

**Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0526.01 Julie Pelegrin x2700

HOUSE BILL 14-1102

HOUSE SPONSORSHIP

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Education
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A BILL FOR AN ACT

101 **CONCERNING GIFTED EDUCATION PROGRAMS IN PUBLIC SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill clarifies that an administrative unit must identify gifted children and provide a gifted education program to the extent possible within the administrative unit's available moneys and resources. No later than August 1, 2017, each administrative unit must employ at least one qualified person, as defined in the bill, to administer its gifted education program.

Each administrative unit's program plan must include specified

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

items, including provisions for:

- ! Reporting and data collection and maintenance concerning implementation of the gifted education program;
- ! A universal screening of students no later than second grade and a secondary screening when students create their individual career and academic plans; and
- ! Concurrent enrollment if indicated by a gifted child's advanced learning plan.

An administrative unit must use an assessment and a team of persons to identify a gifted child. Once the child is identified, the administrative unit must create an advanced learning plan for the child that identifies the child's strengths and needs and the types of gifted education services and programs the child must receive.

An administrative unit cannot refuse to accept gifted education moneys but must create a gifted education program plan to use the moneys for which it is eligible. An administrative unit may use the gifted education program moneys that it receives only for specified purposes. The general assembly must appropriate moneys to fund the universal screening for gifted children in early primary grades and the additional screening for identified gifted children in conjunction with creating students' individual career and academic plans.

The bill specifies additional subjects regarding gifted education for which the state board of education must adopt rules, including rules to ensure portability of the identification of giftedness and a child's advanced learning plan within the state. In addition, the bill codifies the state-level advisory committee for gifted education that the state board has created. Administrative units are encouraged to create local advisory committees.

The bill clarifies that each administrative unit must provide its gifted education program for at least the number of days calendared for the school year by each school district in which the administrative unit provides the gifted education program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 22-20-201 as
3 follows:

4 **22-20-201. Legislative declaration.** (1) The general assembly,
5 recognizing the obligation of the state of Colorado to provide educational
6 opportunities to all children that will enable them to lead fulfilling and
7 productive lives, declares that the purpose of this part 2 is to provide

1 means for identifying and educating those children who are ~~exceptional~~
2 GIFTED.

3 (2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:

4 (a) EVIDENCE-BASED PRACTICES SUPPORT INSTRUCTION AND THE
5 SOCIAL AND EMOTIONAL DEVELOPMENT OF GIFTED CHILDREN; AND

6 (b) EACH GIFTED CHILD IS EDUCATED IN A RIGOROUS LEARNING
7 ENVIRONMENT AND CULTURE THAT DEVELOPS THE CHILD'S AREAS OF
8 EXCEPTIONALITY AND COORDINATES PROGRAMS AND SERVICES AMONG
9 AVAILABLE SUPPORT SYSTEMS.

10 (3) The general assembly further finds and declares that traditional
11 assessment methods ~~currently used do~~ MAY not adequately identify some
12 gifted children, including ~~those who are economically disadvantaged,~~
13 ~~those who are from ethnic or cultural minorities, and those with~~ CHILDREN
14 FROM ALL SOCIOECONOMIC, ETHNIC, AND CULTURAL POPULATIONS AND
15 GIFTED CHILDREN WHO ALSO HAVE disabilities. ~~and~~ IT IS THEREFORE THE
16 GENERAL ASSEMBLY'S INTENT that the state board, the department, and
17 every administrative unit ~~are encouraged to give the highest priority to the~~
18 ~~identification of~~ INCLUDE ALL STUDENT GROUPS IN EACH ADMINISTRATIVE
19 UNIT'S PROCEDURES FOR IDENTIFYING gifted children and ~~to the~~
20 ~~development of~~ FOR DEVELOPING educational programs that include gifted
21 children.

22 (4) THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF
23 SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, GIFTED
24 EDUCATION PROGRAMS ARE ACCOUNTABLE PROGRAMS TO MEET STATE
25 ACADEMIC STANDARDS AND MAY THEREFORE RECEIVE FUNDING FROM THE
26 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
27 THE STATE CONSTITUTION.

1 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-20-202 as
2 follows:

3 **22-20-202. Definitions.** As used in this part 2, unless the context
4 otherwise requires:

5 (1) "Administrative unit" means a school district, a board of
6 cooperative services, or the state charter school institute that is providing
7 educational services to exceptional children and that is responsible for the
8 local administration of this article.

9 (2) "Advanced learning plan" ~~or "ALP"~~ means a written record of
10 A gifted ~~and talented~~ STUDENT'S STRENGTHS AND ACADEMIC AND
11 AFFECTIVE LEARNING GOALS AND THE RESULTING programming utilized
12 with each gifted child and considered in educational planning and
13 decision-making.

14 (3) "ANNUAL PLAN" MEANS AN ADMINISTRATIVE UNIT'S
15 COMPREHENSIVE GIFTED EDUCATION PLAN AND ANNUAL PROPOSED
16 BUDGET FORM THAT THE ADMINISTRATIVE UNIT SUBMITS TO THE
17 DEPARTMENT PURSUANT TO STATE BOARD RULES.

18 (4) "APTITUDE" MEANS AN EXCEPTIONAL ABILITY TO REASON AND
19 LEARN. SCREENING PROCEDURES FOR GIFTED CHILDREN MAY CONSIDER
20 APTITUDE IN THE CONTEXT OF A DEFINED TOP RANGE OF PERFORMANCE OR
21 TEST SCORES FOR PURPOSES OF RECOGNIZING GIFTED POTENTIAL OR FOR
22 IDENTIFYING A TALENT POOL FOR DEVELOPING GIFTEDNESS IN ONE OR
23 MORE DOMAINS, AS DEFINED BY RULE OF THE STATE BOARD.

