14 universal screening and do not have evidence of screening in their  
15 previous district must be screened within ninety days of enrollment;

16 (e) Districts must use multiple objective criteria to identify  
17 students who are among the most highly capable. Multiple pathways for  
18 qualifications must be available and no single criteria may eliminate  
19 a student from identification;

20 (f) Highly capable selection decisions must be based on  
21 consideration of criteria benchmarked on local norms, but local norms  
22 may not be used as a more restrictive criteria than national norms at  
23 the same percentile;

24 (g) All student screening and assessments must be conducted  
25 during the regular school day, in the student's home school;

26 (h) Subjective measures such as teacher recommendations or report  
27 card grades may not be used to screen out a student from assessment.  
28 These data points may be used alongside other criteria during  
29 selection to support identification, but may not be used to  
30 disqualify a student from being identified;

31 (i) As practicable, screening and assessments must be given in  
32 the native language of the student. If native language screening and  
33 assessments are not available, a nonverbal screening and assessment  
34 must be used; and

35 (j) A student who is identified for the highly capable program  
36 does not lose this status if the parent or legal guardian does not  
37 give permission to accept highly capable services or if the student  
38 withdraws from services for any reason. The highly capable-identified  
39 student may resume highly capable services, in the future without  
40 further screening or assessment.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 28A.300  
2    RCW to read as follows:

3        (1) The superintendent of public instruction must require all  
4    principals, counselors, administrators, and all members of the  
5    multidisciplinary selection committee to attend at least three hours  
6    of professional development each biennium about the needs of highly  
7    capable students to facilitate:

8        (a) Better support for teachers who have highly capable students  
9    in their classrooms; and

10       (b) Active participation in the identification process by  
11    recognizing students who may be eligible for services, and improve  
12    district practices for highly capable identification and service  
13    models.

14       (2) At least three hours of professional development per biennium  
15    is required for all teachers who have at least one highly capable  
16    student in his or her classroom. All other certificated and  
17    noncertificated staff are encouraged to take professional development  
18    classes on the needs of highly capable students.

19       (3) The superintendent of public instruction must disseminate  
20    guidance on referral, screening, assessment, selection, and placement  
21    best practices. The guidance must be regularly updated and aligned  
22    with evidence-based practices.

23       (4) The superintendent of public instruction must monitor school  
24    districts' compliance with this section and section 2 of this act.

25       NEW SECTION.    **Sec. 4.**    A new section is added to chapter 28A.300  
26    RCW to read as follows:

27       The superintendent of public instruction must:

28       (1) Collect, disaggregate, and publicly report by subgroup, the  
29    number of students referred, universally screened, assessed,  
30    selected, and placed, as well as average, median, and standard  
31    deviation of student universal screening scores by subgroup, and the  
32    aggregate actual district spending on highly capable services; and

33       (2) Ensure there is appropriate staff to provide technical  
34    assistance and respond to questions from local educational agencies  
35    regarding the requirements of sections 2 and 3 of this act.

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