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**SENATE BILL 6282**

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

**By** Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger, and Wagoner

AN ACT Relating to the development of individualized highly capable learning 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 may be achieved through a variety of service delivery models, including cohort and noncohort models. This variety of service delivery models allows school districts to address the wide range of instructional and social-emotional services needed for highly capable students. However, given the unique structure of each district's program, the legislature also recognizes the impact to student learning that occurs when school districts change service delivery models, or remove student access to a given model. Therefore, the legislature intends to create a process to protect highly capable student services when a school district removes student access to the cohort model program, or changes the district's program to a noncohort service delivery model for highly capable instruction.

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

(1)(a) When a school district transitions a highly capable student from a cohort model of instruction to a noncohort model of instruction, the school district must develop an individualized highly capable learning plan for that student in consultation with the student's parent or guardian.

(b)(i) The school district must develop the individualized highly capable learning plan no later than thirty days after transitioning the highly capable student to a noncohort model of instruction within the classroom. Upon completion, a copy of the individualized highly capable learning plan must be provided to the student's teachers and parent or guardian and recorded in the student's academic file.

(ii) Any school district required to develop an individualized highly capable learning plan retroactively, pursuant to section 3 of this act, must fulfill such requirement within thirty days of the effective date of this section.

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

(i) A description of the highly capable student's current services under the cohort model 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 under the noncohort model, 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 personalized plan for how the highly capable student's progress will be measured in all subjects where the student is receiving accelerated learning and enhanced instruction;

(iv) A process and timeline for evaluating whether the noncohort model is successfully providing a meaningful opportunity for progress similar to that expected under the cohort model; and

(v) A process to modify the individualized highly capable learning plan if necessary.

(d) If a school district fails to develop an individualized highly capable learning plan for a student as required under this section, or the individualized highly capable learning 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 the following definitions apply:

(a) "Cohort model" means a delivery model for highly capable student instruction that provides accelerated learning and enhanced instruction in a self-contained environment among other highly capable students.

(b) "Individualized highly capable learning plan" means a plan developed by a school district describing the services that will provide accelerated learning and enhanced instruction, in consultation with the parents or guardians of the identified highly capable student, when the school district transitions that student from a cohort model of instruction to a noncohort model of instruction.

(c) "Noncohort model" means a delivery model for highly capable student instruction that provides accelerated learning and enhanced instruction within a general education environment.

NEW SECTION. **Sec.**  This act applies retroactively to all transitions of highly capable students from a cohort model of instruction to a noncohort model of instruction that occurred after January 1, 2019.

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