24 (5) "ASSESSMENT" MEANS METHODS, TOOLS, AND DATA
25 COLLECTED AS A BODY OF EVIDENCE FOR USE IN THE FOLLOWING GIFTED
26 EDUCATION PROCESSES:

27 (a) IDENTIFICATION AND PROGRAMMING; AND

1 (b) MONITORING THE GIFTED CHILD'S PERFORMANCE AND
2 OUTCOMES.

3 ~~(3)~~ (6) "Board of cooperative services" means a regional
4 educational services unit created pursuant to article 5 of this title and
5 designed to provide supporting, instructional, administrative, facility,
6 community, or any other services contracted by participating members.

7 (7) "COMPETENCE" MEANS DOCUMENTED PERFORMANCE,
8 ACHIEVEMENT, OR TEST SCORES ON STANDARDIZED OR LOCALLY NORMED
9 TEST RESULTS. SCREENING PROCEDURES MAY CONSIDER COMPETENCE IN
10 THE CONTEXT OF A DEFINED RANGE OF STUDENT PERFORMANCE, AS
11 DESCRIBED BY RULE OF THE STATE BOARD, FOR PURPOSES OF RECOGNIZING
12 GIFTED POTENTIAL OR IDENTIFYING A TALENT POOL FOR DEVELOPING
13 GIFTEDNESS.

14 ~~(4)~~ (8) "Department" means the department of education created
15 and existing pursuant to section 24-1-115, C.R.S.

16 (9) "EVALUATION" MEANS EVALUATION PROCEDURES, METHODS,
17 AND TOOLS USED TO INITIALLY IDENTIFY A GIFTED CHILD, ASSESS AND
18 MONITOR THE CHILD'S PROGRESS, AND EVALUATE THE CHILD AND THE
19 GIFTED PROGRAM. EVALUATION INCLUDES, BUT NEEDS NOT BE LIMITED TO:

20 (a) IDENTIFYING THE CHILD'S UNIQUE STRENGTHS, INTERESTS, AND
21 NEEDS;

22 (b) MONITORING THE CHILD'S ACADEMIC ACHIEVEMENT AND
23 GROWTH;

24 (c) IDENTIFYING THE PRIORITIES AND CONCERNS OF THE CHILD'S
25 FAMILY AND RESOURCES TO WHICH THE FAMILY AND THE CHILD'S SCHOOL
26 HAVE ACCESS; AND

27 (d) DETERMINING PROGRAM STRENGTHS AND AREAS FOR PROGRAM

1 IMPROVEMENT.

2 ~~(5)~~ (10) "Exceptional child" means:

3 (a) A child defined in section 22-20-103 (5) as a child with a
4 disability. An administrative unit shall serve every child with a disability
5 from three to twenty-one years of age and may serve children with
6 disabilities from birth through two years of age.

7 (b) A child defined in subsection ~~(6)~~ (11) of this section as a
8 gifted child. Pursuant to section 22-20-204 (1), an administrative unit
9 shall adopt and submit to the department a program plan to identify and
10 serve gifted children who are at least five years of age.

11 ~~(6)~~ (11) "Gifted child" means a person from four to twenty-one
12 years of age whose APTITUDE OR COMPETENCE IN abilities AND talents and
13 potential for accomplishments IN ONE OR MORE DOMAINS, AS DEFINED BY
14 STATE BOARD RULE, are so outstanding that he or she requires special
15 provisions to meet his or her educational needs.

16 ~~(7)~~ (12) "Gifted education services" or "gifted education
17 programs" means the services or programs provided to gifted children
18 pursuant to this part 2. "GIFTED EDUCATION SERVICES" AND "GIFTED
19 EDUCATION PROGRAMS" INCLUDE, BUT NEED NOT BE LIMITED TO,
20 STRATEGIES, PROGRAMMING OPTIONS, AND INTERVENTIONS REFLECTING
21 EVIDENCE-BASED PRACTICES, SUCH AS ACCELERATION, CONCURRENT
22 ENROLLMENT, DIFFERENTIATED INSTRUCTION, AND AFFECTIVE GUIDANCE.

23 ~~(8)~~ (13) "Highly advanced gifted child" means a gifted child ~~who~~
24 ~~has been identified by~~ THAT an administrative unit, using criteria and a
25 process established by rules ~~promulgated by~~ THAT the state board
26 PROMULGATES pursuant to ~~section 22-20-204 (6), to be~~ SECTION
27 22-20-204.5 (4), HAS IDENTIFIED AS a highly advanced gifted child.

1 (14) "INDIVIDUAL CAREER AND ACADEMIC PLAN" MEANS THE PLAN
2 CREATED FOR EACH STUDENT PURSUANT TO SECTIONS 22-30.5-525 AND
3 22-32-109 (1) (oo).

4 (15) "PROGRAM ELEMENTS" MEANS COMPONENTS OF A PROGRAM
5 PLAN, WHICH INCLUDE, BUT NEED NOT BE LIMITED TO, DEFINITION,
6 COMMUNICATION, IDENTIFICATION, PROGRAMMING, PERSONNEL,
7 ACCOUNTABILITY, REPORTING, RECORD KEEPING, AND RESOLUTION OF
8 DISAGREEMENTS.

