

# HOUSE BILL REPORT

## HB 1611

---

---

**As Passed House:**

February 9, 2022

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

**Brief Description:** Advancing equity in programs for highly capable students.

**Sponsors:** Representatives Dolan, Steele, Duerr, Goodman, Sullivan, Slatter, Bergquist, Vick, Pollet and Young.

**Brief History:**

**Committee Activity:**

Education: 1/21/22, 1/25/22, 1/28/22 [DP].

**Floor Activity:**

Passed House: 2/9/22, 96-0.

**Brief Summary of Bill**

- Authorizes state funding provided for the Highly Capable Program (HiCap Program) to be used by school districts for identifying and providing (instead of only providing) services to highly capable students.
- Requires school districts to conduct universal screenings to find students who need further assessment for potential HiCap Program placement.
- Establishes new requirements for the identification and placement of students who may be eligible for HiCap Program services.
- Modifies related data collection and reporting requirements for the Office of the Superintendent of Public Instruction.

---

**HOUSE COMMITTEE ON EDUCATION**

**Majority Report:** Do pass. Signed by 12 members: Representatives Santos, Chair; Dolan, Vice Chair; Ybarra, Ranking Minority Member; Walsh, Assistant Ranking Minority

---

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

Member; Berg, Bergquist, Callan, McCaslin, Ortiz-Self, Rude, Steele and Stonier.

**Staff:** Ethan Moreno (786-7386).

**Background:**

Highly Capable Program—Component of Basic Education Program.

The Highly Capable Program (HiCap Program) is part of the state's program of basic education and provides access, 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 use these supplementary funds only to provide services to highly capable students. Because the permitted uses of the supplementary funds for the HiCap Program are limited to a single education program category (rather than being used at the discretion of the school district), they are referred to as "categorical" funding.

School District Procedures.

School districts must implement procedures for the 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. Assessments 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.

Selection must be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment. 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.

Data and Reports.

All student data-related reports required of the Office of the Superintendent of Public Instruction (OSPI) must be disaggregated by student subgroups, for example, by students who are low income, migrant, in special education, and 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.

Academic Acceleration Policy.

School district boards of directors, by the end of the 2021-22 school year, must adopt an academic acceleration policy for high school students. Under an academic acceleration policy, a student who meets or exceeds the state standard in a statewide academic

assessment is automatically enrolled into the next most rigorous level of course, with the objective being to eventually enroll the student in courses that offer the opportunity to earn dual credit for high school and college.

**Summary of Bill:**

The State's Program of Basic Education.

The permitted uses of supplemental funds provided to school districts for the state's program of basic education for highly capable students is expanded to permit the funds to be used for identifying highly capable students. Additionally, basic education funding and categorical funding must be used by school districts to identify students and provide programs and services for highly capable students.

School districts are also expressly authorized to identify and serve more than 5 percent of their students for highly capable programs and services. A related statement of intent, indicating that the Legislature does not intend to limit highly capable services to 5 percent of the student population, is also specified.

Highly Capable Program—Screenings and Referrals.

School districts must conduct universal screenings to find students who need further assessment for potential HiCap Program placement. School districts must select a grade level to implement universal screening procedures for each student, but universal screening must occur once in or before second grade, and again in or before sixth grade.

School districts must consider at least two student data points during universal screening. These may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. School districts are not required to administer a new assessment for the purpose of universal screening, but they are granted discretion to do so. Any screenings or additional assessments must be conducted within the school day and at the school the student attends.

Identification and placement decisions must be made by a multidisciplinary selection committee after consideration of the results of the universal screening, any further assessment, and any available district data.

Directives for rule requirements establishing nomination and selection procedures for students are replaced with provisions directing school districts, in accordance with rules of the OSPI, to implement procedures for referral, screening, assessment, identification, and placement of highly capable students. Referrals must be available for all grades not being universally screened, and may be submitted by teachers, other staff, parents, students, and members of the community.

School district practices for identifying highly capable students must seek to expand access to accelerated learning and enhanced instruction at elementary and secondary schools and

advance equitable enrollment practices so that all students, especially students from historically underrepresented and low-income groups, who are ready to engage in more rigorous coursework can benefit from accelerated learning and enhanced instruction.

Data and Reports.

Annually, beginning November 1, 2022, the Superintendent of Public Instruction (SPI) must make data publicly available 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. The data reporting must also include comparisons for students who are English language learners, have an individualized education program, have a 504 plan, are covered by provisions of the McKinney-Vento Homeless Assistance Act, or are highly mobile.

The list of subgroups that the SPI must disaggregate student data reports into is expanded to include a highly capable students subgroup. Similarly, the list of cross-tabulation groupings that student data reports of the SPI regarding student suspensions and expulsions must adhere to is expanded to include highly capable students.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Currently, parents must be creative in order to get students into the schools that the students need. The public education system should meet students where they are, regardless of ethnicity or income.

Universal screening works and has increased the participation of students who are traditionally underrepresented in the HiCap Program. This policy will also have positive impacts on higher education. This bill is fiscally responsible and will result in program savings at school districts.

The Legislature directed districts to prioritize the identification of low-income students for the HiCap Program, but the efforts haven't worked well. Universal screening works and will allow districts to use data they already have for student screenings. This bill will be beneficial for students and will replace outdated practices that don't work well and leave many qualifying students out. This bill will promote equity.

Children whose families were poor or different were often left out of the HiCap Program, but children of doctors and teachers were not. Many of these inequitable practices are still

used today, but this problem can be corrected through universal screening. Problematic behavior from a student can be a sign of high intelligence.

(Opposed) None.

**Persons Testifying:** Representative Laurie Dolan, prime sponsor; Michelle Reid, Superintendent-Northshore School District; Jessa Lewis; Austina De Bonte, Washington Coalition For Gifted Education; and Rene Price, Washington State PTA.

**Persons Signed In To Testify But Not Testifying:** None.