

# HOUSE BILL REPORT

## SSB 5072

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**As Reported by House Committee On:**  
Education

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

**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 History:**

**Committee Activity:**

Education: 3/1/23, 3/9/23 [DPA].

**Brief Summary of Substitute Bill  
(As Amended By Committee)**

- 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.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 14 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Bergquist, Callan, Eslick, Harris, McClintock, Ortiz-Self, Pollet, Sandlin, Steele, Stonier and Timmons.

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*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.*

**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.

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.

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**Summary of Amended 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, but districts, on a case-by-case basis and with the consent of the parent or guardian, may offer student screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site.

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.

**Amended Bill Compared to Substitute Bill:**

The amended bill permits school districts, on a case-by-case basis and with the consent of the parent or guardian, to offer screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site, rather than only within the school day and at the school the student attends.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) HiCap Programs provide an opportunity to match academic rigor with the student's learning level. The current law requires teachers, students, and others to refer students for HiCap screenings, but this process is not without bias and often leaves out students from marginalized communities. The legislation intends to break down systemic barriers for children of high intelligence who are present in every demographic group and zip code.

School directors believe universal screening will address long-standing inequities and will benefit all students, especially those historically underrepresented in HiCap Programs. Universal screening provisions have been implemented in some districts, with the effects examined by researchers. In districts examined by researchers, students in every demographic category were more likely to be identified as highly capable, with most notable effects for historically underrepresented groups.

Until 2015 one school district relied on teachers to nominate students for HiCap Programs. Research shows that this is the least effective approach for populating HiCap Programs. After employing universal screenings during the school day, there has been a significant upward trend in HiCap Program participation by students of diverse backgrounds.

Students of high intelligence appreciate being in HiCap Programs, but they need to be screened to determine eligibility, and screening is limited. Screenings should be implemented universally.

This bill reflects the latest and best research. This bill will help to identify students that are too often missed by traditional screening practices. Universal screenings lead to significant changes in the demographics of students that are identified for HiCap Programs and are more equitable and inclusive than traditional screening practices.

Highly intelligent children may have behavioral issues if they are not properly challenged. Testing should be permitted to occur outside of the school year or after school, but the bill would preclude this. The bill's language should be made more permissive.

(Opposed) None.

(Other) Interest in HiCap Programs has increased. Providing increased access to HiCap Programs is supported, but there are added costs for the thoughtful implementation of universal screenings, including staffing costs, test costs, and site costs.

**Persons Testifying:** (In support) Senator T'wina Nobles, prime sponsor; Rene Price, Washington State Parent Teacher Association; Logan Endres, Washington State School Directors' Association; Jacob Vigdor, University of Washington; Ryan Grant; Denton Thorbeck, Washington Education Association and Kent Education Association; Annalia Garcia Munoz; Laura Schonberg, K-12 Highly Capable Services; Christine Anderson, Emerald Hills Elementary; Austina De Bonte, Washington Coalition for Gifted Education; and Gavin Downing.

(Other) Myra Arnone, Lake Washington School District.

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