9 (16) "PROGRAM PLAN" MEANS A COMPREHENSIVE AND COMPLETE
10 NARRATIVE OF PROGRAM ELEMENTS DESCRIBED IN STATE BOARD RULES.
11 A PROGRAM PLAN MUST INCLUDE, BUT NEED NOT BE LIMITED TO:

12 (a) THE PROCEDURES THE ADMINISTRATIVE UNIT WILL USE TO
13 IDENTIFY GIFTED STUDENTS;

14 (b) THE PROGRAMMING AND DOCUMENTATION OPTIONS THAT THE
15 ADMINISTRATIVE UNIT WILL IMPLEMENT IN OPERATING THE GIFTED
16 PROGRAM; AND

17 (c) ACTIONS AND TOOLS FOR ENSURING ACCOUNTABILITY FOR THE
18 ACADEMIC ACHIEVEMENT OF GIFTED CHILDREN AND FOR EVALUATING THE
19 GIFTED PROGRAM, WHICH ACTIONS AND TOOLS ARE ALIGNED WITH STATE
20 ACCOUNTABILITY AND PROGRAM EVALUATIONS.

21 (17) "QUALIFIED PERSON" OR "QUALIFIED PERSONNEL" MEANS AN
22 EDUCATOR THAT HOLDS A GIFTED EDUCATION LICENSE ENDORSEMENT, A
23 DIRECTOR OF GIFTED EDUCATION LICENSE ENDORSEMENT, OR A MASTER'S
24 DEGREE OR HIGHER IN GIFTED EDUCATION.

25 ~~(9)~~ (18) "School district" means a school district organized and
26 existing pursuant to law, but shall not include a junior college district.

27 ~~(10)~~ (19) "State board" means the state board of education created

1 and existing pursuant to section 1 of article IX of the state constitution.

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-20-203 as
3 follows:

4 **22-20-203. Administration - rules - state advisory committee.**

5 (1) (a) THE DEPARTMENT SHALL ADMINISTER this part 2, ~~shall be~~
6 ~~administered by the department. Administration of this part 2 shall~~
7 ~~include the recommendation~~ WHICH INCLUDES RECOMMENDING to the
8 state board of reasonable rules necessary to implement this part 2,
9 including but not limited to:

10 (I) Procedures regarding the identification of gifted children and
11 THE COLLECTION OF DATA ON THEIR AREAS OF GIFTEDNESS;

12 (II) Criteria for THAT administrative units to MUST satisfy in
13 adopting program plans to identify and serve gifted children;

14 (III) REQUIRED CONTENTS OF AN ADVANCED LEARNING PLAN AND
15 THE PROCEDURES AND RESPONSIBILITIES FOR CREATING A GIFTED CHILD'S
16 ADVANCED LEARNING PLAN;

17 (IV) STATEWIDE PROCEDURES TO ENSURE THE PORTABILITY OF A
18 GIFTED CHILD'S IDENTIFICATION AS GIFTED AND THE CHILD'S ADVANCED
19 LEARNING PLAN;

20 (V) CRITERIA AND PROCEDURES TO ENSURE ACCOUNTABILITY FOR
21 GIFTED STUDENTS' ACADEMIC ACHIEVEMENT AND FOR EVALUATION OF
22 GIFTED EDUCATION PROGRAMS;

23 (VI) CRITERIA TO ENSURE ADMINISTRATIVE UNITS'
24 ACCOUNTABILITY FOR ANNUAL GIFTED EDUCATION PROGRAM BUDGETS
25 AND EXPENDITURES;

26 (VII) PROCEDURES FOR PARENT, FAMILY, AND STUDENT
27 ENGAGEMENT AND COMMUNICATION WITH REGARD TO GIFTED EDUCATION

1 PROGRAMS; AND

2 (VIII) PROCEDURES THAT AN ADMINISTRATIVE UNIT MUST USE IN
3 RESOLVING DISAGREEMENTS WITH PARENTS.

4 (b) The state board shall adopt appropriate recommendations as
5 rules to implement this part 2 following public comment and hearing. The
6 rules ~~promulgated by~~ THAT the state board ~~shall~~ PROMULGATES MUST be
7 in accord with the legislative declaration set forth in section 22-20-201.

8 THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT THIS PART
9 2 BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, MAY
10 CONTINUE IN EFFECT AFTER THAT DATE TO THE EXTENT THE STATE BOARD
11 FINDS THAT THE RULES CONTINUE TO BE APPROPRIATE, AND THE STATE
12 BOARD SHALL PROMULGATE PURSUANT TO THE "STATE ADMINISTRATIVE
13 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL
14 RULES AS MAY BE NECESSARY TO IMPLEMENT THIS PART 2.

15 (c) THE DEPARTMENT SHALL PROVIDE TO an administrative unit
16 that provides GIFTED EDUCATION PROGRAM plans, programs, ADVANCED
17 LEARNING PLANS, or services that do not comply with the STATE BOARD
18 rules, ~~adopted by the state board, will be provided by the department with~~
19 a detailed analysis of any discrepancies noted along with specific
20 recommendations ~~for their correction~~ TO CORRECT THE DISCREPANCIES.

21 THE DEPARTMENT MUST ALLOCATE OR CONTINUE ALLOCATING TO THE
22 ADMINISTRATIVE UNIT applicable federal and state funding ~~will be~~
23 ~~provided or continued~~ for a reasonable period of time, as determined by
24 the department, to allow the administrative unit an opportunity to comply
25 with ~~such~~ THE rules. An administrative unit may establish a claim for
26 variance based ~~upon~~ ON conditions indigenous to or unique to the
27 administrative unit.

