

SSB 5354 - H COMM AMD  
By Committee on Education

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 28A.185.020 and 2017 3rd sp.s. c 13 s 412 are each  
4 amended to read as follows:

5 ~~((1))~~ The legislature finds that, for highly capable students,  
6 access to accelerated learning and enhanced instruction is access to  
7 a basic education. There are multiple definitions of highly capable,  
8 from intellectual to academic to artistic. The research literature  
9 strongly supports using multiple criteria to identify highly capable  
10 students, and therefore, the legislature does not intend to prescribe  
11 a single method. Instead, the legislature intends to ~~((allocate~~  
12 ~~funding based on 5.0 percent of each school district's population~~  
13 ~~and))~~ authorize school districts to identify through the use of  
14 multiple, objective criteria those students most highly capable and  
15 eligible to receive accelerated learning and enhanced instruction in  
16 the program offered by the district. ~~((District practices for~~  
17 ~~identifying the most highly capable students must prioritize~~  
18 ~~equitable identification of low-income students. Access to~~  
19 ~~accelerated learning and enhanced instruction through the program for~~  
20 ~~highly capable students does not constitute an individual entitlement~~  
21 ~~for any particular student.~~

22 ~~(2) Supplementary funds provided by the state for the program for~~  
23 ~~highly capable students under RCW 28A.150.260 shall be categorical~~  
24 ~~funding to provide services to highly capable students as determined~~  
25 ~~by a school district under RCW 28A.185.030.)~~

26 NEW SECTION. Sec. 2. A new section is added to chapter 28A.185  
27 RCW to read as follows:

28 (1) The legislature intends to allocate state funding for basic  
29 education programs for highly capable students based on five percent  
30 of each school district's student population.

1 (2) Funds provided by the state for the state basic education  
2 program for highly capable students under RCW 28A.150.260 shall be  
3 categorical funding to provide services to highly capable students as  
4 determined by a school district under RCW 28A.185.030. However,  
5 school districts must use a portion of the funds provided under this  
6 subsection to deliver professional development in accordance with  
7 section 9(2) of this act.

8 (3) Funds provided by the state for student transportation to and  
9 from school includes transportation to and from programs for highly  
10 capable students as defined in RCW 28A.160.160, and must be expended  
11 in accordance with chapter 28A.160 RCW.

12 (4) Subject to the availability of amounts appropriated for this  
13 specific purpose, each school district must conduct universal  
14 screenings in accordance with RCW 28A.185.030 to find students who  
15 need further assessment for potential gifted program placement.

16 **Sec. 3.** RCW 28A.185.030 and 2009 c 380 s 4 are each amended to  
17 read as follows:

18 ~~((Local))~~ (1) School districts may establish and operate, either  
19 separately or jointly, programs for highly capable students. Such  
20 authority shall include the right to employ and pay special  
21 instructors and to operate such programs jointly with a public  
22 institution of higher education. ~~((Local))~~

23 (2) School districts ~~((which))~~ that establish and operate  
24 programs for highly capable students shall adopt identification  
25 procedures and provide educational opportunities as follows:

26 ~~((1))~~ (a) In accordance with rules adopted by the  
27 superintendent of public instruction, school districts shall  
28 implement procedures for ~~((nomination))~~ referral, screening,  
29 assessment ~~((and)),~~ selection, and placement of their most highly  
30 capable students. ~~((Nominations shall))~~

31 (i) Referrals must be based upon data from teachers, other staff,  
32 parents, students, and members of the community.

33 (ii) Beginning with the 2019-20 school year, school districts  
34 must screen all newly enrolled students, including transfer students,  
35 for further assessment to determine whether the student is eligible  
36 for potential placement in a program for highly capable students. The  
37 district must use a portion of the funds appropriated to provide the  
38 screenings within the school day and at the school the student  
39 attends.

1 (iii) Assessments ((shall)) for highly capable program services  
2 must be based upon a review of each student's capability as shown by  
3 multiple criteria intended to reveal, from a wide variety of sources  
4 and data, each student's unique needs and capabilities. Assessments  
5 must be conducted within the school day and at the school the student  
6 attends.

7 (iv) Selection and placements shall be made by a ((broadly based  
8 committee of professionals,)) multidisciplinary selection committee  
9 after consideration of the results of the multiple criteria  
10 assessment. The committee members must have at least five hours of  
11 course work or professional development addressing the needs and  
12 characteristics of highly capable students. Students selected  
13 pursuant to procedures outlined in this section shall be provided, to  
14 the extent feasible, an educational opportunity that takes into  
15 account each student's unique needs and capabilities, and the limits  
16 of the resources and program options available to the district,  
17 including those options that can be developed or provided using funds  
18 allocated by the superintendent of public instruction for that  
19 specific purpose.

