

Highly Capable Program Basic Education in Washington State

Identify Your Highly Capable Students

The identification of highly capable students is a multi-step process that takes in notification, referral, screening (optional), parent permissions, assessment, selection, and the procedures necessary to appeal a selection decision and exit a student.

Identification Open to All Students Enrolled in the District

- Occurs at every grade level every year
- Must include a process to identify students — not enrolled in the district during the previous year's identification cycle. Districts must identify these students within the **first three months** of their enrollment and deliver services during this new or transfer year.

The district identification process must apply equitably to **all enrolled students** and families from every racial, ethnic and socio-economic population present in the public school population they serve. Districts must review identification procedures to make sure student selection reflects the demographics of the area they serve. These specific requirements for compliance — and related activities — appear here in the WACs we list below.

[392-170-042](#) Annual notification, [392-170-045](#) Nomination process for highly capable students, [392-170-045](#) Nomination process (screening procedures), [392-170-047](#) Parent/legal guardian permission, [392-170-055](#) Assessment process, [392-170-060](#) Nondiscrimination in the use of tests, [392-170-070](#) Multidisciplinary selection committee, [392-170-075](#) Selection of most highly capable, [392-170-076](#) Process for appeal
Identification must be nondiscriminatory and observance the requirements set in [RCW 28A.640](#) Sexual Equality, [RCW 28A.642](#) Discrimination Prohibition, [WAC 392-190](#) Equal Educational Opportunity.

Continuum of Services

[WAC 392-170-078](#) requires the district to serve identified students from the *point of identification* through grade 12.

Districts shall make a variety of appropriate program services available to enrolled 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.

Notify Families and Community When You Schedule an Identification Activity

Notification — communications that reach students, families and the community — is important during the identification process.

[WAC 392-170-042](#) Annual notification — states the need to put the notification content in the **languages of the communities you serve** and across **multiple communication channels**.

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.

Refer Students to Your Highly Capable Program

Make sure your district has a process by which someone from the district or community can refer a student to the highly capable program. The identification process must occur every year and be available to **all students — kindergarten through grade 12**. Districts must establish written referral procedures.

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The governing WAC — [392-170-045](#) *Nomination process for highly capable students* — establishes an **inclusive, community-based nomination process**.

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.

Also become familiar with [WAC 392-170-055](#) *Assessment process* — which touches on nomination and the role of screening. Here's **section (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;

The nomination process must operate from kindergarten through grade 12. It's OK to calendar referral windows. During enrollment, provide an opportunity for the identification of students not enrolled in the district during the past year's identification cycle.

Important! 1) Document the procedures you follow and **2)** keep records that relate to the district process.

Screen Students for Eligibility

Three WACS work together to address the option of using a screening procedure and the requirement for *multiple objective criteria*. If a district uses a screening procedure, it must integrate multiple and objective measures able to determine which students will not enter the HCP.

[392-170-045](#) *Nomination process* — gives districts the option to include screening as one component of the overall identification procedure.

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](#).

[392-170-055](#) *Assessment process* — details the requirements for identification.

- (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.

[392-170-060](#) *Nondiscrimination in the use of tests* — requires districts to use properly validated tests or document professional judgment when properly validated tests are not available.

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.

Parent Permission Is Mandatory

[WAC 392-170-047](#) *Parent/legal guardian permission* — stipulates that written parental or legal guardian permission is mandatory before districts:

1. Assess a student's eligibility for the Highly Capable Program.
2. Place a student in the HCP program in order to start services.

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This WAC — (a) through (d) — also directs districts to include this specific content for both parental permissions:

- (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.

The parental/legal guardian permission requirement applies regardless of who initiates the original referral.

Assess Students

The assessment process must include **multiple objective criteria** able to identify those students who are *among the most highly capable*. Districts must have a clearly defined, written assessment process.

Among the benefits of applying *multiple objective criteria* is the capacity to evaluate student potential as it relates directly to these two definitions in state law: 1) students who are highly capable and 2) students who exhibit specific learning characteristics.