1 (2) ~~In order~~ To implement the provisions of ~~sections 22-20-201~~
2 ~~and 22-20-204~~ THIS PART 2, the state board and the department may
3 provide ~~at their discretion~~, for such personnel WITHIN THE DEPARTMENT
4 as ARE deemed necessary for ~~such~~ THESE purposes.

5 (3) THE GENERAL ASSEMBLY RECOGNIZES THAT, TO ASSIST THE
6 STATE BOARD IN PERFORMING ITS RESPONSIBILITIES IN IMPLEMENTING THIS
7 PART 2, THE STATE BOARD HAS APPOINTED A STATE GIFTED EDUCATION
8 ADVISORY COMMITTEE OF AN APPROPRIATE SIZE. ON AND AFTER THE
9 EFFECTIVE DATE OF THIS SECTION, AS AMENDED, THE MEMBERSHIP OF THE
10 ADVISORY COMMITTEE MUST CONTINUE TO INCLUDE REPRESENTATIVES
11 FROM EACH CONGRESSIONAL DISTRICT IN THE STATE AND CONSIST OF
12 PERSONS INVOLVED IN OR CONCERNED WITH THE EDUCATION OF GIFTED
13 CHILDREN. THE STATE BOARD SHALL CONTINUE TO APPOINT MEMBERS FOR
14 TERMS AS STATED IN THE BYLAWS OF THE ADVISORY COMMITTEE.
15 MEMBERS OF THE ADVISORY COMMITTEE CONTINUE TO SERVE WITHOUT
16 COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR EXPENSES.

17 **SECTION 4.** In Colorado Revised Statutes, **repeal and reenact,**
18 **with amendments,** 22-20-204 as follows:

19 **22-20-204. Gifted education - program plans - implementation**
20 **- qualified personnel - local advisory committees.** (1) EACH
21 ADMINISTRATIVE UNIT SHALL PROVIDE A GIFTED EDUCATION PROGRAM IN
22 ACCORDANCE WITH THIS PART 2 AND THE RULES OF THE STATE BOARD.
23 EACH ADMINISTRATIVE UNIT SHALL ADOPT A GIFTED EDUCATION
24 PROGRAM PLAN THAT THE ADMINISTRATIVE UNIT CAN IMPLEMENT WITHIN
25 THE LOCAL, STATE, AND FEDERAL MONEYS AND RESOURCES THAT ARE
26 AVAILABLE TO THE ADMINISTRATIVE UNIT FOR GIFTED EDUCATION. EACH
27 ADMINISTRATIVE UNIT SHALL SUBMIT THE PROGRAM PLAN TO THE

1 DEPARTMENT, AS PROVIDED IN STATE BOARD RULE. AT A MINIMUM, EACH
2 PROGRAM PLAN MUST:

3 (a) INCLUDE PROCEDURES FOR REPORTING DATA COLLECTION AND
4 MAINTENANCE CONCERNING IMPLEMENTATION OF THE GIFTED EDUCATION
5 PROGRAM;

6 (b) INCLUDE APPROPRIATE OPPORTUNITIES FOR CONCURRENT
7 ENROLLMENT, AS PROVIDED IN ARTICLE 35 OF THIS TITLE, IF INDICATED BY
8 A GIFTED CHILD'S ADVANCED LEARNING PLAN OR INDIVIDUAL CAREER AND
9 ACADEMIC PLAN;

10 (c) PROVIDE FOR A UNIVERSAL SCREENING, AS DEFINED BY STATE
11 BOARD RULE, OF ENROLLED STUDENTS NO LATER THAN SECOND GRADE TO
12 IDENTIFY GIFTED CHILDREN AND A SECOND SCREENING OF GIFTED
13 CHILDREN IN CONJUNCTION WITH THE CREATION OF EACH CHILD'S
14 INDIVIDUAL CAREER AND ACADEMIC PLAN;

15 (d) SATISFY ANY CRITERIA ESTABLISHED BY RULES PROMULGATED
16 BY THE STATE BOARD FOR THE IMPLEMENTATION OF THIS PART 2; AND

17 (e) BE CONSISTENT WITH THE ADVANCED LEARNING PLANS OF THE
18 GIFTED CHILDREN THAT THE ADMINISTRATIVE UNIT IDENTIFIES.

19 (2) TO IMPLEMENT THE PROGRAM PLAN THAT EACH
20 ADMINISTRATIVE UNIT ADOPTS PURSUANT TO THIS SECTION, EACH
21 ADMINISTRATIVE UNIT SHALL ENSURE THAT ITS CONSTITUENT SCHOOLS
22 AND SCHOOL DISTRICTS MAKE AVAILABLE THE GIFTED EDUCATION
23 SERVICES SPECIFIED IN EACH GIFTED CHILD'S ADVANCED LEARNING PLAN
24 TO THE EXTENT DESCRIBED IN THE ADMINISTRATIVE UNIT'S PROGRAM
25 PLAN.

