

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REREVISED**

*This Version Includes All Amendments  
Adopted in the Second House*

LLS NO. 08-0513.01 Richard Sweetman

**HOUSE BILL 08-1021**

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**HOUSE SPONSORSHIP**

**Peniston,**

**SENATE SPONSORSHIP**

**Spence,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

Education  
Appropriations

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**A BILL FOR AN ACT**

101 **CONCERNING EARLY ACCESS TO EDUCATIONAL SERVICES FOR GIFTED**  
102 **CHILDREN WHO ARE LESS THAN SIX YEARS OF AGE, AND MAKING**  
103 **AN APPROPRIATION THEREFOR.**

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**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

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.*

SENATE  
3rd Reading Unamended  
May 2, 2008

SENATE  
Amended 2nd Reading  
April 30, 2008

HOUSE  
3rd Reading Unamended  
April 14, 2008

HOUSE  
Amended 2nd Reading  
April 11, 2008

unit may determine whether a child who is 4 years of age is a gifted child 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.

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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, and the said 22-20-103 is further amended BY  
4 THE ADDITION OF A NEW SUBSECTION, to read:

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

7           (12) "Exceptional children" means:

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

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

16           (13.5) "HIGHLY ADVANCED GIFTED CHILD" MEANS A GIFTED CHILD  
17 WHO HAS BEEN IDENTIFIED BY AN ADMINISTRATIVE UNIT, USING CRITERIA  
18 AND A PROCESS ESTABLISHED BY RULES PROMULGATED BY THE STATE  
19 BOARD PURSUANT TO SECTION 22-20-104.5 (5), TO BE A HIGHLY  
20 ADVANCED GIFTED CHILD.

21           **SECTION 2.** 22-20-104.5 (1), Colorado Revised Statutes, is  
22 amended, and the said 22-20-104.5 is further amended BY THE

1 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

2 **22-20-104.5. Plan for academic excellence - inclusion of gifted**  
3 **children - cooperation - rules.** (1) Each administrative unit shall adopt  
4 and implement a program plan to identify and serve gifted children WHO  
5 ARE AT LEAST FIVE YEARS OF AGE. Any program plan developed and  
6 implemented pursuant to the provisions of this section shall satisfy any  
7 criteria for accreditation which have been established by the state board  
8 and any criteria established by rules promulgated by the state board for  
9 the implementation of this article. A program plan adopted by an  
10 administrative unit pursuant to this section shall be consistent with the  
11 advanced learning plans of the gifted children who are identified by the  
12 administrative unit, and the program plan shall be implemented to the  
13 extent that funds are provided for such implementation. Nothing in this  
14 article shall be construed to require an administrative unit to implement  
15 a program plan in the event that sufficient moneys are not provided for  
16 such implementation.

17 (1.5) (a) IN ADOPTING AND IMPLEMENTING A PROGRAM PLAN TO  
18 IDENTIFY AND SERVE GIFTED CHILDREN PURSUANT TO SUBSECTION (1) OF  
19 THIS SECTION, EACH ADMINISTRATIVE UNIT MAY INCLUDE IN ITS PROGRAM  
20 PLAN PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED  
21 CHILDREN WHO ARE:

22 (I) FOUR YEARS OF AGE AND FOR WHOM EARLY ACCESS TO  
23 KINDERGARTEN IS DEEMED APPROPRIATE BY THE ADMINISTRATIVE UNIT;  
24 AND

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

27 (b) IN MAKING DETERMINATIONS PURSUANT TO PARAGRAPH (a) OF

1 THIS SUBSECTION (1.5), AN ADMINISTRATIVE UNIT SHALL APPLY THE  
2 CRITERIA AND PROCESS ESTABLISHED BY RULES PROMULGATED BY THE  
3 STATE BOARD PURSUANT TO SUBSECTION (5) OF THIS SECTION.

4 (c) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN  
5 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN  
6 AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5), THE  
7 ADMINISTRATIVE UNIT SHALL MAKE AVAILABLE UPON REQUEST TO ANY  
8 PERSON THE ADMINISTRATIVE UNIT'S CRITERIA AND PROCESS FOR  
9 IDENTIFYING A HIGHLY ADVANCED GIFTED CHILD FOR WHOM EARLY  
10 ACCESS TO KINDERGARTEN OR FIRST GRADE IS DEEMED APPROPRIATE,  
11 INCLUDING TIME FRAMES, DEADLINES, AND ANY SPECIFIC TESTS AND  
12 THRESHOLD SCORES USED BY THE ADMINISTRATIVE UNIT IN IDENTIFYING  
13 AND MAKING A FINAL DETERMINATION CONCERNING SUCH A STUDENT.

14 (d) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN  
15 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN  
16 AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (1.5), THE  
17 ADMINISTRATIVE UNIT MAY CHARGE A FEE FOR ANY ASSESSMENTS OR  
18 OTHER PROCEDURES THAT THE ADMINISTRATIVE UNIT PERFORMS FOR THE  
19 PURPOSE OF IDENTIFYING A HIGHLY ADVANCED GIFTED CHILD FOR WHOM  
20 EARLY ACCESS TO KINDERGARTEN OR FIRST GRADE IS DEEMED  
21 APPROPRIATE; EXCEPT THAT AN ADMINISTRATIVE UNIT SHALL NOT CHARGE  
22 SUCH A FEE FOR ANY SUCH ASSESSMENTS OR OTHER PROCEDURES IF THE  
23 CHILD WHO IS THE SUBJECT OF SUCH ASSESSMENTS OR OTHER PROCEDURES  
24 IS ELIGIBLE FOR A REDUCED-COST MEAL OR FREE MEAL PURSUANT TO THE  
25 FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

26 (e) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT,  
27 FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,

1 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN  
2 WHO ARE FOUR YEARS OF AGE AND FOR WHOM EARLY ACCESS TO  
3 KINDERGARTEN IS DEEMED APPROPRIATE BY AN ADMINISTRATIVE UNIT OR  
4 WHO ARE FIVE YEARS OF AGE AND FOR WHOM EARLY ACCESS TO FIRST  
5 GRADE IS DEEMED APPROPRIATE BY AN ADMINISTRATIVE UNIT, ARE  
6 IMPORTANT ELEMENTS OF ACCOUNTABLE EDUCATION REFORM AND  
7 EXPANDING THE AVAILABILITY OF PRESCHOOL AND KINDERGARTEN  
8 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
9 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
10 STATE CONSTITUTION.

