

Chapter 392-170 WAC Special Service Program–Highly Capable Students

The Revised WAC

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WAC Amendment Process

- Committee met to make initial changes to WAC 392-170
- OSPI consulted with legal counsel
- Public Hearing
- OSPI reviewed public testimony/comments received
- OSPI made minor changes to WAC 392-170 and program procedures based on testimony/comments received
- WAC changes became permanent on April 12, 2013

Chapter 28A.185.020 RCW

(1) The legislature finds that, for highly capable students, **access to accelerated learning and enhanced instruction is access to a basic education.** There are multiple definitions of highly capable, from intellectual to academic to artistic.

Chapter 28A.185.020 RCW

The research literature strongly supports **using multiple criteria to identify** highly capable students, and therefore, the legislature does not intend to prescribe a single method.

Instead, the legislature intends to allocate funding based on two and three hundred fourteen one-thousandths percent (2.314%) of each school district's population and

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 in the program offered by the district.

Chapter 28A.185.020 RCW

Access to accelerated learning and enhanced instruction through the program for highly capable students **does not constitute an individual entitlement** for any particular student.

Chapter 28A.185.020 RCW (continued)

(2) Supplementary funds provided by the state for the program for highly capable students under RCW [28A.150.260](#) shall be **categorical funding** to provide services to highly capable students as determined by a school district under RCW [28A.185.030](#).

WAC 392-170-005 Authority.

**Amended*

The authority for this chapter is RCW 28A.150.290, 28A.185.030, and 28A.185.050, which **authorizes** the superintendent of public instruction to adopt rules and regulations for the administration of a program **for highly capable students in K-12**, including the nomination, assessment, and selection of such students.

WAC 392-170-010 Purpose.

**Amended*

The purpose of this chapter is to establish policies and procedures for administration of programs for the education of K-12 students who are highly capable.

WAC 392-170-012 Funds.

**New*

For highly capable students, **access to accelerated learning and enhanced instruction is access to a basic education.** School districts may access basic education funds in addition to highly capable categorical funds to provide appropriate highly capable student programs.

WAC 392-170-020 District plans for the district's highly capable program.

**Amended*

Each district shall **submit an annual plan** for the district's highly capable program on forms provided by the superintendent of public instruction for approval.

WAC 392-170-025 Board approval.

**Amended*

The district's plan for students who are highly capable shall be **annually approved** by formal action of the district's board of directors.

WAC 392-170-030 Substance of annual school district plan.

**Amended*

The school district's annual plan shall contain the following:

- (1) A report of the **number of K-12** students who are highly capable that the district expects to serve by grade level;
- (2) A description of the district's plan **to identify students**;
- (3) A description of the highly capable program **goals**;

WAC 392-170-030 Substance of annual school district plan. (continued)

**Amended*

- (4) A description of the **services** the highly capable program will offer;
- (5) A description of the **instructional program** the highly capable program will provide;
- (6) A description of ongoing **professional development** for educators of students who are highly capable and general education staff;

WAC 392-170-030 Substance of annual school district plan. (continued)

**Amended*

(7) A description of how the highly capable program will be **evaluated** that includes information on how the district's highly capable program goals and student achievement outcomes will be measured;

(8) A **fiscal** report; and

(9) **Assurances** signed by the school district's authorized representative that the district will comply with all applicable statutes and regulations.

WAC 392-170-035 Definition Students who are highly capable.

**Amended*

As used in this chapter, highly capable students are students who **perform or show potential for performing at significantly advanced academic levels when compared with others of their age, experiences, or environments.**

Outstanding abilities are seen within students' general intellectual aptitudes, specific academic abilities, and/or creative productivities within a specific domain.

These students are present not only in the general populace, but are present within all protected classes according to chapters 28A.640 and 28A.642 RCW.

WAC 392-170-036 Definition Learning characteristics.

**Amended*

As used in this chapter, the term learning characteristics means that students who are highly capable may possess, but are not limited to, these learning characteristics:

(1) Capacity to **learn with unusual depth of understanding**, to retain what has been learned, and to transfer learning to new situations;

WAC 392-170-036 Definition--Learning characteristics. (Continued)

**Amended*

(2) Capacity and willingness to **deal with increasing levels of abstraction and complexity** earlier than their chronological peers;

(3) Creative **ability to make unusual connections** among ideas and concepts;

(4) Ability to **learn quickly** in their area(s) of intellectual strength; and

(5) Capacity for **intense concentration** and/or focus.

WAC 392-170-038 Definition--Special teacher.

