

**Understanding the WACS – Chapter 392-170 WAC  
SPECIAL SERVICE PROGRAM – HIGHLY CAPABLE STUDENTS**

Code	Description
<b>005 – Authority</b>	The authority for this chapter is RCW 28A.150.290, 28A.185.030, and 28A.185.050, which authorize the superintendent of public instruction to adopt rules and regulations for the administration of a program for highly capable students in kindergarten through twelfth grade, including the nomination, assessment, and selection of such students.
<b>010 – Purpose</b>	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.
<b>012 – Funds</b>	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.
<b>025 – Board Approval</b>	The district’s plan for students who are highly capable shall be annually approved by formal action of the district’s board of directors.
<b>030 – Substance of annual school district plan.</b>	<p>The school district’s annual plan shall contain the following:</p> <ul style="list-style-type: none"> <li>• A report of the number of K-12 students who are highly capable that the district expects to serve by grade level;</li> <li>• A description of the district’s plan to identify students;</li> <li>• A description of the highly capable program goals;</li> <li>• A description of the services the highly capable program will offer;</li> <li>• A description of the instructional program the highly capable program will provide;</li> <li>• A description of ongoing professional development for educators of students who are highly capable and general education staff;</li> <li>• 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;</li> <li>• A fiscal report; and</li> <li>• Assurances signed by the school district’s authorized representative that the district will comply with all applicable statutes and regulations.</li> </ul>
<b>035 – Definition: Students who are highly capable.</b>	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.
<b>036 – Definition – Learning characteristics.</b>	<p>As used in this chapter, the term <i>learning characteristics</i> means that students who are highly capable may possess, but are not limited to, these learning characteristics:</p> <ul style="list-style-type: none"> <li>• Capacity to learn with unusual depth of understanding, to retain what has been learned, and to transfer learning to new situations;</li> <li>• Capacity and willingness to deal with increasing levels of abstraction and complexity earlier than their chronological peers;</li> <li>• Creative ability to make unusual connections among ideas and concepts;</li> <li>• Ability to learn quickly in their area(s) of intellectual strength; and</li> <li>• Capacity for intense concentration and/or focus.</li> </ul>
<b>038 – Special teacher</b>	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,

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	academic, social and emotional characteristics, program design and delivery, instructional practices, student assessment, and program evaluation.
<b>042 – Annual notification</b>	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.
<b>045 – Nomination process for highly capable students.</b>	Each school district shall adopt procedures for the nomination 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 nomination 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.
<b>047 – Parental/legal guardian permission.</b>	<p>Parental permission shall be obtained in writing before:</p> <ul style="list-style-type: none"> <li>• Conducting assessment(s) to determine eligibility for participation in programs for highly capable students;</li> <li>• Placement in the district’s highly capable program before any special services and programs are started for an identified highly capable student;</li> </ul> <p>Parental permission notice shall include:</p> <ul style="list-style-type: none"> <li>• A full explanation of the procedures for identification of a student for entrance into the highly capable program;</li> <li>• An explanation of the appeal’s process;</li> <li>• An explanation of the procedures to exit a student from the program; and</li> <li>• Information on the district’s program and the options that will be available to identified students.</li> </ul>
<b>055 – Assessment process for selection as highly capable student.</b>	<ol style="list-style-type: none"> <li>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;</li> <li>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</li> <li>3. Districts shall have a clearly defined and written assessment process.</li> </ol>
<b>066 – Nondiscrimination in the use of tests.</b>	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.
<b>070 – Multidisciplinary selection committee</b>	<p>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:</p> <ul style="list-style-type: none"> <li>• A special teacher: provided, that if a special teacher is not available, a classroom teacher shall be appointed;</li> <li>• A psychologist or other qualified practitioner with the training to interpret cognitive and achievement test results;</li> <li>• A certificated coordinator/administrator with responsibility for the supervision of the district’s program for highly capable students; and</li> <li>• Such additional professions, if any, the district deems desirable.</li> </ul>

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<p><b>075 – Selection of most highly capable</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Shall not violate federal and state civil rights laws including, without limitation, chapters 28A.640 and 28A.642 RCW;</li> <li>• Shall be based on professional judgment as to which students will benefit the most from inclusion in the district’s program; and</li> <li>• 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.</li> </ul>
<p><b>076 – Process for appeal</b></p>	<p>Each district shall adopt a procedure for appealing the multidisciplinary selection committee’s decision and disseminate this procedure to the public.</p>
<p><b>078 – Program services</b></p>	<p>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.</p>
<p><b>080 – Educational program for highly capable students</b></p>	<p>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.</p>
<p><b>087 – Program review and monitoring</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>• The process used by the district to identify highly capable students;</li> <li>• Assessment data and other indicators to determine the degree to which districts are meeting the academic needs of identified students; and</li> <li>• Highly capable program expenditures.</li> </ul>
<p><b>090 – End of year report</b></p>	<p>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:</p> <ul style="list-style-type: none"> <li>• Number of students served by grade level (K-12);</li> <li>• Student demographic information;</li> <li>• Data to determine if students who are highly capable met the goals set and if the programs provided met the academic needs of these students;</li> <li>• Number and content of professional development activities provided for special teachers and general education staff;</li> <li>• Program evaluation data and, if needed, program changes that will be made based upon this information; and</li> <li>• Final fiscal report that reports on activities and staff funded by this program.</li> </ul>
<p><b>095 – District records</b></p>	<p>Districts shall keep such records as are necessary to demonstrate compliance with this chapter and shall make such records available to authorized state personnel.</p>