

SENATE BILL REPORT

HB 1611

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 23, 2022

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

Brief Description: Advancing equity in programs for highly capable students.

Sponsors: Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young.

Brief History: Passed House: 2/9/22, 96-0.

Committee Activity: Early Learning & K-12 Education: 2/18/22, 2/23/22 [DPA].

Brief Summary of Amended Bill

- Establishes new requirements for the identification of students who may be eligible for highly capable services, including conducting universal screenings once in or before second grade and again in or before sixth grade.
- Modifies related data reporting requirements for the Office of the Superintendent of Public Instruction.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Wellman, Chair; Nobles, Vice Chair, K-12; Wilson, C., Vice Chair, Early Learning; Hawkins, Ranking Member; Dozier, Hunt, McCune, Mullet and Pedersen.

Staff: Alexandra Fairfortune (786-7416)

Background: Highly Capable Program. The highly capable program, a component of the

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state's program of basic education, provides access to accelerated learning and enhanced instruction for students identified as highly capable. The state allocates funding to support programs for highly capable students based on five percent of each school district's population.

School District Procedures. School districts that establish and operate programs for highly capable students must adopt identification procedures and implement processes 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. Assessments 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.

Students selected for the highly capable 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.

Data and Reports. All student data-related reports required of the Office of the Superintendent of Public Instruction (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, OSPI must report to the Legislature with a brief description of the various instructional programs offered to highly capable students

Summary of Amended Bill: Basic Education and Highly Capable Funding. Other basic education funding may be used alongside categorical funding to identify students and provide programs and services for highly capable students.

An intent section notes that the Legislature intends to allocate state funding for the highly capable program based on 5 percent of each school district's student population, that the Legislature does not intend to limit highly capable services to 5 percent of the student population, and that school districts may identify and serve more than 5 percent of their students.

Highly Capable Program. Directives for rule requirements establishing nomination and selection procedures for students are replaced with provisions directing school districts, in accordance with rules of the OSPI, to implement procedures for referral, screening, assessment, identification, and placement of highly capable students. School districts must select a grade level to implement universal screening procedures for each student, but universal screening must occur once in or before second grade, and again in or before sixth

grade. Referrals must be available for all grades not being universally screened, and may be submitted by teachers, other staff, parents, students, and members of the community.

School districts must consider at least two student data points during universal screening. These may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. School districts are not required to administer a new assessment for the purpose of universal screening, but they are granted discretion to do so. Any screenings or additional assessments must be conducted within the school day and at the school the student attends.

Identification and placement decisions must be made by a multidisciplinary selection committee after consideration of the results of the universal screening, any further assessment, and any available district data.

School district practices for identifying highly capable students must seek to expand access to accelerated learning and enhanced instruction at elementary and secondary schools and advance equitable enrollment practices so that all students, especially students from historically underrepresented and low-income groups, who are ready to engage in more rigorous coursework can benefit from accelerated learning and enhanced instruction.

Data and Reports. Annually, beginning November 1, 2022, the superintendent of OSPI must make data publicly available that includes a comparison of the race, ethnicity, and low-income status of highly capable students compared to the same demographic groups in the general student population of each school district. The data reporting must also include comparisons for students who are English language learners, have an individualized education program, have a 504 plan, are covered by provisions of the McKinney-Vento Homeless Assistance Act, or are highly mobile.

The list of subgroups that the superintendent must disaggregate student data reports into is expanded to include a highly capable students subgroup. The list of cross-tabulation groupings that student data reports of the superintendent regarding student suspensions and expulsions must adhere to is expanded to include highly capable students.

EFFECT OF EARLY LEARNING & K-12 EDUCATION COMMITTEE AMENDMENT(S):

- Moves language specifying the Legislature's intent regarding highly capable program funding to the intent section of the bill.
- Modifies language to allow, rather than require, other basic education funding to be used alongside categorical funding to identify students and provide programs and services to highly capable students.
- Provides that each school district must conduct universal screenings to find students who may qualify for potential highly capable placement, rather than conducting screenings for the purpose of further assessment.

- Removes a pupil transportation statute with no substantive language from the bill.

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 House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Highly capable classrooms do not reflect the socioeconomic and racial diversity of the general population. White parents with resources often ask schools to screen their children for the highly capable program. Other parents, such as those who don't speak English or are immigrants, don't know they can request a screening for their child. In one district, minority and free and reduced price lunch students made up 17 percent of the district but less than one percent were identified as gifted. Since universal screening was implemented, that district has 10 percent of free and reduced price lunch students in the highly capable program. Universal screening also saved the district \$148,000 a year because they did it within the classroom rather than proctoring tests on the weekend, which was expensive. Relying on a referral based system disproportionately impacts students of color and low income students, and requires that a student have a personal advocate. Some gifted students are seen as having behavioral challenges or disabilities or are just too quiet. These can be the very signs that giftedness is not being supported in the classroom. The best practice of universal screening is well established, road-tested, cheaper, and can be funded under the current allocation.

OTHER: WSSDA is supportive of the intent, as universal screening will address long-standing equity issues, help families, and increase identification. However, there is a concern about lack of funding associated with implementation. Some districts are unable to screen currently and without additional funding further inequities will result.

Persons Testifying: PRO: Representative Laurie Dolan, Prime Sponsor; Kimberly Sinegal D'Angelo, LMCHA, Former VP, Leg Rep, Northshore School Board; Jessa Lewis; Reby Parsley, Ed.D., NBCT, HiCap Program Specialist, Kent School District; Co-President WCGE, Legislative Liaison WAETAG; Rene Price, Washington State PTA; Austina De Bonte, Co-President, WA Coalition for Gifted Education; Past President, NW Gifted Child Association.

OTHER: Logan Endres, Washington State School Directors' Association (WSSDA).

Persons Signed In To Testify But Not Testifying: No one.