**Amended*

As used in this chapter, a special teacher is a teacher who has **training, experience, advanced skills, and knowledge** in the education of highly capable students.

Areas of competence should include knowledge of the following: Identification procedures, academic, social and emotional characteristics, program design and delivery, instructional practices, student assessment, and program evaluation.

WAC 392-170-042 Annual notification.

**Amended*

Annual public notification of parents and students shall be made before any major identification activity.

The notice shall be published or announced in multiple ways in appropriate languages to each community in school and district publications or other media, with circulation adequate to notify parents and students throughout the district.

WAC 392-170-045 Referral process for highly capable students.

**Amended*

Each school district shall **adopt procedures** for the referral of students to participate in programs for highly capable students. Such procedures shall permit referrals based on data or evidence from teachers, other staff, parents, students, and members of the community.

A district's referral procedure for students who are highly capable may include screening procedures to eliminate students who, based on clear, current evidence, do not qualify for eligibility under WAC 392-170-055.

WAC 392-170-047 Parental/legal guardian permission.

**Amended*

Parental permission shall be obtained in writing before:

- (1) Conducting assessment(s) to determine eligibility for participation in programs for highly capable students.
- (2) Placement in the district's highly capable program before any special services and programs are started for an identified highly capable student.

WAC 392-170-047 Parental/legal guardian permission. (continued)

**Amended*

Parental permission notice shall include:

- (a) A full explanation of the **procedures for identification** of a student for entrance into the highly capable program;
- (b) An explanation of the **appeal's process**;
- (c) An explanation of the **procedures to exit** a student from the program; and
- (d) Information on the district's **program and the options** that will be available to identified students.

WAC 392-170-055 Assessment process for selection as highly capable student.

**Amended*

(1) Students nominated for selection as a highly capable student, unless eliminated through screening as provided in WAC 392-170-045, shall be **assessed by qualified district personnel**;

(2) Districts shall use **multiple objective criteria** for identification of students who are among the most highly capable. There is no single prescribed method for identification of students among the most highly capable; and

(3) Districts shall have a **clearly defined and written** assessment process.

WAC 392-170-60 Nondiscrimination in the use of tests.

**Amended*

All tests and other evaluation materials used in the assessment shall have been **validated for the specific purpose for which they are used** and shall accurately reflect whatever factors the tests purport to measure.

If properly validated tests are not available, the professional judgment of the qualified district personnel shall determine eligibility of the student based upon evidence of cognitive ability and/or academic achievement. This professional judgment shall be documented in writing.

WAC 392-170-070 Multidisciplinary selection committee.

**Amended*

The **multidisciplinary selection committee** for the final selection of the most highly capable students for participation in the district's program for highly capable students shall consist of the following professionals:

- (1) A special teacher: Provided, that if a special teacher is not available, a classroom teacher shall be appointed;

WAC 392-170-070 Multidisciplinary selection committee. (continued)

**Amended*

- (2) A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;
- (3) A certificated coordinator/administrator with responsibility for the supervision of the district's program for highly capable students; and
- (4) Such additional professionals, if any, the district deems desirable.

WAC 392-170-075 Selection of most highly capable.

**Amended*

Each school district's board of directors shall adopt policies and **procedures for the selection** of the most highly capable students by the multidisciplinary selection committee. Such policies and selection procedures:

- (1) Shall not violate federal and state civil rights laws, including, without limitation, chapters 28A.640 and 28A.642 RCW;

WAC 392-170-075 Selection of most highly capable. (continued)

**Amended*

(2) Shall be based on professional judgment as to which students will benefit the most from inclusion in the district's program; and

(3) Shall be based on a selection system that determines which students are the most highly capable as defined under WAC 392-170-055, and other data collected in the assessment process.

WAC 392-170-076 Process for appeal.

**New*

Each district shall adopt a **procedure for appealing** the multidisciplinary selection committee's decision and disseminate this procedure to the public.

WAC 392-170-078 Program services.

**Amended*

Districts shall make a **variety of appropriate program services** available to students who participate in the district's program for highly capable students.

Once services are started, a **continuum** of services shall be provided to the student from K-12.

Districts shall **periodically review** services for each student to ensure that the services are appropriate.

WAC 392-170-080 Educational program for highly capable students.

**Amended*

Each student identified as a highly capable student shall be **provided educational opportunities which take into account such student's unique needs and capabilities.** Such program shall recognize the limits of the resources provided by the state and the program options available to the district, including programs in adjoining districts and public institutions of higher education.

Districts shall keep **on file** a description of the educational programs provided for students selected.

WAC 392-170-087 Program review and monitoring.

