

Chapter 392-170 WAC

SPECIAL SERVICE PROGRAM—HIGHLY CAPABLE STUDENTS

WAC

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WAC 392-170-005 Authority. The authority for this chapter is chapter 28A.185 RCW—which authorizes the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students, including the nomination, assessment, and selection of such students.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), § 392-170-005, filed 7/19/90, effective 8/19/90. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-005, filed 6/28/84.]

WAC 392-170-010 Purpose. The purpose of this chapter is to establish policies and procedures for administration of a program for the education of students who are highly capable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-010, filed 6/28/84.]

WAC 392-170-015 Local option. The offering of a program by a school district to serve highly capable students with categorical state funds is optional. However, if the school district accepts categorical state moneys for this purpose, compliance with this chapter is mandatory.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-015, filed 6/28/84.]

WAC 392-170-020 District application. Each district that seeks an allocation of state funds for a program for highly capable students shall submit an annual application on

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forms provided by the superintendent of public instruction for approval.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-020, filed 6/28/84.]

WAC 392-170-025 Board approval. The district's annual application shall be approved by formal action of the district's board of directors.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-025, filed 6/28/84.]

WAC 392-170-030 Substance of annual school district application. The school district's annual application shall contain the following:

- (1) Number of students to be served by grade level;
- (2) Brief description of plan to identify students;
- (3) Program services;
- (4) Instructional program description;
- (5) Professional development;
- (6) Program evaluation and fiscal report; and
- (7) Assurances signed by the school district's authorized representative that the district shall comply with all applicable statutes and regulations.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-030, filed 9/6/06, effective 10/7/06. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-030, filed 6/28/84.]

WAC 392-170-035 Definition—Highly capable students. As used in this chapter, the term highly capable student shall mean a student who has been assessed to have superior intellectual ability as demonstrated by one or more of the multiple criteria specified in WAC 392-170-040.

These students exhibit high capability in intellectual and/or creative areas, possess an unusual leadership capacity, or excel in specific academic fields, thereby requiring services beyond the basic programs provided by schools. Outstanding abilities are present in students from all cultural groups, across all economic strata, and in all areas of human endeavor.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-035, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-035, filed 6/28/84.]

WAC 392-170-036 Definition—Unique needs. As used in this chapter, the term unique needs shall mean that identified highly capable students generally possess these learning characteristics:

- (1) Capacity to learn with unusual depth of understanding, to retain what has been learned, and to transfer learning to new situations;

(2) Capacity and willingness to deal with increasing levels of abstraction and complexity earlier than their chronological peers;

(3) Ability to make unusual connections among ideas and concepts;

(4) Ability to learn very quickly in their area(s) of intellectual strength;

(5) Capacity for intense concentration and/or focus.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-036, filed 5/20/98, effective 6/20/98.]

WAC 392-170-037 Definition—Program options.

Learning opportunities shown by research and practice to be especially effective with highly capable students include, but are not limited to:

(1) Accelerated learning opportunities;

(2) Grouping arrangements that provide intellectual and interest peer group interactions;

(3) Cooperative agreements between K-12 schools and institutions of higher education providing for concurrent enrollment, dual credit, and other advance and/or postsecondary options;

(4) Programs designed to coordinate, combine and/or share resources, people and facilities within a district or building in order to maximize access to and utilization of available resources for supporting students' learning;

(5) Mentorships and career exploration opportunities.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-037, filed 5/20/98, effective 6/20/98.]

WAC 392-170-038 Definition—Special teacher.

A teacher with experience and/or training in the education of highly capable students. Areas of training should include: Identification, program design and delivery, instructional practices, student assessment, and program evaluation.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-038, filed 5/20/98, effective 6/20/98.]

WAC 392-170-040 Multiple criteria for determination of superior intellectual ability—Definitions. The multiple criteria for the determination of students with superior intellectual ability shall include the following:

(1) "Cognitive ability" which for the purpose of this chapter shall be defined as the complete range of intellectual functions referred to as intellect, intelligence, or mental abilities and includes such psychological concepts as thinking, abstract reasoning, problem solving, verbal comprehension, and numerical facility.

(2) "Specific academic achievement in one or more major content areas" which for the purpose of this chapter shall be defined as obtained results on an achievement test appropriate to discriminate academic performance at high levels of achievement in one or more of the following content areas:

- (a) Reading;
- (b) Mathematics;
- (c) Social studies;
- (d) Language arts; and
- (e) Science.

(3) "Exceptional creativity" which for the purpose of this chapter shall mean the demonstration of unique or outstanding creative products and/or the demonstration of unusual problem solving ability or other learning characteristics which indicate to teachers, parents, or classmates that the student has the intellectual potential to perform academically at a level significantly higher than the norm for the chronological grade level.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-040, filed 6/28/84.]

WAC 392-170-042 Annual notification. Annual public notification of parents and students must be made before any major identification activity. The notice must be published or announced in school publications, newspapers, and/or other media, with circulation adequate to notify parents and students throughout the district.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-042, filed 5/20/98, effective 6/20/98.]

WAC 392-170-045 Nomination process for highly capable students. Each school district shall adopt procedures for the nomination of students to participate in programs for highly capable students. Such procedures shall permit nominations from any source, including teachers, other staff, parents, students, and members of the community.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-045, filed 6/28/84.]

WAC 392-170-047 Parental permission. Parental permission must be obtained in writing before:

(1) Conducting assessment(s) to determine eligibility for participation in programs for highly capable students.

(2) Providing initial special services and programs to an identified highly capable student.

