
ENGROSSED SUBSTITUTE SENATE BILL 6282

State of Washington

66th Legislature

2020 Regular Session

By Senate Early Learning & K-12 Education (originally sponsored by Senators Pedersen, Wellman, Kuderer, Salomon, Mullet, Carlyle, Hunt, Holy, Padden, Hawkins, Zeiger, Wagoner, and Das)

READ FIRST TIME 02/05/20.

1 AN ACT Relating to the development of highly capable transition
2 plans; adding a new section to chapter 28A.185 RCW; and creating new
3 sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature recognizes that
6 accelerated learning and enhanced instruction for highly capable
7 students is considered part of basic education, and requires that
8 students be offered a continuum of highly capable services in grades
9 K-12. Accelerated learning requires access to accelerated curriculum,
10 advanced standards, and faster pacing. Enhanced instruction requires
11 that the accelerated curriculum be offered at greater depth and
12 complexity, and that students receive direct instruction on that K-12
13 curriculum from educators. Accelerated learning and enhanced
14 instruction can be achieved through a variety of delivery models and
15 instructional programming, which grants school districts the
16 flexibility necessary to address a wide range of student needs.

17 The legislature further recognizes that there has been a long
18 history of inequitable access to highly capable services.
19 Identification practices such as testing outside the school day or at
20 locations other than a student's school and the use of testing
21 instruments that are inaccessible to English language learners has

1 had the effect of failing to identify highly capable students who
2 reflect the racial and economic diversity of a school district's
3 population. The legislature encourages districts to reform their
4 identification processes to address these inequities and improve
5 access for all highly capable students.

6 However, the legislature also recognizes the possible impact to
7 student learning that may occur when school districts modify the
8 delivery model of highly capable services. Therefore, the legislature
9 intends to create a process to protect highly capable student access
10 to basic education when a school district substantially modifies the
11 continuum of highly capable services provided.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.185
13 RCW to read as follows:

14 (1) A school district may choose to provide highly capable
15 instruction using a variety of service delivery models. However, if a
16 school district chooses to make a substantial modification to the
17 continuum of services provided to the highly capable students in a
18 school or school district by transitioning the students to an
19 alternative delivery model for highly capable instruction, it must
20 develop a highly capable program transition plan for the group of
21 students affected.

22 (2)(a) Within fifteen days of formalizing the decision to
23 transition to an alternative delivery model for highly capable
24 instruction, a school district must provide written notice to the
25 parents and guardians of all highly capable students that may be
26 affected by the transition. The notice must include a summary of the
27 anticipated program changes and an invitation to participate in
28 public meetings regarding development and adoption of the highly
29 capable program transition plan.

30 (b) Any school district required to retroactively develop a
31 highly capable program transition plan pursuant to section 3 of this
32 act must provide notice within fifteen days of the effective date of
33 this section.

34 (3) Within thirty days after providing written notice to parents
35 and guardians, the school district must hold a public meeting to
36 solicit comments regarding development of the highly capable program
37 transition plan.

38 (4) Within thirty days after the public meeting, the school
39 district must convene a transition team to develop the highly capable

1 program transition plan. The transition team must be appointed by the
2 school board of directors, and include highly capable educators,
3 parents or guardians of highly capable students affected by the
4 transition, and school district personnel who have experience
5 administering highly capable programs.

6 (5) Within thirty days of convening, the transition team must
7 develop a highly capable program transition plan that reflects the
8 comments received at the public meeting and that contains, at a
9 minimum, the following information:

10 (a) A description of the highly capable program's current
11 structure and services, including instructional enhancement
12 strategies and processes used to address the unique needs and
13 capabilities of highly capable students, including those with
14 learning disabilities and special needs;

15 (b) A description of the services and transitional supports that
16 highly capable students will receive under the alternative delivery
17 model, and how those services will provide students with equivalent
18 or enhanced educational opportunities;

19 (c) A plan for how the progress of all highly capable students
20 will be measured in subjects in which they are receiving accelerated
21 learning and enhanced instruction;

22 (d) A process and timeline for evaluating whether the alternative
23 delivery model is successfully providing a meaningful opportunity for
24 progress similar to that expected under the current delivery model;

25 (e) A process to solicit feedback from parents or guardians of
26 highly capable students, at least once each year for two years
27 following the introduction of the alternative delivery model, to
28 determine if any modification to the delivery model is necessary; and

29 (f) If one of the reasons the district is changing the highly
30 capable delivery model is to address racial disparities within the
31 program and increase access to educational opportunity for students
32 of color, the transition plan must also include a description of how
33 the new model will address racial disparities, a multiyear process
34 for evaluating whether the new delivery model is actually increasing
35 access to the highly capable program for students of color, and a
36 plan for making adjustments if it is not.

37 (6) Within thirty days of finalizing the highly capable program
38 transition plan, the school district must adopt the plan at an open
39 public meeting. Upon adoption, the school district must publish the
40 transition plan on the school district web site.

1 (7) If a school district fails to develop a highly capable
2 program transition plan as required under this section or, if after
3 one year, a student subject to the transition plan is not continuing
4 to make academic progress similar to the progress that had been made
5 under the prior delivery model, the parent or guardian of that highly
6 capable student may request mediation with the school district. If
7 the parent requests mediation with the school district, the school
8 district shall engage an independent mediator within thirty days, at
9 the expense of the school district, to assist the parties in creating
10 a mutually acceptable individual transition plan.

11 (8) For the purposes of this section, "substantial modification"
12 means modification to the continuum of highly capable services
13 provided to a student, made without the consent of the student's
14 parent or guardian, that significantly adjusts or disrupts the
15 delivery of accelerated learning or enhanced instruction. This may
16 include, but is not limited to, moving a student from a cohort model
17 of instruction to a noncohort model of instruction or disrupting a
18 student's future expected course sequencing.

19 NEW SECTION. **Sec. 3.** This act applies retroactively to all
20 transitions in highly capable delivery models that occurred after
21 January 1, 2019.

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