AN ACT Relating to highly capable students; adding new sections to chapter 28A.300 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) The legislature intends to make technical corrections and clarifications to existing law concerning the highly capable program, as described in RCW 28A.185.010 through 28A.185.030, to enforce equitable identification and universal screening of highly capable students.

(2) Highly capable students are students who perform or show potential for performing at significantly advanced academic levels when compared with others of their age, experience, or environments. Outstanding abilities are seen within students' general intellectual aptitudes, specific academic abilities, or creative productivities within a specific domain. These students are present not only in the general populace, but are present within all protected classes according to chapters 28A.640 and 28A.642 RCW.

(3) Research from the national center for research on gifted education shows that highly capable children in poverty and minority groups that demonstrate comparable levels of achievement and aptitude are still two hundred fifty percent less likely to be identified for, and in, highly capable programs.
(4) Common identification systems and procedures in Washington state school districts include practices known to be discriminatory towards low-income students and other students who are historically underrepresented in highly capable programs, such as relying on parent or teacher referrals, and conducting assessments on Saturdays or after school.

(5) A crucial aspect of existing law has been widely misinterpreted, concerning "multiple objective criteria" for highly capable identification. The original intent of "multiple objective criteria" was to provide multiple possible avenues for identification, not to require that a student score highly on every measure before he or she qualifies for highly capable services. This misunderstanding turns multiple measures into multiple hurdles that disproportionately limit identification of low-income and other historically underrepresented students, who may have variable scores despite high cognitive potential.

(6) Most in-service teachers have received little to no preservice training or professional development on the needs of highly capable students, including teachers who are assigned to work with these students. In response to this need, the superintendent of public instruction is developing professional development modules on the identification and instruction of highly capable students, including considerations for historically underrepresented groups. Highly capable program professional staff developers are available throughout each educational service district region.

(7) While the funding formula for highly capable programs is based on five percent of district enrollment, districts are not limited to identifying five percent of their student population as highly capable.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must confirm that each school district has policies and procedures to allow for the identification of children who are highly capable.

(2) The superintendent of public instruction must require school districts to have identification procedures for their highly capable programs that are clearly stated and implemented by school districts using the following criteria:
(a) The procedures used in the referral, screening, assessment, and selection of highly capable students are implemented in a nondiscriminatory manner;

(b) The procedures for identifying the most highly capable students must prioritize equitable identification of low-income students as required by RCW 28A.185.020;

(c) Universal screening must be conducted for all students in a grade level, using an instrument designed for that purpose, at least once at or before second grade. If students are not enrolled in a grade level where universal screening is being conducted, there must be a referral process available for screening;

(d) All students newly enrolled in a school district who missed universal screening and do not have evidence of screening in their previous district must be screened within ninety days of enrollment;

(e) Districts must use multiple objective criteria to identify students who are among the most highly capable. Multiple pathways for qualifications must be available and no single criteria may eliminate a student from identification;

(f) Highly capable 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;

(g) All student screening and assessments must be conducted during the regular school day, in the student's home school;

(h) Subjective measures such as teacher recommendations or report card grades may not be used to screen out a student from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified;

(i) As practicable, screening and assessments must be given in the native language of the student. If native language screening and assessments are not available, a nonverbal screening and assessment must be used; and

(j) A student who is identified for the highly capable program does not lose this status if the parent or legal guardian does not give permission to accept highly capable services or if the student withdraws from services for any reason. The highly capable-identified student may resume highly capable services, in the future without further screening or assessment.
NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The superintendent of public instruction must develop three hours of optional professional development for principals, counselors, administrators, and members of selection committees for highly capable students. The superintendent shall encourage individuals to complete the professional development at least once every two years. The professional development must address the needs of highly capable students for purpose of facilitating:

(a) Better support for teachers who have highly capable students in their classrooms; and

(b) Active participation in the identification process by recognizing students who may be eligible for services, and improve district practices for highly capable identification and service models.

(2) The superintendent of public instruction must disseminate guidance on referral, screening, assessment, selection, and placement best practices for highly capable programs. The guidance must be regularly updated and aligned with evidence-based practices.

(3) The superintendent of public instruction must monitor school districts' compliance with this section and section 2 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

The superintendent of public instruction must:

(1) Collect, disaggregate, and publicly report by subgroup, the number of students referred, universally screened, assessed, selected, and placed, as well as average, median, and standard deviation of student universal screening scores by subgroup, and the aggregate actual district spending on highly capable services; and

(2) Ensure there is appropriate staff to provide technical assistance and respond to questions from school districts regarding the requirements of sections 2 and 3 of this act.

NEW SECTION. Sec. 5. The office of the superintendent of public instruction must identify barriers to conducting a second screening of students for highly capable programs that would occur in or before the sixth grade. The office of the superintendent of public instruction, in accordance with RCW 43.01.036, shall report its
findings and recommendations to the education committees of the house of representatives and the senate by November 1, 2019.

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