
SUBSTITUTE HOUSE BILL 2927

State of Washington

65th Legislature

2018 Regular Session

By House Education (originally sponsored by Representatives Vick, Harris, Senn, Frame, Young, Muri, and Kloba)

READ FIRST TIME 02/02/18.

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

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

4 NEW SECTION. **Sec. 1.** (1) The legislature intends to make
5 technical corrections and clarifications to existing law concerning
6 the highly capable program, as described in RCW 28A.185.010 through
7 28A.185.030, to enforce equitable identification and universal
8 screening of highly capable students.

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

17 (3) Research from the national center for research on gifted
18 education shows that highly capable children in poverty and minority
19 groups that demonstrate comparable levels of achievement and aptitude
20 are still two hundred fifty percent less likely to be identified for,
21 and in, highly capable programs.

1 (4) Common identification systems and procedures in Washington
2 state school districts include practices known to be discriminatory
3 towards low-income students and other students who are historically
4 underrepresented in highly capable programs, such as relying on
5 parent or teacher referrals, and conducting assessments on Saturdays
6 or after school.

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

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

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

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

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

35 (2) The superintendent of public instruction must require school
36 districts to have identification procedures for their highly capable
37 programs that are clearly stated and implemented by school districts
38 using the following criteria:

1 (a) The procedures used in the referral, screening, assessment,
2 and selection of highly capable students are implemented in a
3 nondiscriminatory manner;

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

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

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

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

19 (f) Highly capable selection decisions must be based on
20 consideration of criteria benchmarked on local norms, but local norms
21 may not be used as a more restrictive criteria than national norms at
22 the same percentile;

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

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

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

34 (j) A student who is identified for the highly capable program
35 does not lose this status if the parent or legal guardian does not
36 give permission to accept highly capable services or if the student
37 withdraws from services for any reason. The highly capable-identified
38 student may resume highly capable services, in the future without
39 further screening or assessment.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300
2 RCW to read as follows:

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

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

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

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

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

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

24 The superintendent of public instruction must:

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

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

33 NEW SECTION. **Sec. 5.** The office of the superintendent of public
34 instruction must identify barriers to conducting a second screening
35 of students for highly capable programs that would occur in or before
36 the sixth grade. The office of the superintendent of public
37 instruction, in accordance with RCW 43.01.036, shall report its

1 findings and recommendations to the education committees of the house
2 of representatives and the senate by November 1, 2019.

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