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**SUBSTITUTE SENATE BILL 6282**

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**State of Washington 66th Legislature 2020 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger, Wagoner, and Das)

AN ACT Relating to the development of highly capable transition plans; adding a new section to chapter 28A.185 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  The legislature recognizes that accelerated learning and enhanced instruction for highly capable students is considered part of basic education, and requires that students be offered a continuum of highly capable services in grades K-12. Accelerated learning and enhanced instruction can be achieved through a variety of delivery models and instructional programming, which grants school districts the flexibility necessary to address a wide range of student needs.

However, the legislature also recognizes the impact to student learning that occurs when school districts modify the provision of highly capable services without proper transitional supports. Therefore, the legislature intends to create a process to protect highly capable students when a school district substantially modifies the continuum of highly capable services provided.

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

(1)(a) If a school district makes a substantial modification to the continuum of services provided to a highly capable student, the school district must develop a highly capable transition plan for that student in consultation with the student's parent or guardian.

(b)(i) Within fifteen days of formalizing the decision to substantially modify a student's highly capable services, the school district must provide written notice of the modification to the student's parent or guardian. Within thirty days of providing the written notice, the school district must develop a highly capable transition plan in consultation with the student's parent or guardian. Upon completion, the school district must provide a copy of the highly capable transition plan to the student's teachers and parent or guardian and add the plan to the student's academic file.

(ii) Any school district required to retroactively provide notice of a substantial modification and develop a highly capable transition plan, pursuant to section 3 of this act, must fulfill such requirements within forty-five days of the effective date of this section.

(c) Each highly capable transition plan must, at a minimum, include the following information:

(i) A description of the highly capable student's current services, including accelerated learning levels, instructional enhancement strategies, and future expected course sequencing;

(ii) A description of the services and transitional supports that the highly capable student will receive after the service modification, how the student's current level of accelerated learning and enhanced instruction will be continued, and how those services will provide the student with the educational opportunities necessary to address the student's unique needs and capabilities, including learning disabilities or special needs;

(iii) A plan for how the highly capable student's progress will be measured in all subjects where the student previously was or will be receiving accelerated learning and enhanced instruction;

(iv) A process and timeline for evaluating whether the newly implemented services are successfully providing a meaningful opportunity for progress similar to that expected prior to the modification of services;

(v) A process to modify the highly capable transition plan as necessary and ensure the plan is updated at least annually for two years following the transition of services.

(d) If a school district fails to develop a highly capable transition plan for a student as required under this section, or the highly capable transition plan does not meet the minimum standards required under this section, the student's parent or guardian has a cause of action and may seek all remedies available at law or in equity.

(2) For the purposes of this section "substantial modification" means a modification to the continuum of highly capable services provided to a student, made without the consent of the student's parent or guardian, that significantly adjusts or disrupts the delivery of accelerated learning or enhanced instruction. This may include, but is not limited to, moving a student from a cohort model of instruction to a noncohort model of instruction or disrupting a student's future expected course sequencing.

NEW SECTION. **Sec.**  This act applies retroactively to all substantial modifications to a student's continuum of highly capable services that occurred after January 1, 2019.

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