11 (5) (a) ON OR BEFORE JULY 1, 2008, THE STATE BOARD SHALL  
12 PROMULGATE RULES TO ESTABLISH CRITERIA AND A PROCESS THAT AN  
13 ADMINISTRATIVE UNIT SHALL USE, PURSUANT TO PARAGRAPH (b) OF  
14 SUBSECTION (1.5) OF THIS SECTION, TO MAKE DETERMINATIONS  
15 REGARDING THE ADVANCED PLACEMENT OF HIGHLY ADVANCED GIFTED  
16 CHILDREN PURSUANT TO PARAGRAPH (a) OF SUBSECTION (1.5) OF THIS  
17 SECTION.

18 (b) THE CRITERIA ESTABLISHED BY RULES PROMULGATED  
19 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL INCLUDE  
20 CONSIDERATION OF A CHILD'S:

- 21 (I) APTITUDE;
- 22 (II) ACHIEVEMENT;
- 23 (III) PERFORMANCE;
- 24 (IV) READINESS FOR ADVANCED PLACEMENT;
- 25 (V) OBSERVABLE SOCIAL BEHAVIOR;
- 26 (VI) MOTIVATION TO LEARN; AND
- 27 (VII) SUPPORT FROM PARENTS, TEACHERS, AND SCHOOL

1 ADMINISTRATORS.

2 (c) THE PROCESS ESTABLISHED BY RULES PROMULGATED  
3 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (5) SHALL INCLUDE:

4 (I) A TIME LINE ACCORDING TO WHICH A CHILD'S PARENTS MAY  
5 APPLY FOR ADVANCED PLACEMENT FOR THE CHILD;

6 (II) A DESCRIPTION OF ADMINISTRATIVE UNIT PERSONNEL WHO  
7 SHALL BE INVOLVED IN THE PROCESS OF IDENTIFYING HIGHLY ADVANCED  
8 GIFTED CHILDREN FOR WHOM ADVANCED PLACEMENT IS APPROPRIATE;

9 (III) A DESCRIPTION OF HOW EACH CHILD FOR WHOM THE CHILD'S  
10 PARENTS ARE SEEKING ADVANCED PLACEMENT SHALL BE EVALUATED;

11 (IV) A DESCRIPTION OF THE ENTIRE BODY OF EVIDENCE THAT  
12 SHALL BE USED TO EVALUATE EACH CHILD FOR WHOM THE CHILD'S  
13 PARENTS ARE SEEKING ADVANCED PLACEMENT;

14 (V) A DESCRIPTION OF HOW DECISIONS CONCERNING THE  
15 ADVANCED PLACEMENT OF HIGHLY ADVANCED GIFTED CHILDREN SHALL  
16 BE MADE COLLABORATIVELY BY ADMINISTRATIVE UNIT PERSONNEL; AND

17 (VI) A DESCRIPTION OF HOW AN ADMINISTRATIVE UNIT SHALL  
18 MONITOR THE PERFORMANCE OF A CHILD WHO HAS RECEIVED AN  
19 ADVANCED PLACEMENT PURSUANT TO SUBSECTION (1.5) OF THIS SECTION.

20 **SECTION 3.** 22-54-103 (10) (a) (IV) (B) and (10) (b) (I),  
21 Colorado Revised Statutes, are amended to read:

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

24 (10) (a) (IV) (B) For purposes of determining pupil enrollment in  
25 first grade for the 2007-08 budget year and each budget year thereafter,  
26 in addition to the pupils counted pursuant to sub-subparagraph (A) of this  
27 subparagraph (IV), a district may count and receive funding for a pupil

1 who is enrolled in first grade who is at least five years old on or before  
2 October 1 of the applicable budget year if the pupil attended at least one  
3 hundred twenty days of kindergarten in a state other than Colorado. A  
4 DISTRICT MAY ALSO RECEIVE FUNDING FOR A PUPIL WHO IS FIVE YEARS  
5 OLD AND WHO HAS BEEN IDENTIFIED BY THE DISTRICT OR AN  
6 ADMINISTRATIVE UNIT AS A HIGHLY ADVANCED GIFTED CHILD FOR WHOM  
7 EARLY ACCESS TO FIRST GRADE IS APPROPRIATE, AS PROVIDED IN SECTION  
8 22-20-104.5 (1.5).

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

14 (A) Five years old as of October 1 of the applicable budget year;  
15 OR

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

21 **SECTION 4. Appropriation.** In addition to any other  
22 appropriation, there is hereby appropriated, out of any moneys in the state  
23 education fund created in section 17 (4) of article IX of the state  
24 constitution not otherwise appropriated, to the department of education,  
25 for assistance to public schools, public school finance, state share of  
26 districts' total program funding, for the fiscal year beginning July 1, 2008,  
27 the sum of two hundred fifty-two thousand seven hundred ninety-nine

1 dollars (\$252,799), or so much thereof as may be necessary, for the  
2 implementation of this act.

3 **SECTION 5. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.