

HOUSE BILL REPORT

SSB 5354

As Reported by House Committee On:
Education

Title: An act relating to facilitating equity in programs for highly capable students.

Brief Description: Concerning programs for highly capable students.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Rivers, Rolfes, Becker, Brown, Wilson, C. and Kuderer).

Brief History:

Committee Activity:

Education: 3/25/19, 3/28/19 [DPA].

**Brief Summary of Substitute Bill
(As Amended by Committee)**

- Modifies school district procedures related to identification, selection, and placement of students into programs for highly capable students.
- Requires professional development for members of the Highly Capable Program Selection Committee, principals, and counselors.
- Requires that student data-related reports be disaggregated by the subgroup of highly capable students, and requires a report on this topic.
- Directs the Office of the Superintendent of Public Instruction to designate staff to provide technical assistance and guidance to school districts regarding the Highly Capable Program.
- Requires that the state fund, and school districts provide, transportation to and from programs for highly capable students.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 17 members: Representatives Santos, Chair; Dolan, Vice Chair; Paul, Vice Chair; Steele, Ranking Minority Member; McCaslin, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Bergquist, Caldier, Callan, Corry, Kilduff, Kraft, Ortiz-Self, Rude, Stonier, Thai and Valdez.

Staff: Megan Wargacki (786-7194).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

As part of the state's program for basic education, the Highly Capable Program (HiCap Program) provides access to accelerated learning and enhanced instruction for students identified as highly capable. The state allocates funding for the HiCap Program based on 5 percent of each school district's population.

School districts may only use these supplementary funds to provide services to highly capable students.

School District Procedures. School districts must implement procedures for nomination, assessment, and selection of their most highly capable students. These practices must prioritize equitable identification of low-income students.

Nominations must be based upon data from teachers, other staff, parents, students, and members of the community. Assessment must be based upon a review of each student's capability as shown by multiple criteria that are intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities.

Selection must be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment. 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. Students selected for the HiCap Program must be provided, to the extent feasible, an educational opportunity that takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district.

When a student who is a child of a military family in transition has been assessed or enrolled as "highly capable" by a sending school, the receiving school must initially honor placement of the student into an equivalent program and may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

Access to accelerated learning and enhanced instruction through a HiCap Program does not constitute an individual entitlement for any particular student.

Best Practice Guidance. The Office of the Superintendent of Public Instruction (OSPI) must disseminate guidance on referral, screening, assessment, selection, and placement best practices for HiCap Programs. The guidance must be regularly updated and aligned with evidence-based practices.

Data and Reports. All student data-related reports required of the OSPI must be disaggregated by student subgroups, for example by students who are low income, migrant, in special education, or transitional bilingual.

Every five years, the OSPI must report to the Legislature with a brief description of the various instructional programs offered to highly capable students.

Pilot Project. The OSPI is piloting the delivery of instruction and services to highly capable students that places special emphasis on the identification and instruction of children consistently underrepresented in the HiCap Program. The pilot project is funded by a federal grant awarded from the Javits Gifted and Talented Students Education Program. The pilot project includes professional learning for teachers and program directors that focuses on identification of, and provision of services to, underrepresented highly capable students. In addition, online modules are in development that focus on providing school districts the support needed to comply with state law.

Summary of Amended Bill:

School District Procedures. In addition to procedures for assessment and selection, school districts must implement procedures for referral (rather than nomination), screening, and placement of their most highly capable students. School districts must prioritize equitable identification of low-income students.

Screening. Beginning with the 2019-20 school year, school districts must screen all newly enrolled students, including transfer students, for further assessment to determine whether the student is eligible for potential placement in the Highly Capable Program (HiCap Program). "Screening" means review of evidence of a student's academic aptitudes and proficiency such as the results of aptitude tests or assessments, intelligence quotient scores, grades, transcripts, and rigor of courses completed. School districts must use a portion of state funds to provide the screenings within the school day and at the school the student attends.

Assessment. Assessments must be conducted within the school day and at the school the student attends.

Selection and Placement. The multidisciplinary selection committee must have at least five hours of course work or professional development addressing the needs and characteristics of highly capable students. Rather than requiring that highly capable selection decisions be based on consideration of criteria benchmarked on local norms, highly capable selection decisions must consider the use of local norms.