20 (b) In addition to the criteria listed in (a) of this subsection,  
21 district practices for identifying the most highly capable students  
22 must prioritize equitable identification of low-income students.

23 ~~((+2))~~ (3) When a student, including a student who is a child of  
24 a military family in transition, has been assessed or enrolled as  
25 highly capable by a sending school, the receiving school shall  
26 initially honor placement of the student into a like program.

27 (a) The receiving school shall determine whether the district's  
28 program is a like program when compared to the sending school's  
29 program; and

30 (b) The receiving school may conduct subsequent assessments to  
31 determine appropriate placement and continued enrollment in the  
32 program.

33 ~~((3) Students selected pursuant to procedures outlined in this~~  
34 ~~section shall be provided, to the extent feasible, an educational~~  
35 ~~opportunity which takes into account each student's unique needs and~~  
36 ~~capabilities and the limits of the resources and program options~~  
37 ~~available to the district, including those options which can be~~  
38 ~~developed or provided by using funds allocated by the superintendent~~  
39 ~~of public instruction for that purpose.))~~

1       (4) Access to accelerated learning and enhanced instruction  
2 through a program for highly capable students does not constitute an  
3 individual entitlement for any particular student.

4       (5) For a student who is a child of a military family in  
5 transition, the definitions in Article II of RCW 28A.705.010 apply to  
6 subsection ((+2)) (3) of this section.

7       (6) For the purpose of this section, "screening" means review of  
8 evidence of a student's academic aptitudes and proficiency such as  
9 the results of aptitude tests or assessments, intelligence quotient  
10 scores, grades, transcripts, and rigor of courses completed.

11       **Sec. 4.** RCW 28A.185.050 and 2002 c 234 s 1 are each amended to  
12 read as follows:

13       (1) In order to ensure that school districts are meeting the  
14 requirements of an approved program for highly capable students, the  
15 superintendent of public instruction shall monitor highly capable  
16 programs at least once every five years. Monitoring shall begin  
17 during the 2002-03 school year.

18       (2) Any program review and monitoring under this section may be  
19 conducted concurrently with other program reviews and monitoring  
20 conducted by the office of the superintendent of public instruction.  
21 In its review, the office shall monitor program components that  
22 include but need not be limited to the process used by the district  
23 to identify and reach out to highly capable students with diverse  
24 talents and from diverse backgrounds, assessment data and other  
25 indicators to determine how well the district is meeting the academic  
26 needs of highly capable students, and district expenditures used to  
27 enrich or expand opportunities for these students.

28       (3) Beginning June 30, 2003, and every five years thereafter, the  
29 office of the superintendent of public instruction shall submit a  
30 report to the education committees of the house of representatives  
31 and the senate that provides the following:

32       (a) A brief description of the various instructional programs  
33 offered to highly capable students; and

34       (b) Relevant data to the programs for highly capable students  
35 collected under RCW 28A.300.042.

36       (4) The superintendent of public instruction may adopt rules  
37 under chapter 34.05 RCW to implement this section.

1       **Sec. 5.** RCW 28A.160.160 and 2009 c 548 s 305 are each amended to  
2 read as follows:

3       For purposes of RCW 28A.160.150 through 28A.160.190, except where  
4 the context shall clearly indicate otherwise, the following  
5 definitions apply:

6       (1) "Eligible student" means any student served by the  
7 transportation program of a school district or compensated for  
8 individual transportation arrangements authorized by RCW 28A.160.030  
9 whose route stop is outside the walk area for a student's school,  
10 except if the student to be transported is disabled under RCW  
11 28A.155.020 and is either not ambulatory or not capable of protecting  
12 his or her own welfare while traveling to or from the school or  
13 agency where special education services are provided, in which case  
14 no mileage distance restriction applies.

15       (2) "Superintendent" means the superintendent of public  
16 instruction.

17       (3) (a) "To and from school" means the transportation of students  
18 for the following purposes:

19       ~~((a))~~ (i) Transportation to and from route stops and schools;

20       ~~((b))~~ (ii) Transportation to and from schools pursuant to an  
21 interdistrict agreement pursuant to RCW 28A.335.160;

22       ~~((c))~~ (iii) Transportation of students between schools and  
23 learning centers for instruction specifically required by statute;  
24 ~~(and~~

25       ~~(d))~~ (iv) Transportation to and from programs for students  
26 enrolled in programs for highly capable students. School districts  
27 may not require parents to provide transportation of highly capable  
28 students to and from programs for highly capable students; and

29       (v) Transportation of students with disabilities to and from  
30 schools and agencies for special education services.

