

SSB 5072 - H COMM AMD
By Committee on Education

ADOPTED 03/22/2023

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that, for
4 highly capable students, access to accelerated learning and enhanced
5 instruction is access to a basic education. The legislature has
6 directed school districts to prioritize equitable identification of
7 low-income students for participation in highly capable programs and
8 services. The research literature strongly supports using universal
9 screening and multiple criteria to equitably identify students for
10 highly capable programs. There are multiple approaches to
11 implementing universal screening and the use of multiple criteria.
12 The legislature intends all school districts to use best practices
13 and does not intend to prescribe a single method.

14 (2) The legislature further intends to allocate state funding for
15 the highly capable program based on five percent of each school
16 district's student population. The legislature does not intend to
17 limit highly capable services to five percent of the student
18 population. School districts may identify and serve more than five
19 percent of their students for highly capable programs and services.

20 **Sec. 2.** RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each
21 amended to read as follows:

22 ~~((1) The legislature finds that, for highly capable students,~~
23 ~~access to accelerated learning and enhanced instruction is access to~~
24 ~~a basic education. There are multiple definitions of highly capable,~~
25 ~~from intellectual to academic to artistic. The research literature~~
26 ~~strongly supports using multiple criteria to identify highly capable~~
27 ~~students, and therefore, the legislature does not intend to prescribe~~
28 ~~a single method. Instead, the legislature intends to allocate funding~~
29 ~~based on 5.0 percent of each school district's population and~~
30 ~~authorize school districts to identify through the use of multiple,~~
31 ~~objective criteria those students most highly capable and eligible to~~

1 ~~receive accelerated learning and enhanced instruction in the program~~
2 ~~offered by the district.))~~ District practices for identifying ((the
3 ~~most~~)) highly capable students must prioritize equitable
4 identification of low-income students. Access to accelerated learning
5 and enhanced instruction through the program for highly capable
6 students does not constitute an individual entitlement for any
7 particular student.

8 ~~((2) Supplementary funds provided by the state for the program~~
9 ~~for highly capable students under RCW 28A.150.260 shall be~~
10 ~~categorical funding to provide services to highly capable students as~~
11 ~~determined by a school district under RCW 28A.185.030.))~~

12 NEW SECTION. Sec. 3. A new section is added to chapter 28A.185
13 RCW to read as follows:

14 (1) Other basic education funding can be used alongside
15 categorical funding to identify students and provide programs and
16 services for highly capable students.

17 (2) Each school district must conduct universal screenings in
18 accordance with RCW 28A.185.030 to find students who may qualify for
19 potential highly capable program placement.

20 **Sec. 4.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to
21 read as follows:

22 ~~((Local school))~~ (1) School districts may establish and operate,
23 either separately or jointly, programs for highly capable students.
24 Such authority shall include the right to employ and pay special
25 instructors and to operate such programs jointly with a public
26 institution of higher education. ~~((Local school))~~

27 (2) School districts ~~((which))~~ that establish and operate
28 programs for highly capable students shall adopt identification
29 procedures and provide educational opportunities as follows:

30 ~~((1))~~ (a) In accordance with rules adopted by the
31 superintendent of public instruction, school districts shall
32 implement procedures for ~~((nomination))~~ referral, screening,
33 assessment ~~((and selection)),~~ identification, and placement of
34 ~~((their most))~~ highly capable students. ~~((Nominations shall be based~~
35 ~~upon data from))~~

36 (i) Referrals must be available for all grade levels not being
37 universally screened, and may be submitted by teachers, other staff,
38 parents, students, and members of the community.

1 (ii) Each school district must select a grade level to implement
2 universal screening procedures for each student. Universal screening
3 must occur once in or before second grade, and again in or before
4 sixth grade. The purpose of universal screening is to include
5 students who traditionally are not referred for highly capable
6 programs and services. Students discovered during universal screening
7 may need further assessment to determine whether the student is
8 eligible for placement in a program for highly capable students.
9 Districts must consider at least two student data points during
10 universal screening, which may include previously administered
11 standardized, classroom-based, performance, cognitive, or achievement
12 assessments, or research-based behavior ratings scales. There is no
13 requirement to administer a new assessment for the purpose of
14 universal screening, however districts may do so if they desire.