[WAC 392-170-035](#) *Definition—Students who are highly capable*

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*

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;
- (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 392-170-055](#) *Assessment process* — details the requirements for identification and refers back to WAC [392-170-045](#), which addresses one of the roles screening can play in identification. This WAC also calls for a documented assessment process.

- (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 392-170-060](#) *Nondiscrimination in the use of tests* — sets a standard for the use of tests to assess eligibility for the highly capable program and requirements for use of professional judgment when validated tests are unavailable.

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.

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Committee Selects Students

The multidisciplinary selection committee:

1. Follows the district's selection system, which considers all assessment and other data, collected during the assessment process, to identify those students who are the district's most highly capable.
2. Makes the final selection of students to participate in the district's highly capable program.

[WAC 392-170-070](#) *Multidisciplinary selection committee* — makes the final selection of the **most highly capable students** for your district's HCP. This WAC presents 4 clear criteria for the members of your multidisciplinary selection committee (MSC).

- (1) A special teacher: Provided, that if a special teacher is not available, a classroom teacher shall be appointed;
- (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* — states that the boards of every school district must adopt policies and procedures that govern the selection of the most highly capable students. There are three requirements detailed in this WAC.

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

Parental Permission — District Program Only, Not Specific Services

Important! Districts must get parental permission to place any student in the highly capable program **before** services begin. This permission refers only to participation in the district HCP — not placement in specific HCP program services or options.

[WAC 392-170-047](#) *Parent/legal guardian permission* — stipulates that written parental or legal guardian permission is mandatory before districts:

1. Assess a student's eligibility for the Highly Capable Program.
2. Place a student in the HCP program and start services.

This WAC — (a) through (d) — also directs districts to include this specific content for both parental permissions:

- (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.

Process to Appeal the Selection Decision of the MSC

Along with assessment and selection, districts must develop a process that makes it possible for a parent or legal guardian to appeal the selection decision of the MSC.

[WAC 392-170-076](#) *Process for appeal* — also outlines the requirement for communication to the public.

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

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WAC [392-170-047](#) *Parent/legal guardian permission* — outlines the regulations around parental permission. However, sections (a) through (d) — also direct districts to include specific content in notifications that address appeal and exit. Find the reference to a process for appeals in (b):

- (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.

Exit Process

Districts must have an exit process and use this process to exit students.

Exit decisions are based on:

1. District's identification process, **OR**
2. Request by parent/legal guardian, **OR**
3. Student is no longer enrolled in district

When a student exits the program, the district must assign the correct exit code in the student information system (SIS).

Here are the exit codes districts must use:

- **B**—Graduated
- **C**—No longer enrolled
- **D**—Opted out of program (student/parent/guardian withdrew from program)
- **H**—End of school year transition
- **I**—Student no longer qualifies for gifted program services based upon multiple objective assessment results (only for use with Gifted Programs)
- **K**—Parent/Guardian/Student declined services for this year only

Districts should use **Exit Code H** — Element I09 — if policy or SIS restriction requires the district to **exit and transition** students at the end of each school year.

Important! Districts must report the re-entry of their HCP students at the start of the new school year.

Remember that parental permission is required to conduct assessments to determine eligibility. WAC [392-170-047](#) *Parent/legal guardian permission* — outlines the regulations around parental permission. However, sections (a) through (d) — also directs districts to include specific content in notifications that cover appeal and exit. Find the reference to an exit procedure in (c):

- (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.

Re-entry Process

Districts must have a re-entry process.

Re-entry could occur when:

- Student/parent/legal guardian requests services to resume after the district has conducted a formal exit.
- An identified student, who withdrew from the district, re-enrolls at a later date

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Questions Families Ask About Highly Capable Children

How does one know if a child is exhibiting highly capable or gifted behaviors?

[National Association for Gifted Children](#) provides information on informal assessments and checklists to help address this question.

Must a child excel in all areas to be referred to the highly capable program?

Children do not have to be gifted in multiple areas to be considered for the highly capable program.

Can a child have learning or physical disabilities and exhibit highly capable traits?

Children can experience learning and physical disabilities and at the same time exhibit highly capable characteristics. This phenomenon is widely referred to as twice exceptional, dual exceptionality, gifted and learning disabled, and gifted learning disabled.