31       (b) Academic extended day transportation for the instructional  
32 program of basic education under RCW 28A.150.220 shall be considered  
33 part of transportation of students "to and from school" for the  
34 purposes of this section. Transportation for field trips may not be  
35 considered part of transportation of students "to and from school"  
36 under this section.

37       (4) "Transportation services" for students living within the walk  
38 area includes the coordination of walk-to-school programs, the  
39 funding of crossing guards, and matching funds for local and state  
40 transportation projects intended to mitigate hazardous walking

1 conditions. Priority for transportation services shall be given to  
2 students in grades kindergarten through five.

3 (5) As used in this section, "walk area" means that area around a  
4 school with an adequate roadway configuration to provide students  
5 access to school with a walking distance of less than one mile.  
6 Mileage must be measured along the shortest roadway or maintained  
7 public walkway where hazardous conditions do not exist. The hazardous  
8 conditions must be documented by a process established in rule by the  
9 superintendent of public instruction and must include roadway,  
10 environmental, and social conditions. Each elementary school shall  
11 identify walk routes within the walk area.

12 **Sec. 6.** RCW 28A.300.042 and 2016 c 72 s 501 are each amended to  
13 read as follows:

14 (1) (~~Beginning with the 2017-18 school year, and using the~~  
15 ~~phase-in provided in subsection (2) of this section,~~) The  
16 superintendent of public instruction must collect and school  
17 districts must submit all student-level data using the United States  
18 department of education 2007 race and ethnicity reporting guidelines,  
19 including the subracial and subethnic categories within those  
20 guidelines, with the following modifications:

21 (a) Further disaggregation of the Black category to differentiate  
22 students of African origin and students native to the United States  
23 with African ancestors;

24 (b) Further disaggregation of countries of origin for Asian  
25 students;

26 (c) Further disaggregation of the White category to include  
27 subethnic categories for Eastern European nationalities that have  
28 significant populations in Washington; and

29 (d) For students who report as multiracial, collection of their  
30 racial and ethnic combination of categories.

31 (2) Beginning with the 2017-18 school year, school districts  
32 shall collect student-level data as provided in subsection (1) of  
33 this section for all newly enrolled students, including transfer  
34 students. When the students enroll in a different school within the  
35 district, school districts shall resurvey the newly enrolled students  
36 for whom subracial and subethnic categories were not previously  
37 collected. School districts may resurvey other students.

38 (3) All student data-related reports required of the  
39 superintendent of public instruction in this title must be

1 disaggregated by at least the following subgroups of students: White,  
2 Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific  
3 Islander/Hawaiian Native, low income, highly capable, transitional  
4 bilingual, migrant, special education, and students covered by  
5 section 504 of the federal rehabilitation act of 1973, as amended (29  
6 U.S.C. Sec. 794).

7 (4) All student data-related reports prepared by the  
8 superintendent of public instruction regarding student suspensions  
9 and expulsions as required under this title are subject to  
10 disaggregation by subgroups including:

- 11 (a) Gender;
- 12 (b) Foster care;
- 13 (c) Homeless, if known;
- 14 (d) School district;
- 15 (e) School;
- 16 (f) Grade level;
- 17 (g) Behavior infraction code, including:
  - 18 (i) Bullying;
  - 19 (ii) Tobacco;
  - 20 (iii) Alcohol;
  - 21 (iv) Illicit drug;
  - 22 (v) Fighting without major injury;
  - 23 (vi) Violence without major injury;
  - 24 (vii) Violence with major injury;
  - 25 (viii) Possession of a weapon; and
  - 26 (ix) Other behavior resulting from a short-term or long-term  
27 suspension, expulsion, or interim alternative education setting  
28 intervention;

- 29 (h) Intervention applied, including:
  - 30 (i) Short-term suspension;
  - 31 (ii) Long-term suspension;
  - 32 (iii) Emergency expulsion;
  - 33 (iv) Expulsion;
  - 34 (v) Interim alternative education settings;
  - 35 (vi) No intervention applied; and
  - 36 (vii) Other intervention applied that is not described in this  
37 subsection (4) (h);

- 38 (i) Number of days a student is suspended or expelled, to be  
39 counted in half or full days; and

1 (j) Any other categories added at a future date by the data  
2 governance group.

3 (5) All student data-related reports required of the  
4 superintendent of public instruction regarding student suspensions  
5 and expulsions as required in RCW 28A.300.046 are subject to cross-  
6 tabulation at a minimum by the following:

7 (a) School and district;

8 (b) Race, low income, highly capable, special education,  
9 transitional bilingual, migrant, foster care, homeless, students  
10 covered by section 504 of the federal rehabilitation act of 1973, as  
11 amended (29 U.S.C. Sec. 794), and categories to be added in the  
12 future;

13 (c) Behavior infraction code; and

14 (d) Intervention applied.