15 (iii) Assessments ((shall)) for highly capable program services
16 must be based upon a review of each student's capability as shown by
17 multiple criteria intended to reveal, from a wide variety of sources
18 and data, each student's unique needs and capabilities. Any
19 screenings or additional assessments must be conducted within the
20 school day and at the school the student attends, except that school
21 districts, on a case-by-case basis and with the consent of the parent
22 or guardian, may offer a student screenings or additional assessment
23 opportunities during the summer, outside of school hours, or at an
24 alternative site.

25 ((Selection)) (iv) Identification and placement decisions shall
26 be made by a ((broadly based committee of professionals,))
27 multidisciplinary selection committee after consideration of the
28 results of the ((multiple criteria assessment)) universal screening,
29 any further assessment, and any available district data. Students
30 identified pursuant to procedures outlined in this section must be
31 provided, to the extent feasible, an educational opportunity that
32 takes into account each student's unique needs and capabilities, and
33 the limits of the resources and program options available to the
34 district, including those options that can be developed or provided
35 using funds allocated by the superintendent of public instruction for
36 this specific purpose.

37 (b) In addition to the criteria listed in (a) of this subsection,
38 district practices for identifying highly capable students must seek
39 to expand access to accelerated learning and enhanced instruction at
40 elementary and secondary schools and advance equitable enrollment

1 practices so that all students, especially students from historically
2 underrepresented and low-income groups, who are ready to engage in
3 more rigorous coursework can benefit from accelerated learning and
4 enhanced instruction.

5 ((+2)) (3) When a student, who is a child of a military family
6 in transition, has been assessed or enrolled as highly capable by a
7 sending school, the receiving school shall initially honor placement
8 of the student into a like program.

9 (a) The receiving school shall determine whether the district's
10 program is a like program when compared to the sending school's
11 program; and

12 (b) The receiving school may conduct subsequent assessments to
13 determine appropriate placement and continued enrollment in the
14 program.

15 ~~((3) Students selected pursuant to procedures outlined in this~~
16 ~~section shall be provided, to the extent feasible, an educational~~
17 ~~opportunity which takes into account each student's unique needs and~~
18 ~~capabilities and the limits of the resources and program options~~
19 ~~available to the district, including those options which can be~~
20 ~~developed or provided by using funds allocated by the superintendent~~
21 ~~of public instruction for that purpose.))~~

22 (4) ((The)) For a student who is a child of a military family in
23 transition, the definitions in Article II of RCW 28A.705.010 apply to
24 subsection ((+2)) (3) of this section.

25 **Sec. 5.** RCW 28A.185.050 and 2002 c 234 s 1 are each amended to
26 read as follows:

27 (1) In order to ensure that school districts are meeting the
28 requirements of an approved program for highly capable students, the
29 superintendent of public instruction shall monitor highly capable
30 programs at least once every five years. Monitoring shall begin
31 during the 2002-03 school year.

32 (2) Any program review and monitoring under this section may be
33 conducted concurrently with other program reviews and monitoring
34 conducted by the office of the superintendent of public instruction.
35 In its review, the office shall monitor program components that
36 include but need not be limited to the process used by the district
37 to identify and reach out to highly capable students with diverse
38 talents and from diverse backgrounds, assessment data ((and)),
39 indicators to determine how well the district is meeting the academic

1 needs of highly capable students, and district expenditures used to
2 enrich or expand opportunities for these students.

3 (3) Beginning June 30, 2003, and every five years thereafter, the
4 office of the superintendent of public instruction shall submit a
5 report to the education committees of the house of representatives
6 and the senate that provides the following:

7 (a) A brief description of the various instructional programs
8 offered to highly capable students; and

9 (b) Relevant data to the programs for highly capable students
10 collected under RCW 28A.300.042.

11 (4) Beginning November 1, 2023, and annually thereafter, the
12 superintendent of public instruction must make data publicly
13 available that includes a comparison of the race, ethnicity, and low-
14 income status of highly capable students compared to the same
15 demographic groups in the general student population of each school
16 district. Reporting must also include comparisons for students who
17 are English language learners, have an individualized education
18 program, have a 504 plan, are covered by provisions of the McKinney-
19 Vento homeless assistance act, or are highly mobile.

20 (5) The superintendent of public instruction may adopt rules
21 under chapter 34.05 RCW to implement this section.

