

SENATE BILL REPORT

SB 6282

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 3, 2020

Title: An act relating to the development of individualized highly capable learning plans.

Brief Description: Concerning the development of individualized highly capable learning plans.
[**Revised for 1st Substitute:** Developing highly capable transition plans.]

Sponsors: Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger, Wagoner and Das.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/22/20, 2/03/20 [DPS, DNP].

Brief Summary of First Substitute Bill

- Requires a school district to develop a highly capable transition plan when it makes a substantial modification to the continuum of services provided to a highly capable student.
- Applies retroactively to all substantial modifications that occurred after January 1, 2019.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6282 be substituted therefor, and the substitute bill do pass.

Signed by Senators Wellman, Chair; Hawkins, Ranking Member; Hunt, Mullet, Padden, Pedersen, Salomon and Wagoner.

Minority Report: Do not pass.

Signed by Senators Wilson, C., Vice Chair; McCoy.

Staff: Alex Fairfortune (786-7416)

Background: School districts are authorized to establish and operate, either separately or jointly, programs for highly capable students. These programs are part of the state's program of basic education, and supplemental funding is provided.

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.

School districts that establish and operate programs for highly capable students must implement procedures for nomination, assessment, and selection of their most highly capable students. Under current law:

- 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 intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities; and
- selection must be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

There is no prescribed delivery model by which highly capable students must receive accelerated learning and enhanced instruction. According to the Office of the Superintendent of Public Instruction, three common forms of highly capable services include (1) self-contained instruction with a highly-capable peer group; (2) accelerated instruction within the general education classroom; and (3) participation in a higher education environment.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): When a school district makes a substantial modification to the continuum of services provided to a highly capable student, the school district must develop a highly capable learning (plan) for that student in consultation with the student's parent or guardian.

Within 15 days of formalizing the decision to substantially modify a student's highly capable services, the school district must provide written notice of the modification to a parent or guardian. Within 30 days of providing such notice, the school district must develop a highly capable transition plan in consultation with the parent or guardian, and provide a copy to the student's teacher, parent or guardian, and academic file. Each plan must include the following information:

- a description of the highly capable student's current services, including accelerated learning levels, instructional enhancement strategies, and future expected course sequencing;
- a description of the services and transitional supports the student will receive after the service modification, how the student's current level of accelerated learning and enhanced instruction will be continued, and how those services will provide the student with the opportunities necessary to address their unique needs and capabilities, including learning disabilities and special needs;
- a plan for how the student's progress will be measured in all subjects where the student receives accelerated learning and enhanced instruction;
- a process and timeline for evaluating whether the newly implemented services are successfully providing meaningful opportunity for progress similar to that expected prior to the modification of services; and
- a process to modify the plan as necessary and ensure the plan is updated at least annually for two years following the transition of services.

If a school district fails to develop a plan as required, or the plan does not meet the minimum standards, the student's parent or guardian has a cause of action and may seek remedies.

The act applies retroactively to all substantial modifications to a student's continuum of highly capable services that occurred after January 1, 2019. School districts have 45 days from the effective date of the act to provide notice and develop plans retroactively.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (First Substitute):

- Changes the term "individualized highly capable learning plan" to "highly capable transition plan."
- Requires a school district to develop a highly capable transition plan if the district makes a substantial modification to the continuum of services provided to a highly capable student;
 - "Substantial modification" is defined as a 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.
- Requires that a school district provide written notice to the parent or guardian within 15 days of formalizing a decision to substantially modify a student's highly capable services, and develop a transition plan within 30 days of providing that notice. This timeline is 45 days for districts retroactively included.
- Requires that the plan be updated at least annually for two years following the transition of services.
- Makes changes to the intent section.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: We are responsible for guaranteeing a basic education to all children residing in the state, not just some. The Legislature decided in 2009 that, for highly capable children, highly capable instruction is a basic education. It is not acceptable to say that a group of families may need to go to a private school to get their needs met. This bill would ensure that if there was a transition from the successful and economically efficient cohort model, that students have an opportunity for continued growth. It is unacceptable for kids to bear a shift in externalities like this. Parents reported that their children did not have reading or math programs within the school to reach their level. Twice exceptional students would not be accelerated because

of behavior problems. Before enrolling in the cohort program the kids were not being served but in the cohort program they are being served academically and socially. The cohort model has been a lifechanging experience.

CON: The locally elected schoolboard is the decision making body for these types of services. Conversations about how services are provided and what classrooms look like should be left to districts. Of the 4900 students in the Seattle School District that are receiving highly capable services, 29 percent are receiving those services in a non-cohort class. No matter where services are delivered, the percentile point difference is minimal at three percent. If there are concerns about performance then the accountability should be on outcomes, not how the services are provided. This bill would put up a barrier to serving students, and would have a prohibitive cost. The requirements in this bill to create individual learning plans is burdensome and there is no funding provided. It perpetuates a learning environment away from peers, and would limit options to create an equitable system. The timeline is too restrictive.

OTHER: This would limit the options that schools have in creating a more equitable system that meets the needs of all students. The timeline would create an administrative lift that diverts resources from other students, and would likely prevent the transition from happening at all. The cause of action language will discourage schools to seek more inclusive options.

Persons Testifying: PRO: Senator Jamie Pedersen, Prime Sponsor; Megan Hazen, citizen; Bojana Askovich, citizen; Jolanta Grigsby, citizen.

CON: Denise Juneau, Superintendent, Seattle Public Schools; Clifford Traisman, Seattle Public Schools; Liza Rankin, School Board Director, District 1, Seattle Public Schools; Brandon Hersey, School Board Director, District 7, Seattle Public Schools.

OTHER: Virginia Barry, Stand for Children.

Persons Signed In To Testify But Not Testifying: PRO: Heuson Kim, citizen; Nancy Nguyen, citizen.

CON: Manuela Slye, citizen; Sabrina Slye, citizen; Gia-Bao Ng, citizen.