

# HOUSE BILL REPORT

## HB 1641

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### As Reported by House Committee On: Education

**Title:** An act relating to facilitating equity in programs for highly capable students.

**Brief Description:** Concerning programs for highly capable students.

**Sponsors:** Representatives Vick, Stonier, Steele, Senn, Bergquist and Tarleton.

#### **Brief History:**

##### **Committee Activity:**

Education: 2/12/19, 2/18/19 [DPS].

#### **Brief Summary of Substitute Bill**

- Modifies school district procedures related to identification, selection, and placement of students into programs for highly capable students.
- Requires that student data-related reports be disaggregated by the subgroup of highly capable students.
- Directs the Office of the Superintendent of Public Instruction to designate staff to provide technical assistance and guidance to school districts regarding the Highly Capable Program.
- Requires that the state fund, and school districts provide, transportation to and from programs for highly capable students.
- Specifies staff training requirements related to identifying and serving highly capable students.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 19 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Harris, Kilduff, Kraft, Ortiz-Self, Rude, Stonier, Thai, Valdez and Ybarra.

**Staff:** Megan Wargacki (786-7194).

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*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.*

## **Background:**

As part of the state's program for basic education, the Highly Capable Program (HiCap Program) provides access to accelerated learning and enhanced instruction for students identified as highly capable. The state allocates funding for the HiCap Program based on 5 percent of each school district's population.

School districts may only use these supplementary funds to provide services to highly capable students.

School District Procedures. School districts must implement procedures for nomination, assessment, and selection of their most highly capable students. These practices must prioritize equitable identification of low-income students.

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.

Selection must be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment. Selection decisions must be based on consideration of criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms at the same percentile. Students selected for the HiCap 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.

When a student who is a child of a military family in transition has been assessed or enrolled as highly capable by a sending school, the receiving school must initially honor placement of the student into an equivalent program and may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

Access to accelerated learning and enhanced instruction through a HiCap Program does not constitute an individual entitlement for any particular student.

Best Practice Guidance. The Office of the Superintendent of Public Instruction (OSPI) must disseminate guidance on referral, screening, assessment, selection, and placement best practices for HiCap Programs. The guidance must be regularly updated and aligned with evidence-based practices.

Data and Reports. All student data-related reports required of the OSPI must be disaggregated by student subgroups—for example—by students who are low income, migrant, in special education, and transitional bilingual.

Every five years, the OSPI must report to the Legislature with a brief description of the various instructional programs offered to highly capable students.

Pilot Project. The OSPI is piloting the delivery of instruction and services to highly capable students that places special emphasis on the identification and instruction of children consistently underrepresented in the HiCap Program. The pilot project is funded by a federal grant awarded from the Javits Gifted and Talented Students Education Program. The pilot project includes professional learning for teachers and program directors that focuses on identification of, and provision of services to, underrepresented highly capable students. In addition, online modules are in development that focus on providing school districts the support needed to comply with state law.

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### **Summary of Substitute Bill:**

School District Procedures. In addition to procedures for assessment and selection, school districts must implement procedures for referral (rather than nomination), screening, and placement of their most highly capable students. In addition to prioritizing equitable identification of low-income students, school district practices must prioritize equitable identification of culturally diverse students, students of color, English learners, students in foster care, students experiencing homelessness, and students eligible for special education.

*Screening.* Subject to state funding, school districts must conduct universal screenings for each student at least once, in or before second and sixth grade, to find students who need further assessment to determine whether the student is eligible for potential placement in a program for highly capable students (HiCap Program). The district must use a portion of state funds to provide the screenings within the school day and at the school the student attends.

*Assessment.* Assessments must be conducted within the school day and at the school the student attends. School districts must consider the unique needs of their student population when considering an assessment tool to identify highly capable students.

*Selection and Placement.* The multidisciplinary selection committee must have at least five hours of course work or professional development addressing the needs and characteristics of highly capable students. Rather than requiring that highly capable selection decisions be based on consideration of criteria benchmarked on local norms, highly capable selection decisions must consider the use of local norms.

School districts must honor the placement of any student who has been assessed or enrolled as highly capable by a sending school, not just a student who is a child of a military family in transition.

Transportation. Funds provided by the state for student transportation to and from school must include transportation to and from HiCap Programs. School districts may not require parents to provide transportation of highly capable students to and from HiCap Programs.

Data and Reports. In addition to other subgroup disaggregation, student data-related reports required of the Office of the Superintendent of Public Instruction (OSPI) must be disaggregated by highly capable students.

The OSPI's report to the Legislature on the various instructional programs offered to highly capable students must include relevant data on HiCap Programs.

Technical Assistance. The OSPI must designate at least two full-time equivalent professional staff and at least one 0.5 full-time equivalent support staff to: (1) provide technical assistance and guidance to school districts regarding school district programs for highly capable students; and (2) collect and analyze data related to HiCap Programs used in the report submitted to the Legislature.

Staff Training. School districts must use a portion of the funds provided by the state for the HiCap Program to provide a minimum of two hours of annual professional development for principals and counselors regarding recognition of students who may qualify for HiCap Programs, why highly capable students need special services, and the best practices for providing these services. School districts must ensure that the principals and counselors attend this mandated training.

Subject to state funding, each school district must provide additional professional development that includes all certificated and classified instructional staff, principals, and counselors, and may include other school and school district staff. For teachers teaching students in a general education classroom who are also admitted to a HiCap Program, the professional development must be job-embedded.

Teacher preparation programs must include information on recognizing students who may qualify for HiCap Programs, why highly capable students need special services, and the best practices for providing these services.

**Substitute Bill Compared to Original Bill:**

School districts must consider the unique needs of their student population when considering an assessment tool to identify highly capable students. In addition to prioritizing equitable identification of low-income students, school district practices must prioritize equitable identification of culturally diverse students, students of color, English learners, students in foster care, students experiencing homelessness, and students eligible for special education.

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**Appropriation:** None.

**Fiscal Note:** Available.

**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) Some school districts identify students who they think are highly capable and then test them to determine whether they are eligible for the Highly Capable Program (HiCap)

Program). However, special education should take place at both ends of the spectrum. Some larger school districts can afford to implement universal screenings, so that all students, not just those that stand out to a teacher, can be identified for the HiCap Program. This tool will help all students succeed, which will improve our economy.

This bill cleans up a lot of the inequities in the HiCap Program. Most districts test students for HiCap Program services on Saturdays. Students need to be tested in school during the school day. This will not change the cost much, but will result in greater equity. Students in HiCap Programs are in a minority and these programs often serve students from multiple neighborhoods. Students must be transported to the programs from their school to the center of the district. Teachers need training related to highly capable students.

(Opposed) None.

(Other) The HiCap Programs are a crucial element of our educational system. The bill requires school districts to screen every student in elementary school, but districts are already offering many tests. Districts will need to decide which tests they can let go of in order to add this required screening. The bill requires principals and counselors to attend annual trainings. Counselors' time is severely limited already. More counselors are needed to meet the needs of students. Teachers who serve highly capable students should receive training, but annual training of principals might not be needed. The funding of transportation is important.

**Persons Testifying:** (In support) Representative Vick, prime sponsor; and Charlotte Akin, Washington Coalition for Gifted Education.

(Other) Lucinda Young, Washington Education Association; and Roz Thompson, Association of Washington School Principals.

**Persons Signed In To Testify But Not Testifying:** None.