

# WASHINGTON STATE LAWS FOR THE HIGHLY CAPABLE PROGRAM

## RCW Chapter 28A.300.770 Highly capable students—Identification procedures.

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

- (a) **Districts must use multiple objective criteria** to identify students who are among the most highly capable. **Multiple pathways for qualifications** must be available and **no single criterion** may disqualify a student from identification;
- (b) Highly capable selection decisions must be based on consideration of **criteria benchmarked on local norms, but local norms may not be used as a more restrictive criteria than national norms** at the same percentile;
- (c) **Subjective measures** such as teacher recommendations or report card grades **may not be used to screen out a student** from assessment. These data points may be used alongside other criteria during selection to support identification, but may not be used to disqualify a student from being identified; and
- (d) To the extent practicable, **screening and assessments must be given in the native language of the student**. If native language screening and assessments are not available, a nonverbal screening and assessment must be used.

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

## Excerpts from RCW Chapter 28A.185 – Highly capable students.

**The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education.** The legislature has directed school districts to **prioritize equitable identification of low-income students** for participation in highly capable programs and services. The research literature strongly supports using universal screening and multiple criteria to equitably identify students for highly capable programs. There are multiple approaches to implementing universal screening and the use of multiple criteria. The legislature intends all school districts to use best practices and does not intend to prescribe a single method.

The legislature further intends to allocate state funding for the highly capable program based on five percent of each school district's student population. The legislature does not intend to limit highly capable services to five percent of the student population. School districts may **identify and serve more than five percent of their students** for highly capable programs and services.

Other **basic education funding can be used alongside categorical funding** to identify students and provide programs and services for highly capable students.

**Referrals must be available for all grade levels not being universally screened**, and may be submitted by teachers, other staff, parents, students, and members of the community.

Each school district must select a grade level to implement universal screening procedures for each student. **Universal screening must occur once in or before second grade, and again in or before sixth grade.** The purpose of universal screening is to include students who traditionally are not referred for highly capable programs and services. Students discovered during universal screening may need further assessment to determine whether the student is eligible for placement in a program for highly capable students. **Districts must consider at least two student data points during universal screening**, which may include previously administered standardized, classroom-based, performance, cognitive, or achievement assessments, or research-based behavior ratings scales. **There is no requirement to administer a new assessment for the purpose of universal screening**, however districts may do so if they desire.

Assessments for highly capable program services 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. Any screenings or additional **assessments must be conducted within the school day and at the school the student attends**, except that school districts, on a case-by-case basis and with the consent of the parent or guardian, may offer a student screenings or additional assessment opportunities during the summer, outside of school hours, or at an alternative site.

Identification and placement decisions shall be made by a multidisciplinary selection committee after consideration of the results of the universal screening, any further assessment, and any available district data. **Students identified pursuant to procedures outlined in this section 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, including those options that can be developed or provided using funds allocated by the superintendent of public instruction for this specific purpose.

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.

Beginning November 1, 2023, and annually thereafter, the superintendent of public instruction 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. 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.



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