26 (3) TO COMPLY WITH THIS SECTION, AN ADMINISTRATIVE UNIT MAY
27 CONTRACT WITH ONE OR MORE ADMINISTRATIVE UNITS TO ESTABLISH AND

1 MAINTAIN GIFTED EDUCATION PROGRAMS FOR THE EDUCATION OF GIFTED
2 CHILDREN, SHARING THE COSTS OF THE GIFTED EDUCATION PROGRAMS IN
3 ACCORDANCE WITH THE TERMS OF THE CONTRACT. AN ADMINISTRATIVE
4 UNIT THAT HAS FEWER THAN SIX CHILDREN WHO NEED A PARTICULAR KIND
5 OF GIFTED EDUCATION PROGRAM MAY PURCHASE SERVICES FROM ONE OR
6 MORE ADMINISTRATIVE UNITS THAT PROVIDE THE APPROPRIATE GIFTED
7 EDUCATION PROGRAM.

8 (4) (a) NO LATER THAN AUGUST 1, 2017, EACH ADMINISTRATIVE
9 UNIT MUST EMPLOY AT LEAST ONE QUALIFIED PERSON IN GIFTED
10 EDUCATION TO ADMINISTER THE ADMINISTRATIVE UNIT'S GIFTED
11 PROGRAMS AND IMPLEMENT THE ADMINISTRATIVE UNIT'S PROGRAM PLAN.
12 THE QUALIFIED PERSON MUST MEET THE QUALIFICATION STANDARDS SET
13 BY RULE OF THE STATE BOARD.

14 (b) INSTITUTIONS OF HIGHER EDUCATION THAT ARE LOCATED
15 WITHIN THE STATE ARE ENCOURAGED TO WORK WITH THE
16 ADMINISTRATIVE UNITS, THE STATE BOARD, AND THE DEPARTMENT TO
17 PROVIDE ENDORSEMENT AND DEGREE PROGRAMS, OTHER STAFF
18 DEVELOPMENT, AND IN-SERVICE OPPORTUNITIES TO INCREASE THE
19 NUMBER OF QUALIFIED PERSONS AND TO INCREASE THE CAPACITY OF ALL
20 EDUCATORS TO IMPLEMENT EACH ADMINISTRATIVE UNIT'S GIFTED
21 EDUCATION PROGRAM AND TO IMPLEMENT GIFTED STUDENTS' ADVANCED
22 LEARNING PLANS.

23 (5) TO ASSIST AN ADMINISTRATIVE UNIT IN IMPLEMENTING ITS
24 PROGRAM PLAN AND PROVIDING SERVICES TO GIFTED CHILDREN, EACH
25 ADMINISTRATIVE UNIT IS STRONGLY ENCOURAGED TO ESTABLISH AND
26 MAINTAIN A LOCAL ADVISORY COMMITTEE THAT INCLUDES PERSONS WHO
27 ARE INVOLVED IN OR CONCERNED WITH GIFTED EDUCATION AND

1 CONCERNED WITH IMPROVING THE DELIVERY OF AND COMMUNICATION
2 CONCERNING GIFTED EDUCATION.

3 **SECTION 5.** In Colorado Revised Statutes, **add 22-20-204.3** and
4 22-20-204.5 as follows:

5 **22-20-204.3. Identification of gifted children - advanced**
6 **learning plans - creation - rules.** (1) EACH ADMINISTRATIVE UNIT,
7 THROUGH ITS PROGRAM PLAN, SHALL USE AN IDENTIFICATION ASSESSMENT
8 AND REVIEW BY A TEAM, AS DESCRIBED IN STATE BOARD RULE, TO
9 IDENTIFY GIFTED CHILDREN WHO ARE RECOGNIZED AS POTENTIALLY
10 GIFTED BY THE UNIVERSAL SCREENING OR SECOND SCREENING. THE TEAM
11 SHALL USE A BODY OF EVIDENCE UPON WHICH TO BASE THE
12 DETERMINATION OF GIFTEDNESS, WHICH EVIDENCE MUST INCLUDE, AT A
13 MINIMUM, THE IDENTIFICATION ASSESSMENT RESULTS, PARENTAL INPUT
14 AND MULTIPLE TYPES OF MEASURES AND DATA SOURCES.

15 (2) WHEN A CHILD IS IDENTIFIED AS GIFTED, THE ADMINISTRATIVE
16 UNIT SHALL ENSURE THAT AN ADVANCED LEARNING PLAN IS CREATED FOR
17 THE CHILD, WHICH SPECIFIES THE PROGRAMMING, SERVICES, AND
18 INTERVENTIONS THAT CORRESPOND TO THE CHILD'S STRENGTHS AND
19 NEEDS. THE ADMINISTRATIVE UNIT SHALL IMPLEMENT EACH GIFTED
20 CHILD'S ADVANCED LEARNING PLAN IN ACCORDANCE WITH THE
21 ADMINISTRATIVE UNIT'S PROGRAM PLAN.

22 (3) THE STATE BOARD SHALL PROMULGATE RULES THAT SPECIFY
23 THE PROCEDURES AND CRITERIA FOR IDENTIFYING GIFTED CHILDREN AND
24 CREATING ADVANCED LEARNING PLANS.

25 **22-20-204.5. Highly advanced gifted children - identification**
26 **- rules - legislative declaration.** (1) (a) IN ADOPTING AND IMPLEMENTING
27 A PROGRAM PLAN TO IDENTIFY AND SERVE GIFTED CHILDREN PURSUANT TO

1 SECTION 22-20-204, EACH ADMINISTRATIVE UNIT MAY INCLUDE IN ITS
2 PROGRAM PLAN PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED
3 GIFTED CHILDREN WHO ARE:

4 (I) FOUR YEARS OF AGE AND FOR WHOM EARLY ACCESS TO
5 KINDERGARTEN IS DEEMED APPROPRIATE BY THE ADMINISTRATIVE UNIT;
6 AND

7 (II) FIVE YEARS OF AGE AND FOR WHOM EARLY ACCESS TO FIRST
8 GRADE IS DEEMED APPROPRIATE BY THE ADMINISTRATIVE UNIT.

