

# SENATE BILL REPORT

## SSB 5072

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As Amended by House, March 22, 2023

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

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

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Nobles, Wellman, Hunt, Keiser, Kuderer, Liias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.).

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/18/23, 1/25/23 [DPS].

**Floor Activity:** Passed Senate: 2/8/23, 48-0.

Passed House: 3/22/23, 97-0.

### Brief Summary of First Substitute 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.

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

**Majority Report:** That Substitute Senate Bill No. 5072 be substituted therefor, and the substitute bill do pass.

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

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

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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 part of the legislation nor does it constitute a statement of legislative intent.*

**Background:** Highly Capable Program. The highly capable program, a component of the 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 5 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 First Substitute 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 the Legislature intends to allocate state funding for the highly capable program based on 5 percent of each school district's student population, 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, 2023, 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 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.

OSPI must include relevant data from these new collection requirements when reporting to the Legislature on highly capable programs.

**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 First Substitute:** PRO: Providing universal screening for all students ensures equitable access to the Highly Capable program and guarantees that no student is overlooked on an opportunity that would otherwise benefit their learning experience. Equitable access to options and supports is essential and this bill increases the likelihood that students from marginalized backgrounds get the supports they deserve. Washington school districts that have implemented universal screenings have already seen major improvements for students of color and low-income students. Way too many students slip through cracks when they don't fit the anticipated appearance of the average high cap learner. Bias is still prevalent and impacts students learning. Smaller districts have been able to implement this universal testing process, saving them time and money. The data used in this process is already accessible to the districts. There is a need to increase the outreach ability in dominant languages of each community as well.

OTHER: Applications for the HiCap program in the Lake Washington School District recently jumped from 4500 to 6500. Highly capable funding must increase to support the expansion of HiCap programs.

**Persons Testifying:** PRO: Senator T'wina Nobles, Prime Sponsor; Jacob Vigdor, University of Washington Faculty; Anna Hernandez-French, OSPI; Randy Spaulding, Washington State Board of Education; Rene Price, Washington State PTA; Logan Endres, Washington State School Directors' Association (WSSDA); Ryan Grant; Jennifer Bethman, Superintendent, Rochester School District; Amity Butler, Assistant Superintendent, Northshore School District; Austina De Bonte, WA Coalition for Gifted Education; Juliet Schindler, College Success Foundation.

OTHER: Myra Arnone, Lake Washington School District.

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

**EFFECT OF HOUSE AMENDMENT(S):**

- 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.