In order to ensure that school districts are meeting the requirements of this chapter, the superintendent of public instruction shall **monitor** district programs **no less than once every five years**. Monitoring under this section may be conducted concurrently with other program reviews. The reviews shall monitor program components including:

WAC 392-170-087 Program review and monitoring. (continued)

- (1) The process used by the district to **identify** highly capable students;
- (2) Assessment data and other indicators to determine the degree to which districts are **meeting the academic needs** of identified students; and
- (3) Highly capable program **expenditures**.

WAC 392-170-090 End of year report.

**Amended*

Districts shall submit to the superintendent of public instruction at the close of each fiscal year **an end of the year report** on forms provided by the superintendent of public instruction which includes:

- (1) **Number of students** served by grade level (K-12);
- (2) Student **demographic** information;

WAC 392-170-090 End of year report.

(continued)

**Amended*

(3) **Data** to determine if students who are highly capable met the goals set and if the services provided met the academic needs of these students;

(4) Number and content of **professional development** activities provided for special teachers and general education staff;

WAC 392-170-090 End of year report.

(continued)

**Amended*

(5) **Program evaluation data** and, if needed, program changes that will be made based upon this information; and

(6) Final **fiscal report** that reports on activities and staff funded by this program.

WAC 392-170-095 District records.

Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.

Repealed Sections

- WAC 392-170-015 Local option.
- WAC 392-170-037 Definition--Program options.
- WAC 392-170-040 Multiple criteria for determination of superior intellectual ability--Definitions.
- WAC 392-170-050 Screening of nominees.
- WAC 392-170-065 Nondiscrimination in the review of testing results.
- WAC 392-170-085 Notification of parents.

Actions Required

Districts must:

- Submit an Annual HCP Plan (iGrants Form Package 217)
- Assign “gifted” value to students and check accuracy of data reported to CEDARS
Go to CEDARS Data Manual section Student Programs File (I) at:
<http://www.k12.wa.us/CEDARS/Manuals.aspx>
- Submit End-of-Year Report (iGrants Form Package 250)
- Participate in Program Monitoring Activities

OSPI Procedural Changes: HCP Annual Plan

Each district must complete and submit iGrants form package 217–Highly Capable Program Assurances, Annual Plan, and Budget.

The district's annual plan must be approved by formal action of the district's board of directors.

Due Date: July 1, 2013

Procedural Changes: HCP Annual Plan (continued)

In subsequent years, districts will update the plan annually **if changes were made.**

If no changes were made, the district will **certify** that the plan is accurate and that there have been no significant changes made to the plan.

Procedural Changes: HCP Annual Plan (continued)

In an effort to reduce the paperwork burden for **second-class school districts**, the **assurance** and **budget** pages of the form package will serve as the district's annual plan.

Second-Class School District Classification (RCW 28A.300.065)

Any school district with a student enrollment of fewer than 2,000 pupils is a second class school district .