9 (b) IN MAKING DETERMINATIONS PURSUANT TO PARAGRAPH (a) OF
10 THIS SUBSECTION (1), AN ADMINISTRATIVE UNIT SHALL APPLY THE
11 CRITERIA AND PROCESS ESTABLISHED BY RULES PROMULGATED BY THE
12 STATE BOARD PURSUANT TO SUBSECTION (4) OF THIS SECTION.

13 (2) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN
14 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN
15 AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE ADMINISTRATIVE
16 UNIT MUST MAKE AVAILABLE TO A PERSON UPON REQUEST THE
17 ADMINISTRATIVE UNIT'S CRITERIA AND PROCESS FOR IDENTIFYING A
18 HIGHLY ADVANCED GIFTED CHILD FOR WHOM EARLY ACCESS TO
19 KINDERGARTEN OR FIRST GRADE IS DEEMED APPROPRIATE. AT A MINIMUM,
20 THE ADMINISTRATIVE UNIT MUST PROVIDE THE TIME FRAMES, DEADLINES,
21 AND ANY SPECIFIC TESTS AND THRESHOLD SCORES THAT THE
22 ADMINISTRATIVE UNIT USES TO IDENTIFY AND MAKE A FINAL
23 DETERMINATION CONCERNING A HIGHLY ADVANCED GIFTED CHILD.

24 (3) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN
25 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN
26 AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE ADMINISTRATIVE
27 UNIT MAY CHARGE A FEE FOR ANY ASSESSMENTS OR OTHER PROCEDURES

1 THAT THE ADMINISTRATIVE UNIT PERFORMS TO IDENTIFY A HIGHLY
2 ADVANCED GIFTED CHILD FOR WHOM EARLY ACCESS TO KINDERGARTEN OR
3 FIRST GRADE IS DEEMED APPROPRIATE; EXCEPT THAT AN ADMINISTRATIVE
4 UNIT SHALL NOT CHARGE A FEE FOR ANY ASSESSMENTS OR OTHER
5 PROCEDURES IF THE CHILD WHO IS THE SUBJECT OF THE ASSESSMENTS OR
6 OTHER PROCEDURES IS ELIGIBLE FOR A FREE OR REDUCED-PRICE MEAL
7 PURSUANT TO THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C.
8 SEC. 1751 ET SEQ.

9 (4) (a) THE STATE BOARD SHALL PROMULGATE RULES TO
10 ESTABLISH CRITERIA AND A PROCESS THAT AN ADMINISTRATIVE UNIT MUST
11 USE, PURSUANT TO SUBSECTION (1) OF THIS SECTION, TO MAKE
12 DETERMINATIONS REGARDING THE ADVANCED PLACEMENT OF HIGHLY
13 ADVANCED GIFTED CHILDREN.

14 (b) AT A MINIMUM, THE CRITERIA ESTABLISHED BY RULES MUST
15 INCLUDE CONSIDERATION OF A CHILD'S:

16 (I) APTITUDE;

17 (II) ACHIEVEMENT;

18 (III) PERFORMANCE;

19 (IV) READINESS FOR ADVANCED PLACEMENT;

20 (V) OBSERVABLE SOCIAL BEHAVIOR;

21 (VI) MOTIVATION TO LEARN; AND

22 (VII) SUPPORT FROM PARENTS, TEACHERS, AND SCHOOL
23 ADMINISTRATORS.

24 (c) THE PROCESS ESTABLISHED BY RULES MUST INCLUDE:

25 (I) A TIMELINE ACCORDING TO WHICH A CHILD'S PARENTS MAY
26 APPLY FOR ADVANCED PLACEMENT FOR THE CHILD;

27 (II) A DESCRIPTION OF THE ADMINISTRATIVE UNIT PERSONNEL WHO

1 ARE INVOLVED IN THE PROCESS OF IDENTIFYING HIGHLY ADVANCED
2 GIFTED CHILDREN FOR WHOM ADVANCED PLACEMENT IS APPROPRIATE;

3 (III) A DESCRIPTION OF HOW THE ADMINISTRATIVE UNIT
4 PERSONNEL MUST EVALUATE EACH CHILD FOR WHOM THE CHILD'S PARENTS
5 ARE SEEKING ADVANCED PLACEMENT;

6 (IV) A DESCRIPTION OF THE ENTIRE BODY OF EVIDENCE THAT THE
7 ADMINISTRATIVE UNIT PERSONNEL MUST USE TO EVALUATE EACH CHILD
8 FOR WHOM THE CHILD'S PARENTS ARE SEEKING ADVANCED PLACEMENT;

9 (V) A DESCRIPTION OF HOW ADMINISTRATIVE UNIT PERSONNEL
10 MUST COLLABORATIVELY MAKE DECISIONS CONCERNING THE ADVANCED
11 PLACEMENT OF HIGHLY ADVANCED GIFTED CHILDREN; AND

12 (VI) A DESCRIPTION OF HOW AN ADMINISTRATIVE UNIT MUST
13 MONITOR THE PERFORMANCE OF A CHILD WHO HAS RECEIVED AN
14 ADVANCED PLACEMENT PURSUANT TO THIS SECTION.

