

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 08-0513.01 Richard Sweetman

HOUSE BILL 08-1021

HOUSE SPONSORSHIP

Peniston,

SENATE SPONSORSHIP

Spence,

House Committees

Education
Appropriations

Senate Committees

Education
Appropriations

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.

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
Am ended 2nd Reading
April 30, 2008

HOUSE
3rd Reading Unam ended
April 14, 2008

HOUSE
Am ended 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.

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.