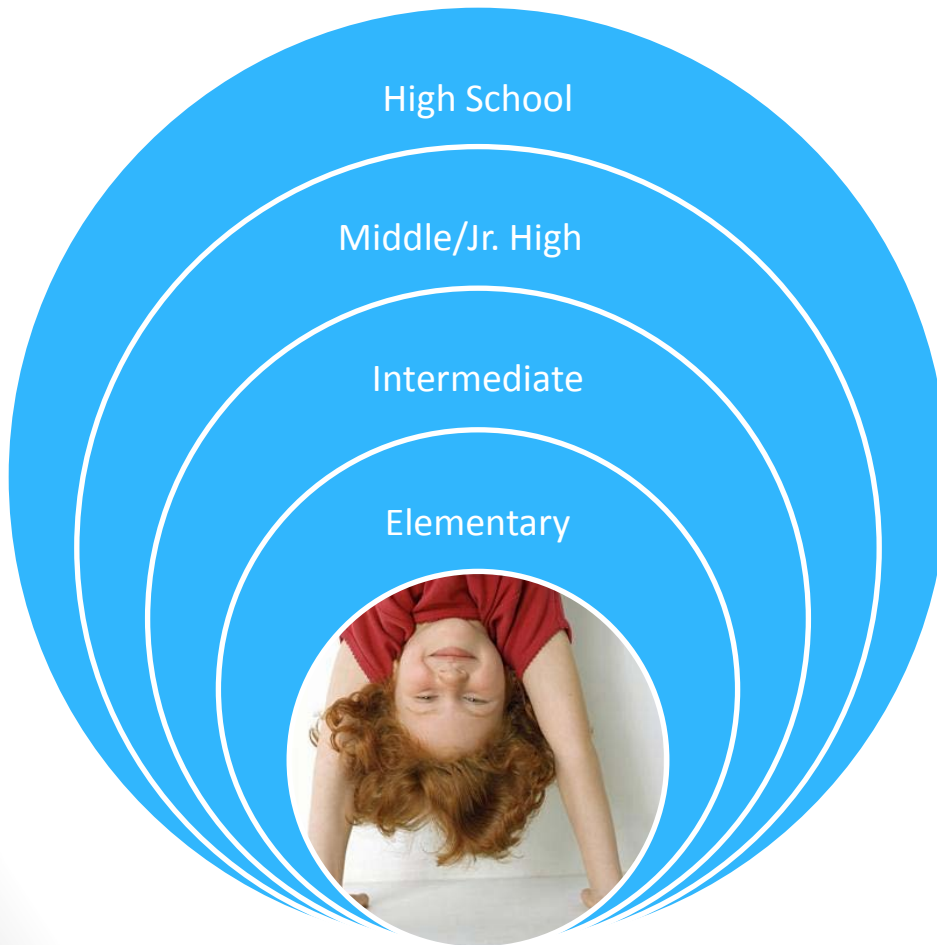
For exact language, go to

<http://apps.leg.wa.gov/rcw/default.aspx?cite=28A.300.065>

Procedural Changes: HCP End-of-year Report

To reduce the paperwork burden, student demographic data will be **prepopulated** with student information districts provide to CEDARS.

Continuum of Services



- Once identified, continuum of service provided (K-12)
- Menu of options to meet HCP students' needs
- Service delivery may vary by grade level, grade span, school level, etc.

K-12 Service Options for HC Students

	Elementary School	Middle School	High School
Classroom Based Services	<ul style="list-style-type: none">• Compacting the curriculum• Alternate activities• Enrichment activities• Flexible grouping• Independent projects• Increased depth and complexity in coursework• Critical and creative thinking skills• Online course or supplemental instruction in area of talent		

K-12 Service Options for HC Students

	Elementary School	Middle School	High School
School Based Services	<ul style="list-style-type: none"> • Cluster grouping • Acceleration (two grades in a year, grade skipping, one subject) • Enrichment (academic competitions, interest based workshops, science/literacy fairs, interest based clubs, etc.) • Time with intellectual peers in area of giftedness • Before/after school services • Dual enrollment • Mentorships • International Baccalaureate • Response to Intervention (RTI) 		
	<ul style="list-style-type: none"> • Walk to read/write/math • Early entrance to K 	<ul style="list-style-type: none"> • Honors or Advanced Placement • Advanced and accelerated coursework (content replacement; different, not more work) • Apprenticeships • Self-designed projects or courses of study • Running Start • College in the high school 	

K-12 Service Supports for HC Students

	Elementary School	Middle School	High School
District Wide Services	<ul style="list-style-type: none">• Differentiation Specialist• Highly Capable Program Coordinator• Resource Library• Curriculum guides designed for highly capable students• Professional development for all teachers• Technology tools and access• Student cumulative record plan management		

K-12 Service Options for HC Students

	Elementary School	Middle School	High School
District Program Models	<ul style="list-style-type: none">• Pull-out program (one day a week, partial day)• Inclusion model (cluster grouping and differentiation)• Self-contained classrooms for highly capable students (full time)• Schoolwide Enrichment Model• Schoolwide Cluster Grouping Model• Combination of the above• Consortium approach for developing, implementing, and providing program model and services		

Identification and Services Must Match

General Recommendations

The identification of highly capable (or gifted) students is a process determined by each district. It is recommended by the National Association for Gifted Children (2008) that:

- “The assessment used and process for identifying gifted and talented students are **aligned** with the program’s description of giftedness;
- **Multiple** assessments are used and combined in a way that is not biased against any students
- The assessments have “**sufficient psychometric evidence**” to help determine student eligibility for the program
- Everyone involved in the assessment process has been **trained** sufficiently on the use of the instruments
- The identification process is **evaluated regularly** to ensure the most current approaches and best practices are used.”

General Recommendations Continued

Identification practices should rely on multiple measures to identify highly capable children. According to Coleman, multiple criteria include:

- “Multiple **types of information** (e.g., indicators of student's cognitive abilities, academic achievement, performance in a variety of settings, interests, creativity, motivation; and learning characteristics/behaviors);
- Multiple **sources of information** (e.g., test scores, school grades, and comments by classroom teachers, specialty area teachers, counselors, parents, peers, and the students themselves); and
- Multiple **time periods** to ensure that students are not missed by "one shot" identification procedures that often take place at the end of second or third grade.”