15 (6) The K-12 data governance group shall develop the data  
16 protocols and guidance for school districts in the collection of data  
17 as required under this section, and the office of the superintendent  
18 of public instruction shall modify the statewide student data system  
19 as needed. The office of the superintendent of public instruction  
20 shall also incorporate training for school staff on best practices  
21 for collection of data (~~on student race and ethnicity~~) under this  
22 section in other training or professional development related to data  
23 provided by the office.

24 (7) By December 1, 2021, the superintendent of public instruction  
25 must submit a report to the legislature that includes a comparison of  
26 the race, ethnicity, and low-income status of highly capable students  
27 compared to the same demographic groups in the general student  
28 population of each school district. If the comparison reveals a  
29 disproportionate rate of participation in highly capable programs,  
30 the report must include recommendations to the legislature on how to  
31 adjust participation to better align with general student  
32 demographics.

33 **Sec. 7.** RCW 28A.300.770 and 2018 c 266 s 105 are each amended to  
34 read as follows:

35 (1) The superintendent of public instruction must disseminate  
36 guidance on referral, screening, assessment, selection, and placement  
37 best practices for programs for highly capable students. The guidance  
38 must be regularly updated and aligned with evidence-based practices.



1       (2) The superintendent of public instruction must require school  
2 districts to have identification procedures for their highly capable  
3 programs that are clearly stated and implemented by school districts  
4 using the following criteria:

5       (a) Districts must use multiple objective criteria to identify  
6 students who are ((among)) the most highly capable. Multiple pathways  
7 for qualifications must be available and no single criterion may  
8 disqualify a student from identification;

9       (b) Highly capable selection decisions must ((be based on  
10 ~~consideration of criteria benchmarked on~~)) consider the use of local  
11 norms, but local norms may not be used as a more restrictive criteria  
12 than national norms at the same percentile;

13       (c) Subjective measures such as teacher recommendations or report  
14 card grades may not be used to screen out a student from assessment.  
15 These data points may be used alongside other criteria during  
16 selection to support identification, but may not be used to  
17 disqualify a student from being identified; and

18       (d) To the extent practicable, screening and assessments must be  
19 given in the native language of the student. If native language  
20 screening and assessments are not available, a nonverbal screening  
21 and assessment must be used.

22       (~~(2) The superintendent of public instruction must disseminate~~  
23 ~~guidance on referral, screening, assessment, selection, and placement~~  
24 ~~best practices for highly capable programs. The guidance must be~~  
25 ~~regularly updated and aligned with evidence-based practices.))~~

26       NEW SECTION.   **Sec. 8.** A new section is added to chapter 28A.300  
27 RCW to read as follows:

28       Subject to the availability of amounts appropriated for this  
29 specific purpose, the superintendent of public instruction shall  
30 designate professional staff for the following purposes:

31       (1) Providing technical assistance and guidance to school  
32 districts regarding school district programs for highly capable  
33 students; and

34       (2) Collecting and analyzing data related to school district  
35 programs for highly capable students used in the report required  
36 under RCW 28A.185.050.

37       NEW SECTION.   **Sec. 9.** A new section is added to chapter 28A.415  
38 RCW to read as follows:

1 (1) School districts must use a portion of the funds provided  
2 under RCW 28A.150.260 to provide a minimum of two hours of  
3 professional development every two years for principals and  
4 counselors regarding recognition of students who may qualify for  
5 programs for highly capable students, why highly capable students  
6 need special services, and the best practices for providing these  
7 services. School districts must ensure that the principals and  
8 counselors attend this mandated training.

9 (2)(a) School districts may use a portion of the funds provided  
10 under RCW 28A.150.260 to provide additional professional development.

11 (b) The professional development may include all certificated and  
12 classified instructional staff, principals, counselors, and other  
13 school and school district staff.

14 (c) For teachers teaching students in a general education  
15 classroom who are also admitted to a program for highly capable  
16 students, the professional development must be job-embedded as  
17 defined in RCW 28A.415.434.

18 **Sec. 10.** RCW 28B.10.032 and 1987 c 525 s 233 are each amended to  
19 read as follows:

20 (1) The state's public and private institutions of higher  
21 education offering teacher preparation programs and school districts  
22 are encouraged to explore ways to facilitate faculty exchanges, and  
23 other cooperative arrangements, to generate increased awareness and  
24 understanding by higher education faculty of the common school  
25 teaching experience and increased awareness and understanding by  
26 common school faculty of the teacher preparation programs.

27 (2) Teacher preparation programs must include information on  
28 recognizing students who may qualify for programs for highly capable  
29 students, why highly capable students need special services, and the  
30 best practices for providing these services."

31 Correct the title.

EFFECT: 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. Defines the term "screening."

--- END ---