

### Executive Summary

In 2009, the Legislature declared that for highly capable students, access to accelerated learning and enhanced instruction is part of a basic education. This section becomes effective September 1, 2011. The Governor vetoed a section of the bill that would have provided "safety net" funding for districts with a greater percentage of identified highly capable students than the allocation.

Programs for highly capable students in Washington State are currently optional. The Legislature appropriates a gross amount to the Office of the Superintendent of Public Instruction, with specific allocations to a few programs serving students statewide. The Legislature also specifies a maximum per-student allocation, and the maximum percentage of students in a district who can be supported with these funds.

Districts submit program proposals to the Office of the Superintendent to access funding. Programs must follow rules laid out in the Washington Administrative Code, and the proposals must outline student identification procedures, program options that will be provided, and a budget. Districts have wide latitude as to which program options they will provide their students. The rules require that districts provide educational opportunities which take into account students' unique needs.

Three-quarters of Washington State school districts applied for highly capable program funding in 2006-2007, and categorical highly capable program funding supported 23,641 students. The state provided just over \$7 million in funds for highly capable programs. Districts supplemented this with over \$35 million in local support.

Nationwide, thirty-six states require districts to identify highly capable students, and twenty-six require them to provide services. Almost all states leave identification and programming decisions up to the local districts, though most states have a legislative or administrative general definition of highly capable, as Washington does.

Funding for highly capable programs nationwide ranges from no state funding up to full state funding. Most states split support between state and local sources. Among Washington State's nine benchmark Global Challenge States, five do not provide any state-level funding for highly capable programs.

Defining programs for highly capable students as a part of basic education may have implications for court review of programs. The state constitution has been interpreted to require the Legislature to amply fund basic education. Beginning in September 2011, the legislature will be required to amply fund programs for highly capable students or potentially open itself to funding adequacy lawsuits. Statutory language declaring that access to accelerated learning and enhanced instruction through a program for highly capable students is not an individual entitlement may limit claims by individual students and parents.