

# SENATE BILL REPORT

## ESSB 6282

---

As Passed Senate, February 17, 2020

**Title:** An act relating to the development of highly capable transition plans.

**Brief Description:** Developing highly capable transition plans.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger and Wagoner).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/22/20, 2/03/20 [DPS, DNP].

**Floor Activity:**

Passed Senate: 2/17/20, 39-9.

**Brief Summary of Engrossed First Substitute Bill**

- Requires a school district to develop a highly capable program transition plan when it transitions to an alternative delivery model for highly capable instruction.
- Applies retroactively to all transitions that occurred after January 1, 2019.

---

### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Hawkins, Ranking Member; Hunt, Mullet, Padden, Pedersen, Salomon and Wagoner.

**Minority Report:** Do not pass.

Signed by Senators Wilson, C., Vice Chair; McCoy.

**Staff:** Alex Fairfortune (786-7416)

**Background:** School districts are authorized to establish and operate, either separately or jointly, programs for highly capable students. These programs are part of the state's program of basic education, and supplemental funding is provided.

---

*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.*

School districts that establish and operate programs for highly capable students must 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.

There is no prescribed delivery model by which highly capable students must receive accelerated learning and enhanced instruction. According to the Office of the Superintendent of Public Instruction, three common forms of highly capable services include (1) self-contained instruction with a highly-capable peer group; (2) accelerated instruction within the general education classroom; and (3) participation in a higher education environment.

**Summary of Engrossed First Substitute Bill:** If a school district chooses to make a substantial modification to the continuum of services provided to highly capable students in a school or school district, by transitioning those students to an alternative delivery model for highly capable instruction, then the school district must develop a highly capable program transition plan (transition plan) for the group of students affected.

Within 15 days of formalizing the decision to transition to an alternative delivery model for highly capable instruction, a school district must provide written notice of the change to parents and guardians of the students that may be affected. The notice must include a summary of the anticipated program changes and an invitation to participate in public meetings on the transition plan. The school district must hold a public meeting to solicit comments regarding development of the transition plan within 30 days of providing notice.

Within 30 days after the public meeting, the school district must convene a transition team to develop the transition plan. The transition team must be appointed by the school board of directors, and include highly capable educators, parents or guardians of highly capable students affected by the transition, and school district personnel with experience administering highly capable programs. Within 30 days of convening the transition team must develop the transition plan, to contain the following information:

- a description of the highly capable program's current structure and services;
- a description of the services and transitional supports that highly capable students will receive under the alternative delivery model, and how those services will provide students with equivalent or enhanced educational opportunities;
- a plan for how the progress of highly capable students will be measured in highly capable subjects;
- a process and timeline for evaluating whether the alternative delivery model is successfully providing an opportunity for progress similar to that expected under the current model; and
- a process to solicit feedback from parents and guardians at least once each year for two years following the introduction of the alternative delivery model.

If one of the reasons for changing the delivery model is to address racial disparities and increase access to educational opportunities for students of color, the transition plan must also include the following:

- a description of how the new model will address racial disparities;
- a multiyear process for evaluating whether the new delivery model is actually increasing access to the highly capable program for students of color; and
- a plan for making adjustments if those aims are not being achieved.

Within 30 days of finalizing the transition plan the school district must adopt the plan at an open public meeting and publish the transition plan on the school district website. If a school district fails to develop a transition plan as required or if, after one year, a student subject to the transition plan is not continuing to make academic progress similar to that made under the prior delivery model, a parent or guardian may request mediation with the school district. If mediation is requested, the school district must engage an independent mediator within thirty days to assist the parties in creating a mutually acceptable individual transition plan.

Substantial modification is defined as a modification to the continuum of highly capable services provided to a student, made without the consent of the student's parent or guardian, that significantly adjusts or disrupts the delivery of accelerated learning or enhanced instruction. It may include, but is not limited to, moving a student from a cohort to non-cohort model of instruction or disrupting a student's future expected course sequencing.

The act applies retroactively to all transitions in highly capable delivery models that occurred after January 1, 2019. In circumstances where the act applies retroactively, school districts have 15 days from the effective date of the act to provide notice.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Proposed Substitute:** *The committee recommended a different version of the bill than what was heard.* PRO: We are responsible for guaranteeing a basic education to all children residing in the state, not just some. The Legislature decided in 2009 that, for highly capable children, highly capable instruction is a basic education. It is not acceptable to say that a group of families may need to go to a private school to get their needs met. This bill would ensure that if there was a transition from the successful and economically efficient cohort model, that students have an opportunity for continued growth. It is unacceptable for kids to bear a shift in externalities like this. Parents reported that their children did not have reading or math programs within the school to reach their level. Twice exceptional students would not be accelerated because of behavior problems. Before enrolling in the cohort program the kids were not being served but in the cohort program they are being served academically and socially. The cohort model has been a lifechanging experience.

CON: The locally elected schoolboard is the decision making body for these types of services. Conversations about how services are provided and what classrooms look like should be left to districts. Of the 4900 students in the Seattle School District that are receiving highly capable services, 29 percent are receiving those services in a non-cohort class. No matter where services are delivered, the percentile point difference is minimal at three percent. If there are concerns about performance then the accountability should be on outcomes, not how the services are provided. This bill would put up a barrier to serving students, and would have a prohibitive cost. The requirements in this bill to create individual learning plans is burdensome and there is no funding provided. It perpetuates a learning environment away from peers, and would limit options to create an equitable system. The timeline is too restrictive.

OTHER: This would limit the options that schools have in creating a more equitable system that meets the needs of all students. The timeline would create an administrative lift that diverts resources from other students, and would likely prevent the transition from happening at all. The cause of action language will discourage schools to seek more inclusive options.

**Persons Testifying:** PRO: Senator Jamie Pedersen, Prime Sponsor; Megan Hazen, citizen; Bojana Askovich, citizen; Jolanta Grigsby, citizen.

CON: Denise Juneau, Superintendent, Seattle Public Schools; Clifford Traisman, Seattle Public Schools; Liza Rankin, School Board Director, District 1, Seattle Public Schools; Brandon Hersey, School Board Director, District 7, Seattle Public Schools.

OTHER: Virginia Barry, Stand for Children.

**Persons Signed In To Testify But Not Testifying:** PRO: Heuson Kim, citizen; Nancy Nguyen, citizen.

CON: Manuela Slye, citizen; Sabrina Slye, citizen; Gia-Bao Ng, citizen.