

SSB 6282 - S AMD 1068  
By Senator Pedersen

ADOPTED 02/17/2020

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that  
4 accelerated learning and enhanced instruction for highly capable  
5 students is considered part of basic education, and requires that  
6 students be offered a continuum of highly capable services in grades  
7 K-12. Accelerated learning requires access to accelerated curriculum,  
8 advanced standards, and faster pacing. Enhanced instruction requires  
9 that the accelerated curriculum be offered at greater depth and  
10 complexity, and that students receive direct instruction on that K-12  
11 curriculum from educators. Accelerated learning and enhanced  
12 instruction can be achieved through a variety of delivery models and  
13 instructional programming, which grants school districts the  
14 flexibility necessary to address a wide range of student needs.

15 The legislature further recognizes that there has been a long  
16 history of inequitable access to highly capable services.  
17 Identification practices such as testing outside the school day or at  
18 locations other than a student's school and the use of testing  
19 instruments that are inaccessible to English language learners has  
20 had the effect of failing to identify highly capable students who  
21 reflect the racial and economic diversity of a school district's  
22 population. The legislature encourages districts to reform their  
23 identification processes to address these inequities and improve  
24 access for all highly capable students.

25 However, the legislature also recognizes the possible impact to  
26 student learning that may occur when school districts modify the  
27 delivery model of highly capable services. Therefore, the legislature  
28 intends to create a process to protect highly capable student access  
29 to basic education when a school district substantially modifies the  
30 continuum of highly capable services provided.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.185

2 RCW to read as follows:

3 (1) A school district may choose to provide highly capable  
4 instruction using a variety of service delivery models. However, if a  
5 school district chooses to make a substantial modification to the  
6 continuum of services provided to the highly capable students in a  
7 school or school district by transitioning the students to an  
8 alternative delivery model for highly capable instruction, it must  
9 develop a highly capable program transition plan for the group of  
10 students affected.

11 (2)(a) Within fifteen days of formalizing the decision to  
12 transition to an alternative delivery model for highly capable  
13 instruction, a school district must provide written notice to the  
14 parents and guardians of all highly capable students that may be  
15 affected by the transition. The notice must include a summary of the  
16 anticipated program changes and an invitation to participate in  
17 public meetings regarding development and adoption of the highly  
18 capable program transition plan.

19 (b) Any school district required to retroactively develop a  
20 highly capable program transition plan pursuant to section 3 of this  
21 act must provide notice within fifteen days of the effective date of  
22 this section.

23 (3) Within thirty days after providing written notice to parents  
24 and guardians, the school district must hold a public meeting to  
25 solicit comments regarding development of the highly capable program  
26 transition plan.

27 (4) Within thirty days after the public meeting, the school  
28 district must convene a transition team to develop the highly capable  
29 program transition plan. The transition team must be appointed by the  
30 school board of directors, and include highly capable educators,  
31 parents or guardians of highly capable students affected by the  
32 transition, and school district personnel who have experience  
33 administering highly capable programs.

34 (5) Within thirty days of convening, the transition team must  
35 develop a highly capable program transition plan that reflects the  
36 comments received at the public meeting and that contains, at a  
37 minimum, the following information:

38 (a) A description of the highly capable program's current  
39 structure and services, including instructional enhancement  
40 strategies and processes used to address the unique needs and

1 capabilities of highly capable students, including those with  
2 learning disabilities and special needs;

3 (b) A description of the services and transitional supports that  
4 highly capable students will receive under the alternative delivery  
5 model, and how those services will provide students with equivalent  
6 or enhanced educational opportunities;

7 (c) A plan for how the progress of all highly capable students  
8 will be measured in subjects in which they are receiving accelerated  
9 learning and enhanced instruction;

10 (d) A process and timeline for evaluating whether the alternative  
11 delivery model is successfully providing a meaningful opportunity for  
12 progress similar to that expected under the current delivery model;

13 (e) A process to solicit feedback from parents or guardians of  
14 highly capable students, at least once each year for two years  
15 following the introduction of the alternative delivery model, to  
16 determine if any modification to the delivery model is necessary; and

17 (f) If one of the reasons the district is changing the highly  
18 capable delivery model is to address racial disparities within the  
19 program and increase access to educational opportunity for students  
20 of color, the transition plan must also include a description of how  
21 the new model will address racial disparities, a multiyear process  
22 for evaluating whether the new delivery model is actually increasing  
23 access to the highly capable program for students of color, and a  
24 plan for making adjustments if it is not.

25 (6) Within thirty days of finalizing the highly capable program  
26 transition plan, the school district must adopt the plan at an open  
27 public meeting. Upon adoption, the school district must publish the  
28 transition plan on the school district web site.

29 (7) If a school district fails to develop a highly capable  
30 program transition plan as required under this section or, if after  
31 one year, a student subject to the transition plan is not continuing  
32 to make academic progress similar to the progress that had been made  
33 under the prior delivery model, the parent or guardian of that highly  
34 capable student may request mediation with the school district. If  
35 the parent requests mediation with the school district, the school  
36 district shall engage an independent mediator within thirty days, at  
37 the expense of the school district, to assist the parties in creating  
38 a mutually acceptable individual transition plan.

39 (8) For the purposes of this section, "substantial modification"  
40 means modification to the continuum of highly capable services

1 provided to a student, made without the consent of the student's  
2 parent or guardian, that significantly adjusts or disrupts the  
3 delivery of accelerated learning or enhanced instruction. This may  
4 include, but is not limited to, moving a student from a cohort model  
5 of instruction to a noncohort model of instruction or disrupting a  
6 student's future expected course sequencing.

7 NEW SECTION. **Sec. 3.** This act applies retroactively to all  
8 transitions in highly capable delivery models that occurred after  
9 January 1, 2019."

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10 On page 1, line 2 of the title, after "plans;" strike the  
11 remainder of the title and insert "adding a new section to chapter  
12 28A.185 RCW; and creating new sections."

EFFECT: Requires a school district to develop a highly capable program transition plan if the school district transitions students to an alternative delivery model for highly capable instruction. Establishes a timeline for the transition plan development, which includes providing notice to parents and guardians, holding a public meeting to solicit comments regarding plan development, convening a transition team to develop the transition plan, and adopting and publishing the transition plan. Provides that if the highly capable delivery model is changed to address racial disparities and increase access for students of color, the transition plan must include a description of how this will be accomplished and measured. Provides that if a school district fails to adopt a transition plan as required, or if a student subject to the transition plan is not continuing to make academic progress similar to the progress made under the prior delivery model, that student's parent or guardian may request mediation with the school district to create an individual transition plan.

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