

HOUSE BILL REPORT

HB 1404

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, Lekanoff, Steele, Pollet, Dolan and Young.

Brief History:

Committee Activity:

Education: 2/9/21, 2/15/21 [DP].

Brief Summary of Bill

- Modifies school district procedures related to the identification, selection, and placement of students into programs for highly capable students.
- Requires that the state fund, and school districts provide, transportation to and from programs for 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.
- Establishes staff and teacher preparation training requirements related to identifying and serving highly capable students.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 12 members: Representatives Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Berg, Bergquist, Callan, McCaslin, McEntire, Ortiz-Self, Rude, Steele and Stonier.

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

Minority Report: Without recommendation. Signed by 1 member: Representative Santos, Chair.

Staff: Ethan Moreno (786-7386).

Background:

The Highly Capable Program (HiCap Program) is part of the state's program of basic education and provides access, 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 the 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 a like program, and may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

The state provides funding to school districts for the mandatory transportation of eligible students to and from school. The term "to and from school" is defined in relevant statutory provisions as the transportation of students for the following purposes:

- transportation to and from route stops and schools;
- transportation to and from schools pursuant to an interdistrict agreement;
- transportation of students between schools and learning centers for qualifying instruction;

- transportation of students with disabilities to and from schools and agencies for special education services; and
- academic extended day transportation.

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.

Summary of 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.

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 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.

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 instead 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, rather than only students who qualify as a child of a military family in transition.

Transportation. Provisions governing the transportation of students are modified to require the state to fund, and school districts to provide, student transportation to and from HiCap

programs. School districts are prohibited from requiring 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 OSPI must be disaggregated by highly capable students.

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

Technical Assistance. The OSPI must designate at least two full-time equivalent (FTE) professional staff and at least one 0.5 FTE support staff to:

- provide technical assistance and guidance to school districts regarding school district programs for highly capable students; and
- collect and analyze data related to school district programs for highly capable students 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, mandatory professional development for principals and counselors on the recognition of students who may qualify for HiCap Programs, why highly capable students need special services, and the best practices for providing these services.

Subject to state funding, each school district must provide additional professional development that includes all certificated and classified instructional staff, principals, 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 program for highly capable students, the professional development must be job-embedded.

Teacher Preparation Programs. 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.

Appropriation: None.

Fiscal Note: Requested on February 1, 2021.

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

Staff Summary of Public Testimony:

(In support) This is a bill that the committee has heard previously. Every education group in the state supports the bill. Many districts implement programs for highly capable

students using a referral-based system, but schools should use a system that screens every student for potential inclusion in the program in their own language, in their own school, and during the school day. The program for highly capable students is part of basic education.

This bill is about educational justice. Nomination and Saturday only testing practices create barriers to program participation. Screening and assessment practices have been improved and the changes were implemented without additional costs.

(Opposed) None.

Persons Testifying: Representative Vick, prime sponsor; and Michelle Reid, Northshore School District.

Persons Signed In To Testify But Not Testifying: Charlotte Akin and Reby Parsley, Washington Association of Educators for the Talented and Gifted; Jacob Vigdor, University of Washington; Jessa Lewis; Chris Bigelow, Northshore School District; Christine Tang; Tiffani Young; Camille Jones; Lanaya Waldron, Washington State PTA; Chase Parsley; Kathleen Casper; Dina Brulles, National Association for Gifted Children; Ivan Gonzalez; Amrinder Bains, Kent School District; Charlotte Akin, State Professional Association; Austina De Bonte, North West Gifted Child Association; and David Berg, Washington Coalition for Gifted Education.