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**ENGROSSED 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 requires access to accelerated curriculum, advanced standards, and faster pacing. Enhanced instruction requires that the accelerated curriculum be offered at greater depth and complexity, and that students receive direct instruction on that K-12 curriculum from educators. 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.

The legislature further recognizes that there has been a long history of inequitable access to highly capable services. Identification practices such as testing outside the school day or at locations other than a student's school and the use of testing instruments that are inaccessible to English language learners has had the effect of failing to identify highly capable students who reflect the racial and economic diversity of a school district's population. The legislature encourages districts to reform their identification processes to address these inequities and improve access for all highly capable students.

However, the legislature also recognizes the possible impact to student learning that may occur when school districts modify the delivery model of highly capable services. Therefore, the legislature intends to create a process to protect highly capable student access to basic education 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 school district may choose to provide highly capable instruction using a variety of service delivery models. However, if a school district chooses to make a substantial modification to the continuum of services provided to the highly capable students in a school or school district by transitioning the students to an alternative delivery model for highly capable instruction, it must develop a highly capable program transition plan for the group of students affected.

(2)(a) Within fifteen days of formalizing the decision to transition to an alternative delivery model for highly capable instruction, a school district must provide written notice to the parents and guardians of all highly capable students that may be affected by the transition. The notice must include a summary of the anticipated program changes and an invitation to participate in public meetings regarding development and adoption of the highly capable program transition plan.

(b) Any school district required to retroactively develop a highly capable program transition plan pursuant to section 3 of this act must provide notice within fifteen days of the effective date of this section.

(3) Within thirty days after providing written notice to parents and guardians, the school district must hold a public meeting to solicit comments regarding development of the highly capable program transition plan.

(4) Within thirty days after the public meeting, the school district must convene a transition team to develop the highly capable program transition plan. The transition team must be appointed by the school board of directors, and include highly capable educators, parents or guardians of highly capable students affected by the transition, and school district personnel who have experience administering highly capable programs.

(5) Within thirty days of convening, the transition team must develop a highly capable program transition plan that reflects the comments received at the public meeting and that contains, at a minimum, the following information:

(a) A description of the highly capable program's current structure and services, including instructional enhancement strategies and processes used to address the unique needs and capabilities of highly capable students, including those with learning disabilities and special needs;

(b) A description of the services and transitional supports that highly capable students will receive under the alternative delivery model, and how those services will provide students with equivalent or enhanced educational opportunities;

(c) A plan for how the progress of all highly capable students will be measured in subjects in which they are receiving accelerated learning and enhanced instruction;

(d) A process and timeline for evaluating whether the alternative delivery model is successfully providing a meaningful opportunity for progress similar to that expected under the current delivery model;

(e) A process to solicit feedback from parents or guardians of highly capable students, at least once each year for two years following the introduction of the alternative delivery model, to determine if any modification to the delivery model is necessary; and

(f) If one of the reasons the district is changing the highly capable delivery model is to address racial disparities within the program and increase access to educational opportunity for students of color, the transition plan must also include a description of how the new model will address racial disparities, a multiyear process for evaluating whether the new delivery model is actually increasing access to the highly capable program for students of color, and a plan for making adjustments if it is not.

(6) Within thirty days of finalizing the highly capable program transition plan, the school district must adopt the plan at an open public meeting. Upon adoption, the school district must publish the transition plan on the school district web site.

(7) If a school district fails to develop a highly capable program transition plan as required under this section or, if after one year, a student subject to the transition plan is not continuing to make academic progress similar to the progress that had been made under the prior delivery model, the parent or guardian of that highly capable student may request mediation with the school district. If the parent requests mediation with the school district, the school district shall engage an independent mediator within thirty days, at the expense of the school district, to assist the parties in creating a mutually acceptable individual transition plan.

(8) For the purposes of this section, "substantial modification" means 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 transitions in highly capable delivery models that occurred after January 1, 2019.

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