
Education Committee

SSB 5072

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

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Nobles, Wellman, Hunt, Keiser, Kuderer, Lias, Nguyen, Pedersen, Randall, Rolfes, Saldaña, Salomon, Trudeau, Valdez and Wilson, C.).

Brief Summary of Substitute Bill

- Requires school districts to conduct universal Highly Capable Program (HiCap Program) screenings to find students who need further assessment for potential placement in the HiCap Program.
- 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.

Hearing Date: 3/1/23

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

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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.

Regarding report requirements related to HiCap Programs, every five years the OSPI must provide to the Legislature a report with a brief description of the various instructional programs offered to highly capable students.

Summary of Bill:

Highly Capable Program—Screenings and Referrals.

School districts must conduct universal screenings to find students who may qualify 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. Screenings and 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 the creation of rules governing the nomination and selection procedures for highly capable students are replaced with provisions requiring 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, 2023, 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 federal 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.

Highly Capable Program—Component of Basic Education Program.

School districts are expressly authorized to use basic education funding that is not for the HiCap Program to identify students and provide programs and services for highly capable students.

Legislative Intent.

Legislative intent provisions established in statute and related to the HiCap Program are repealed. For example, provisions specifying that the Legislature intends to allocate funding based on 5 percent of each school district's population, and to authorize school districts to identify through the use of multiple, objective criteria, those students most highly capable and eligible to receive accelerated learning and enhanced instruction, are removed.

New intent language is provided specifying that the Legislature intends to allocate state funding for the HiCap Program based on 5 percent of each school district's student population. The intent language specifies also that the Legislature does not intend to limit highly capable services to 5 percent of the student population, and indicates permission for school districts to identify

and serve more than 5 percent of their students for HiCap Programs and services.

Appropriation: None.

Fiscal Note: Available.

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