22 **Sec. 6.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to
23 read as follows:

24 ~~(1) ((Beginning with the 2017-18 school year, and using the~~
25 ~~phase-in provided in subsection (2) of this section, the))~~ The
26 superintendent of public instruction must collect and school
27 districts must submit all student-level data using the United States
28 department of education 2007 race and ethnicity reporting guidelines,
29 including the subracial and subethnic categories within those
30 guidelines, with the following modifications:

31 (a) Further disaggregation of the Black category to differentiate
32 students of African origin and students native to the United States
33 with African ancestors;

34 (b) Further disaggregation of countries of origin for Asian
35 students;

36 (c) Further disaggregation of the White category to include
37 subethnic categories for Eastern European nationalities that have
38 significant populations in Washington; and

1 (d) For students who report as multiracial, collection of their
2 racial and ethnic combination of categories.

3 (2) Beginning with the 2017-18 school year, school districts
4 shall collect student-level data as provided in subsection (1) of
5 this section for all newly enrolled students, including transfer
6 students. When the students enroll in a different school within the
7 district, school districts shall resurvey the newly enrolled students
8 for whom subracial and subethnic categories were not previously
9 collected. School districts may resurvey other students.

10 (3) All student data-related reports required of the
11 superintendent of public instruction in this title must be
12 disaggregated by at least the following subgroups of students: White,
13 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific
14 Islander/Hawaiian Native, low income, highly capable, transitional
15 bilingual, migrant, special education, and students covered by
16 section 504 of the federal rehabilitation act of 1973, as amended (29
17 U.S.C. Sec. 794).

18 (4) All student data-related reports prepared by the
19 superintendent of public instruction regarding student suspensions
20 and expulsions as required under this title are subject to
21 disaggregation by subgroups including:

- 22 (a) Gender;
- 23 (b) Foster care;
- 24 (c) Homeless, if known;
- 25 (d) School district;
- 26 (e) School;
- 27 (f) Grade level;
- 28 (g) Behavior infraction code, including:
 - 29 (i) Bullying;
 - 30 (ii) Tobacco;
 - 31 (iii) Alcohol;
 - 32 (iv) Illicit drug;
 - 33 (v) Fighting without major injury;
 - 34 (vi) Violence without major injury;
 - 35 (vii) Violence with major injury;
 - 36 (viii) Possession of a weapon; and
 - 37 (ix) Other behavior resulting from a short-term or long-term
38 suspension, expulsion, or interim alternative education setting
39 intervention;
- 40 (h) Intervention applied, including:

1 (i) Short-term suspension;
2 (ii) Long-term suspension;
3 (iii) Emergency expulsion;
4 (iv) Expulsion;
5 (v) Interim alternative education settings;
6 (vi) No intervention applied; and
7 (vii) Other intervention applied that is not described in this
8 subsection (4) (h);

9 (i) Number of days a student is suspended or expelled, to be
10 counted in half or full days; and

11 (j) Any other categories added at a future date by the data
12 governance group.

13 (5) All student data-related reports required of the
14 superintendent of public instruction regarding student suspensions
15 and expulsions as required in RCW 28A.300.046 are subject to cross-
16 tabulation at a minimum by the following:

17 (a) School and district;

18 (b) Race, low income, highly capable, special education,
19 transitional bilingual, migrant, foster care, homeless, students
20 covered by section 504 of the federal rehabilitation act of 1973, as
21 amended (29 U.S.C. Sec. 794), and categories to be added in the
22 future;

23 (c) Behavior infraction code; and

24 (d) Intervention applied.

25 (6) The K-12 data governance group shall develop the data
26 protocols and guidance for school districts in the collection of data
27 as required under this section, and the office of the superintendent
28 of public instruction shall modify the statewide student data system
29 as needed. The office of the superintendent of public instruction
30 shall also incorporate training for school staff on best practices
31 for collection of data (~~(on student race and ethnicity)~~) under this
32 section in other training or professional development related to data
33 provided by the office."

34 Correct the title.

EFFECT: Permits school districts, on a case-by-case basis and with the consent of the parent or guardian, to offer screenings or additional assessment opportunities during the summer, outside of

school hours, or at an alternative site, rather than only within the school day and at the school the student attends.

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