School districts must honor the placement of any student who has been assessed or enrolled as highly capable by a sending school, not just a student who is a child of a military family in transition.

Transportation. Funds provided by the state for student transportation to and from school must include transportation to and from HiCap Programs. School districts may not require parents to provide transportation of highly capable students to and from HiCap Programs.

Data and Reports. In addition to other subgroup disaggregation, student data-related reports required of the Office of the Superintendent of Public Instruction (OSPI) must be disaggregated by highly capable students.

The OSPI's report to the Legislature on the various instructional programs offered to highly capable students must include relevant data on HiCap Programs.

By December 1, 2021, the OSPI must submit a report to the Legislature that includes a comparison of the race, ethnicity, and low-income status of highly capable students compared to the same demographic groups in the general student population of each school district. If the comparison reveals a disproportionate rate of participation in HiCap Programs, the report must include recommendations on how to adjust participation to better align with general student demographics

Technical Assistance. Subject to state funding, the OSPI must designate professional staff to: (1) provide technical assistance and guidance to school districts regarding school district programs for highly capable students; and (2) collect and analyze data related to HiCap Programs used in the report submitted to the Legislature.

Staff Training. School districts must use a portion of state basic education allocations to provide a minimum of two hours of professional development every two years for principals and counselors regarding recognition of students who may qualify for HiCap Programs, why highly capable students need special services, and the best practices for providing these services. School districts must ensure that the principals and counselors attend this mandated training.

School districts may provide additional professional development that includes all certificated and classified instructional staff, principals, counselors, and other school and school district staff. For teachers teaching students in a general education classroom who are also admitted to a HiCap Program, the professional development must be job-embedded.

Teacher preparation programs must include information on recognizing students who may qualify for HiCap Programs, why highly capable students need special services, and the best practices for providing these services.

Amended Bill Compared to Substitute Bill:

Compared to the substitute bill, the amended bill: (1) modifies language around screening for further assessment to determine whether a student is eligible for potential placement in a program for highly capable students from requiring each school district to conduct universal screening for each student at least once, in or before second and sixth grade, to requiring school districts to screen newly enrolled students, including transfer students; and (2) defines the term "screening."

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 28, 2019.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Some school districts have implemented universal screening for highly capable students, as well as professional development and other supports for students. The universal screenings have helped to identify students struggling with poverty, homelessness, or high mobility. This bill creates equal access to the Highly Capable Program (HiCap Program). This bill could actually be a nation leading bill.

There are equity issues between school districts and within school districts. This bill contains evidence-supported ways to provide equity for highly capable students. It makes sense to have staff at the Office of the Superintendent of Public Instruction who can provide technical assistance to districts as they design and adjust their programs; and who can report in a timely fashion on how districts are doing with regard to their equity goals. It makes sense to have trained administrator who know what to look for when designing programs to serve their highly capable populations. It makes sense to use universal screening tools to make sure students are not overlooked and artificial barriers to participation in HiCap Programs.

If all students are tested for their school's HiCap Program, then all the highly capable students will be correctly identified. This bill will allow gifted students whose capability slip by parents and teachers to be identified and appropriately challenged, which would increase their interest in school in general academics and not be a problem within the school district.

The bill is about targeted, surgical fixes. Without this bill, it is legal for school districts to only offer testing for highly capable students on Saturdays, after school, or across town. It is legal for a school district to assign a student with a teacher who has never had any training on highly capable students. It is legal for staff who are making the decisions about highly capable qualifications to not be trained regarding highly capable students.

(Opposed) None.

(Other) Section 3 requires universal screenings, which addresses an equity issue. However, school districts will have to be prepared to let go of less important assessments. In section 9, training for principals and counselors was changed from an annual requirement to an every other year requirement. There is a concern that there are not enough counselors in elementary schools to properly screen and assess students for the HiCap Program.

Persons Testifying: (In support) Representative Stonier; David Berg, Washington Coalition for Gifted Education; Austina De Bonte, Northwest Gifted Child Association; and Al Ralston, Open Window School.

(Other) Lucinda Young, Washington Education Association.

Persons Signed In To Testify But Not Testifying: None.