

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 08-0513.01 Richard Sweetman

HOUSE BILL 08-1021

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

(None),

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING EARLY ACCESS TO EDUCATIONAL SERVICES FOR GIFTED
102 CHILDREN WHO ARE LESS THAN SIX YEARS OF AGE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Amends the definition of "gifted children" to include children who are 4 years of age. Permits an administrative unit to include in its program plan provisions to identify and serve gifted children who are 4 years of age and for whom early access to kindergarten is deemed appropriate by the administrative unit. Requires the department of education to establish criteria and a process by which an administrative unit may determine whether a child who is 4 years of age is a gifted child

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.

for whom early access to kindergarten or first grade is appropriate. Allows a school district to count and receive funding for pupils enrolled in a kindergarten education program or in first grade who are gifted children, who are 4 years of age, and for whom early access to kindergarten or first grade is deemed appropriate by the administrative unit.

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

2 **SECTION 1.** 22-20-103 (12) (b) and (13), Colorado Revised
3 Statutes, are amended to read:

4 **22-20-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (12) "Exceptional children" means:

7 (b) Those children defined in subsection (13) of this section as
8 gifted children. Pursuant to section 22-20-104.5 (1), an administrative
9 unit shall adopt and submit to the department a program plan to identify
10 and serve gifted children WHO ARE AT LEAST FIVE YEARS OF AGE.

11 (13) "Gifted children" means those persons from ~~five~~ FOUR to
12 twenty-one years of age whose abilities, talents, and potential for
13 accomplishments are so outstanding that they require special provisions
14 to meet their educational needs.

15 **SECTION 2.** 22-20-104.5 (1), Colorado Revised Statutes, is
16 amended, and the said 22-20-104.5 is further amended BY THE
17 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

18 **22-20-104.5. Plan for academic excellence - inclusion of gifted**
19 **children - cooperation.** (1) Each administrative unit shall adopt and
20 implement a program plan to identify and serve gifted children WHO ARE
21 AT LEAST FIVE YEARS OF AGE. Any program plan developed and
22 implemented pursuant to the provisions of this section shall satisfy any

1 criteria for accreditation which have been established by the state board
2 and any criteria established by rules promulgated by the state board for
3 the implementation of this article. A program plan adopted by an
4 administrative unit pursuant to this section shall be consistent with the
5 advanced learning plans of the gifted children who are identified by the
6 administrative unit, and the program plan shall be implemented to the
7 extent that funds are provided for such implementation. Nothing in this
8 article shall be construed to require an administrative unit to implement
9 a program plan in the event that sufficient moneys are not provided for
10 such implementation.

11 (1.5) IN ADOPTING AND IMPLEMENTING A PROGRAM PLAN TO
12 IDENTIFY AND SERVE GIFTED CHILDREN PURSUANT TO SUBSECTION (1) OF
13 THIS SECTION, EACH ADMINISTRATIVE UNIT MAY INCLUDE IN ITS PROGRAM
14 PLAN PROVISIONS TO IDENTIFY AND SERVE GIFTED CHILDREN WHO ARE
15 FOUR YEARS OF AGE AND FOR WHOM EARLY ACCESS TO KINDERGARTEN OR
16 FIRST GRADE IS DEEMED APPROPRIATE BY THE ADMINISTRATIVE UNIT. IN
17 MAKING DETERMINATIONS PURSUANT TO THIS SUBSECTION (1.5), AN
18 ADMINISTRATIVE UNIT SHALL APPLY THE CRITERIA AND PROCESS
19 ESTABLISHED BY THE DEPARTMENT PURSUANT TO SUBSECTION (1.7) OF
20 THIS SECTION.

21 (1.7) ON OR BEFORE JULY 1, 2008, THE DEPARTMENT SHALL
22 ESTABLISH CRITERIA AND A PROCESS THAT AN ADMINISTRATIVE UNIT
23 SHALL USE, PURSUANT TO SUBSECTION (1.5) OF THIS SECTION, TO
24 DETERMINE WHETHER A CHILD WHO IS FOUR YEARS OF AGE IS A GIFTED
25 CHILD FOR WHOM EARLY ACCESS TO KINDERGARTEN OR FIRST GRADE IS
26 APPROPRIATE.

27 **SECTION 3.** 22-54-103 (10) (a) (IV) (B) and (10) (b) (I),

1 Colorado Revised Statutes, are amended to read:

2 **22-54-103. Definitions.** As used in this article, unless the context
3 otherwise requires:

4 (10) (a) (IV) (B) For purposes of determining pupil enrollment in
5 first grade for the 2007-08 budget year and each budget year thereafter,
6 in addition to the pupils counted pursuant to sub-subparagraph (A) of this
7 subparagraph (IV), a district may count and receive funding for a pupil
8 who is enrolled in first grade who is at least five years old on or before
9 October 1 of the applicable budget year if the pupil attended at least one
10 hundred twenty days of kindergarten in a state other than Colorado. A
11 DISTRICT MAY ALSO RECEIVE FUNDING FOR A PUPIL WHO IS LESS THAN SIX
12 YEARS OLD AND WHO HAS BEEN IDENTIFIED BY THE DISTRICT OR AN
13 ADMINISTRATIVE UNIT AS A GIFTED CHILD FOR WHOM EARLY ACCESS TO
14 FIRST GRADE IS APPROPRIATE, AS PROVIDED IN SECTION 22-20-104.5 (1.5).

15 (10) (b) (I) A pupil enrolled in a kindergarten educational program
16 pursuant to section 22-32-119 (1) shall be counted as not more than a
17 half-day pupil. For the 2005-06 budget year and each budget year
18 thereafter, a district shall count and receive funding only for pupils
19 enrolled in a kindergarten educational program who are:

20 (A) Five years old as of October 1 of the applicable budget year;

21 OR

22 (B) FOUR YEARS OLD AS OF OCTOBER 1 OF THE APPLICABLE
23 BUDGET YEAR AND WHO HAVE BEEN IDENTIFIED BY AN ADMINISTRATIVE
24 UNIT TO BE GIFTED CHILDREN FOR WHOM EARLY ACCESS TO
25 KINDERGARTEN IS APPROPRIATE, AS PROVIDED IN SECTION 22-20-104.5
26 (1.5).

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.