Identification Process

There are typically three stages in the identification process of highly capable children and youth. These include:

- The ***nomination*** phase includes assessments that are generally done with a large group of students who demonstrate potential to qualify for the highly capable program.
- The ***identification*** phase is reserved for those from the nomination phase that are strong candidates for the highly capable program.
- The ***selection*** phase reviews all of the information gathered to determine which students qualify for and would benefit from the program based on established criteria aligned with the program's goals and services.

A multidisciplinary team carries out the identification and selection process.

Identification Process (Continued)

The following is a list of how different types of assessments can be used at each stage of the identification process (Johnsen, 2009):

Nomination Phase

- Checklists completed by parents and teachers
- Performance based products
- Portfolios
- Self and peer nominations
- Observational data
- Assessment data from intellectual and academic assessments
- Student information over time (cumulative file)

Identification Process (Continued)

Screening/Identification Phase

- Observations by trained professionals
- Individual assessments
- Additional portfolio work and performance assessments
- Student interviews

Identification Process (Continued)

Placement/Selection Phase

- The complete assessment portfolio is evaluated and considered
- The highest score or performance is used to indicate potential
- Quantitative scores of the same measure are similar
- Errors are taken into account
- Performance over the years is illustrated

Identification Tools

The multiple measures used in identifying highly capable children and youth should be selected by the district to match its concept of giftedness and program design.

Locally and nationally normed assessments can be used that reflect objective aptitude and achievement assessments, performance based assessments and rating scales and other information measures to supplement the identification process.

Identification Tools

When selecting the assessments that align with program goals, districts should keep in mind the recommendations suggested by Gentry, Peters and Pereira (2010, p.6):

- The purpose of the test
- Specific content being assessed
- Evidence of technical quality
- Check that the test has been evaluated for use with diverse groups of students – bias
- Avoid using tests for purposes other than those for which they are explicitly stated
- Avoid using a single score on ANY test as the determining factor for ANYTHING

Identification Tools (continued)

References

- Coleman, M. (2003). The identification of students who are gifted. *ERIC Digest*
- NAGC (2008). *Position statement: The role of assessment in the identification of gifted students*. Retrieved from <http://www.nagc.org/index.aspx?id=4022>
- Johnsen, S. (2009). Best practices for identifying gifted students. *Principal*. Retrieved from <http://www.roe11.k12.il.us/GES%20Stuff/Day%203/Best%20Practices%20for%20Id%20Gifted%20Students.pdf>
- Gentry, M. Peters, S. and Pereira, N (2010) *Gifted and talented student identification using behavior checklists, nominations, and rating forms: What's out there?* Presentation at the 57th NAGC Convention, Atlanta, GA

Professional Development Opportunities

- University of Washington Robinson Center
- WAETAG/ESD
- Whitworth University

University of Washington

Summer & Fall Professional Development

Offerings

- Summer Workshop: Differentiation of Instruction (July 15-17, 9:00-3:00)
- Fall Quarter 2013: Graduate Course in Gifted Education - EDPSY 535 Education of the Highly Capable Learner (Tuesdays 4:30-6:50)
- Saturday Professional Development- In conjunction with Saturday Enrichment Program. Classes on Differentiation or Addressing the Common Core Standards (Fall, Winter, Spring: six 1.5 hour sessions)

Registration Information

- Summer or Saturday enrollment: access website for registration instructions
- Graduate Course, access through the University of Washington (Educational Outreach, if not currently enrolled graduate students)
- Clock hours offered for Summer & Saturday classes

WAETAG/ESD Professional Development

Each ESD will have at least one trained professional developer prepared to offer the following courses beginning in August:

- Nature and Needs of this population , including best practices, 2-3 clock hours
- Differentiation for highly capable learners, 6-9 clock hours
- Creative and Critical Thinking Skills , 4-6 clock hours

Course offerings will be publicized by ESDs

- Trainers may be available to come to a district
- Trainer information will be able from the ESD
- Dates and times of trainings at each ESD will vary



Whitworth University

Summer Institute for Professional Development

- ▶ Short courses (1 or 2 credits)
- ▶ Online and on campus options
- ▶ Topics vary each year
- ▶ www.whitworth.edu/summerinstitute

Specialty Endorsement in Teaching the Gifted

- ▶ 11 credit online program
- ▶ Emphasizes identification, social-emotional, curricular and instructional needs of the gifted student; program design addressed
- ▶ Strategies for reaching highly capable students in mixed-ability and self-contained K-12 classrooms
- ▶ www.whitworth.edu/gifted

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