Parental permission notice shall include:

(a) A full explanation of the procedures for identification and program options.

(b) An explanation of the appeal process.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-047, filed 5/20/98, effective 6/20/98.]

WAC 392-170-050 Screening of nominees. Students nominated for consideration as highly capable students may be screened for eligibility according to district procedures. Such procedures shall be applied equitably and systematically to all nominated students. Equity of access shall be assured for all nominated students. Screening procedures may eliminate students for whom there exists clear, current evidence that the student will not qualify for eligibility under WAC 392-170-055.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-050, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-050, filed 6/28/84.]

WAC 392-170-055 Assessment process for selection as highly capable student. Students nominated for selection as a highly capable student, unless eliminated through screening as provided in WAC 392-170-050, shall be assessed by qualified district personnel using a minimum of one measure for each of the multiple criteria in WAC 392-170-040. In

order to be considered for final selection as among the most highly capable by the multidisciplinary selection committee following assessment, there shall exist evidence of one or more of the following characteristics:

(1) Evidence that the student scores in the top ten percent in cognitive ability as demonstrated by a standardized ability test;

(2) Evidence that the student scores in the top five percent in one or more specific academic achievement area; and/or

(3) Evidence that the student demonstrates behavioral characteristics for exceptional creativity.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-055, filed 6/28/84.]

WAC 392-170-060 Nondiscrimination in the use of tests. All tests and other evaluation materials used in the assessment shall have been validated for the specific purpose for which they are used and shall accurately reflect whatever factors the test purport to measure. If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon other evidence of cognitive ability or academic achievement. This professional judgment shall be documented in writing.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-060, filed 6/28/84.]

WAC 392-170-065 Nondiscrimination in the review of testing results. Test results used in the assessment of any nominated student shall be reviewed by a psychologist or other qualified practitioner with training to interpret cognitive and achievement tests. Where specific test results obtained in any assessment do not appear to the qualified district personnel to accurately reflect a student's cognitive ability or specific academic achievement, due to such reasons as test measurement error or environmental, cultural, or economic factor, the qualified district personnel shall apply professional judgment to a determination of cognitive ability or specific academic achievement. In such event, the qualified district personnel shall document in a written narrative the basis for such determination, the instruments used, if any, and the data collected for a determination of cognitive ability or specific academic achievement.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-065, filed 6/28/84.]

WAC 392-170-070 Multidisciplinary selection committee. The multidisciplinary selection committee for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

(1) A classroom teacher with training and experience in teaching highly capable students: Provided, That if such a classroom teacher is not available, a classroom teacher shall be appointed;

(2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;

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(3) A district administrator with responsibility for the supervision of the district's program for highly capable students; and

(4) Such additional professionals, if any, the district deems desirable.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-070, filed 6/28/84.]

WAC 392-170-075 Selection of most highly capable. Each school district's board of directors shall adopt policies and procedures for the selection of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

(1) Shall be consistent with the state board of education's prohibition against unlawful discrimination as defined in WAC 180-40-215(1);

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program, including such additional factors as the student's desire to be included in the program options provided by the district; and

(3) Shall be based on a selection system that determines which students are the most highly capable and which considers the multiple criteria in WAC 392-170-040, the assessment criteria in WAC 392-170-055, and other data collected in the assessment process: Provided, That for students whose cognitive ability score or achievement test results are not available for inclusion in the assessment because of the provision of WAC 392-170-060, the final selection ranking system shall provide an equal opportunity for such students to be included as most highly capable in spite of the fact that one or more of these scores were not available for inclusion in the assessment of such students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-075, filed 6/28/84.]

WAC 392-170-078 Program services. Education program plans for each identified highly capable student or plans for a group of students with similar academic abilities shall be developed based on the results of the assessed academic need of that student or group of students. A variety of appropriate program services shall be made available. Once services are started, a continuum of services shall be provided and may include kindergarten through twelfth grade.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-078, filed 9/6/06, effective 10/7/06. Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-078, filed 5/20/98, effective 6/20/98.]

WAC 392-170-080 Educational program for highly capable students. Each student identified as a highly capable student shall be provided educational opportunities which take into account such students' unique needs and capabilities. Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education. Districts shall keep on file a description of the educational program provided for each student selected.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-080, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-080, filed 6/28/84.]

WAC 392-170-085 Notification of parents. Each district shall notify parents of participating children of the involvement of their child in the district's program for highly gifted students.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-085, filed 6/28/84.]

WAC 392-170-087 Program review and monitoring. In order to ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall monitor district programs no less than once every five years. Monitoring under this section may be conducted concurrently with other program reviews. The reviews shall monitor program components including:

- (1) The process used by the district to identify highly capable students;
- (2) Assessment data and other indicators to determine the degree to which districts are meeting the academic needs of identified students; and
- (3) Highly capable program expenditures.

[Statutory Authority: RCW 28A.300.070. 06-18-105, § 392-170-087, filed 9/6/06, effective 10/7/06.]

WAC 392-170-090 End of year report. Districts shall submit to the superintendent of public instruction at the close of fiscal year an end of the year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, the ethnicity and gender of such students, and program(s) provided for these students.

[Statutory Authority: Chapter 28A.185 RCW. 98-12-002 (Order 98-07), § 392-170-090, filed 5/20/98, effective 6/20/98. Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-090, filed 6/28/84.]

WAC 392-170-095 District records. Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.

[Statutory Authority: Chapter 28A.16 RCW. 84-14-037 (Order 84-20), § 392-170-095, filed 6/28/84.]