15 (5) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,
16 FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
17 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN
18 WHO ARE FOUR YEARS OF AGE AND FOR WHOM EARLY ACCESS TO
19 KINDERGARTEN IS DEEMED APPROPRIATE BY AN ADMINISTRATIVE UNIT OR
20 WHO ARE FIVE YEARS OF AGE AND FOR WHOM EARLY ACCESS TO FIRST
21 GRADE IS DEEMED APPROPRIATE BY AN ADMINISTRATIVE UNIT ARE
22 IMPORTANT ELEMENTS OF ACCOUNTABLE EDUCATION REFORM AND
23 EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN
24 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
25 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
26 STATE CONSTITUTION.

27 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**

1 **with amendments, 22-20-205** as follows:

2 **22-20-205. Gifted education - funding.** (1) FOR EACH FISCAL
3 YEAR, THE APPROPRIATIONS THAT THE GENERAL ASSEMBLY MAKES TO
4 FUND PROGRAMS FOR GIFTED CHILDREN MUST BE DESIGNATED BY A
5 SEPARATE LINE ITEM IN THE ANNUAL GENERAL APPROPRIATION ACT. THE
6 MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES FOR GIFTED
7 EDUCATION PROGRAMS MUST SUPPLEMENT, NOT SUPPLANT, FUNDING FOR
8 PROGRAMS FOR STUDENTS WITH DISABILITIES.

9 (2) (a) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO
10 OFFSET THE COSTS INCURRED BY ADMINISTRATIVE UNITS IN:

11 (I) CONDUCTING A UNIVERSAL SCREENING OF ENROLLED STUDENTS
12 NO LATER THAN SECOND GRADE TO IDENTIFY GIFTED CHILDREN AND A
13 SECOND SCREENING OF GIFTED CHILDREN IN CONJUNCTION WITH THE
14 CREATION OF EACH CHILD'S INDIVIDUAL CAREER AND ACADEMIC PLAN;
15 AND

16 (II) EMPLOYING A QUALIFIED PERSON IN GIFTED EDUCATION AS
17 REQUIRED IN SECTION 22-20-204 (4) (a).

18 (b) IF AN ADMINISTRATIVE UNIT IS EMPLOYING A QUALIFIED
19 PERSON IN GIFTED EDUCATION AS REQUIRED IN SECTION 22-20-204 (4) (a)
20 BEFORE THE EFFECTIVE DATE OF THIS SECTION AS REPEALED AND
21 REENACTED, THE ADMINISTRATIVE UNIT MUST USE THE MONEYS RECEIVED
22 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION
23 (2) FOR OTHER COSTS INCURRED IN IMPLEMENTING THE ADMINISTRATIVE
24 UNIT'S GIFTED EDUCATION PROGRAM AS PROVIDED IN SUBSECTION (4) OF
25 THIS SECTION.

26 (3) AN ADMINISTRATIVE UNIT MAY NOT REFUSE TO ACCEPT STATE
27 OR FEDERAL MONEYS FOR IMPLEMENTING A PROGRAM PLAN, BUT SHALL

1 ADOPT AND IMPLEMENT A PROGRAM PLAN THAT THE ADMINISTRATIVE
2 UNIT CAN IMPLEMENT WITHIN THE LOCAL, STATE, AND FEDERAL MONEYS
3 AND RESOURCES THAT ARE AVAILABLE TO THE ADMINISTRATIVE UNIT FOR
4 GIFTED EDUCATION.

5 (4) AN ADMINISTRATIVE UNIT MAY USE FUNDING FOR GIFTED
6 EDUCATION PROGRAMS ONLY FOR THE COSTS ASSOCIATED WITH:

7 (a) APPROPRIATELY LICENSED AND ENDORSED PERSONNEL;

8 (b) PROGRAMMING OPTIONS AND COUNSELING RELATED TO
9 SERVING GIFTED CHILDREN;

10 (c) MATERIALS USED IN SERVING GIFTED CHILDREN;

11 (d) PROFESSIONAL DEVELOPMENT FOR PERSONNEL WHO SERVE
12 GIFTED CHILDREN; AND

13 (e) THE DIRECT ADMINISTRATIVE COSTS AND OTHER LIMITED
14 EXPENDITURES, AS DEFINED BY STATE BOARD RULE, THAT THE
15 ADMINISTRATIVE UNIT INCURS IN IMPLEMENTING THE GIFTED EDUCATION
16 PROGRAM.

17 **SECTION 7.** In Colorado Revised Statutes, **repeal and reenact,**
18 **with amendments,** 22-20-206 as follows:

19 **22-20-206. Length of gifted education program.** AN
20 ADMINISTRATIVE UNIT SHALL ENSURE THAT ITS GIFTED EDUCATION
21 PROGRAM PROVIDES PROGRAMS AND SERVICES FOR GIFTED CHILDREN FOR
22 AT LEAST THE NUMBER OF DAYS CALENDARED FOR THE SCHOOL YEAR BY
23 EACH SCHOOL DISTRICT IN WHICH THE ADMINISTRATIVE UNIT PROVIDES
24 THE GIFTED EDUCATION PROGRAM.

25 **SECTION 8.** In Colorado Revised Statutes, 22-7-402, **amend**
26 (8.5) as follows:

27 **22-7-402. Definitions.** As used in this part 4, unless the context

1 otherwise requires:

2 (8.5) "Exceptional students" means those students defined in
3 section 22-20-103 (5) as children with disabilities and students defined
4 in ~~section 22-20-202 (6)~~ SECTION 22-20-202 (11) as gifted children.

5 **SECTION 9.** In Colorado Revised Statutes, 22-11-301, **amend**
6 (3) (f) as follows:

7 **22-11-301. School district accountability committees - creation**
8 **- membership.** (3) If a local school board appoints the members of the
9 school district accountability committee, the local school board, to the
10 extent practicable, shall ensure that the parents who are appointed reflect
11 the student populations that are significantly represented within the
12 school district. Said student populations may include, but need not be
13 limited to:

14 (f) Students who are identified as gifted children as defined in
15 ~~section 22-20-202 (6)~~ SECTION 22-20-202 (11).

16 **SECTION 10.** In Colorado Revised Statutes, 22-11-401, **amend**
17 (1) (d) (VI) as follows:

18 **22-11-401. School accountability committee - creation -**
19 **qualifications - elections.** (1) (d) If the local school board or the institute
20 determines that the members of a school accountability committee should
21 be appointed, the appointing authority shall, to the extent practicable,
22 appoint persons to serve on the school accountability committee who
23 reflect the student populations that are significantly represented within the
24 school. If the local school board or the institute determines that persons
25 shall be elected to serve on the school accountability committee, the
26 school principal shall encourage persons who reflect the student
27 populations that are significantly represented within the school to seek

1 election to the committee. Said student populations may include, but need
2 not be limited to:

3 (VI) Students who are identified as gifted children, as defined in
4 ~~section 22-20-202 (6)~~ SECTION 22-20-202 (11).

5 **SECTION 11.** In Colorado Revised Statutes, 22-20-103, **amend**
6 (12) (b) as follows:

7 **22-20-103. Definitions.** As used in this part 1, unless the context
8 otherwise requires:

9 (12) "Exceptional child" means:

10 (b) A child defined in ~~section 22-20-202 (6)~~ SECTION 22-20-202
11 (11) as a gifted child. Pursuant to section 22-20-204 (1), an administrative
12 unit shall adopt and submit to the department a program plan to identify
13 and serve gifted children who are at least five years of age.

14 **SECTION 12.** In Colorado Revised Statutes, 22-54-103, **amend**
15 (10) (a) (IV) (B) and (10) (b) (I) (B) as follows:

16 **22-54-103. Definitions.** As used in this article, unless the context
17 otherwise requires:

18 (10) (a) (IV) (B) For purposes of determining pupil enrollment in
19 first grade for the 2007-08 budget year and each budget year thereafter,
20 in addition to the pupils counted pursuant to sub-subparagraph (A) of this
21 subparagraph (IV), a district may count and receive funding for a pupil
22 who is enrolled in first grade who is at least five years old on or before
23 October 1 of the applicable budget year if the pupil attended at least one
24 hundred twenty days of kindergarten in a state other than Colorado. A
25 district may also receive funding for a pupil who is five years old and
26 who has been identified by the district or an administrative unit as a
27 highly advanced gifted child for whom early access to first grade is

1 appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

2 (b) (I) A pupil enrolled in a kindergarten educational program
3 pursuant to section 22-32-119 (1) shall be counted as not more than a
4 half-day pupil; except that, if the pupil does not advance to first grade,
5 pursuant to section 22-7-1207, after completing one year of enrollment in
6 a kindergarten educational program, the pupil shall be counted as a
7 full-day pupil for the second year in which he or she is enrolled in the
8 kindergarten educational program. For the 2005-06 budget year and each
9 budget year thereafter, a district shall count and receive funding only for
10 pupils enrolled in a kindergarten educational program who are:

11 (B) Four years old as of October 1 of the applicable budget year
12 and who have been identified by an administrative unit to be highly
13 advanced gifted children for whom early access to kindergarten is
14 appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

15 **SECTION 13.** In Colorado Revised Statutes, 22-54.5-103,
16 **amend as it will take effect upon proclamation of the governor** (26)

17 (b) (II) (B) and (26) (b) (III) (C) as follows:

18 **22-54.5-103. Definitions - repeal.** As used in this article, unless
19 the context otherwise requires:

20 (26) (b) For purposes of this article, the membership of a local
21 education provider includes:

22 (II) A pupil who is enrolled in a kindergarten educational program
23 but only if the pupil is:

24 (B) Four years of age as of October 1 of the applicable averaging
25 period, and the local education provider or an administrative unit has
26 identified the pupil as a highly advanced gifted child for whom early
27 access to kindergarten is appropriate, as provided in ~~section 22-20-204~~

1 SECTION 22-20-204.5;

2 (III) A pupil who is enrolled in first grade, but only if the pupil is:

3 (C) At least five years of age on or before October 1 of the
4 applicable averaging period, and the local education provider or an
5 administrative unit has identified the pupil as a highly advanced gifted
6 child for whom early access to first grade is appropriate, as provided in
7 ~~section 22-20-204~~ SECTION 22-20-204.5;

8 **SECTION 14. Act subject to petition - effective date.** This act
9 takes effect at 12:01 a.m. on the day following the expiration of the
10 ninety-day period after final adjournment of the general assembly (August
11 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
12 referendum petition is filed pursuant to section 1 (3) of article V of the
13 state constitution against this act or an item, section, or part of this act
14 within such period, then the act, item, section, or part will not take effect
15 unless approved by the people at the general election to be held in
16 November 2014 and, in such case, will take effect on the date of the
17 official declaration of the vote thereon by the governor.