

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 14-0526.01 Julie Pelegrin x2700

HOUSE BILL 14-1102

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

Kerr,

House Committees

Education
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Senate Committees

A BILL FOR AN ACT

101 **CONCERNING GIFTED EDUCATION PROGRAMS IN PUBLIC SCHOOLS, AND,**
102 **IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
Amended 2nd Reading
April 16, 2014

program.

Each administrative unit's program plan must include specified 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

1 opportunities to all children that will enable them to lead fulfilling and
2 productive lives, declares that the purpose of this part 2 is to provide
3 means for identifying and educating those children who are ~~exceptional~~
4 GIFTED.

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

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

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

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

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

1 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
2 THE STATE CONSTITUTION.

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

5 **22-20-202. Definitions.** As used in this part 2, unless the context
6 otherwise requires:

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

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

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

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

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

1 EDUCATION PROCESSES:

2 (a) IDENTIFICATION AND PROGRAMMING; AND

3 (b) MONITORING THE GIFTED CHILD'S PERFORMANCE AND
4 OUTCOMES.

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

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

16 ~~(4)~~ (8) "Department" means the department of education created
17 and existing pursuant to section 24-1-115, C.R.S.

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

22 (a) IDENTIFYING THE CHILD'S UNIQUE STRENGTHS, INTERESTS, AND
23 NEEDS;

24 (b) MONITORING THE CHILD'S ACADEMIC ACHIEVEMENT AND
25 GROWTH;

26 (c) IDENTIFYING THE PRIORITIES AND CONCERNS OF THE CHILD'S
27 FAMILY AND RESOURCES TO WHICH THE FAMILY AND THE CHILD'S SCHOOL

1 HAVE ACCESS; AND

2 (d) DETERMINING PROGRAM STRENGTHS AND AREAS FOR PROGRAM
3 IMPROVEMENT.

4 ~~(5)~~ (10) "Exceptional child" means:

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

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

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

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

25 ~~(8)~~ (13) "Highly advanced gifted child" means a gifted child ~~who~~
26 ~~has been identified by~~ THAT an administrative unit, using criteria and a
27 process established by rules ~~promulgated by~~ THAT the state board

1 PROMULGATES pursuant to ~~section 22-20-204 (6), to be~~ SECTION
2 22-20-204.5 (4), HAS IDENTIFIED AS a highly advanced gifted child.

3 (14) "INDIVIDUAL CAREER AND ACADEMIC PLAN" MEANS THE PLAN
4 CREATED FOR EACH STUDENT PURSUANT TO SECTIONS 22-30.5-525 AND
5 22-32-109 (1) (oo).

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

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

14 (a) THE PROCEDURES THE ADMINISTRATIVE UNIT WILL USE TO
15 IDENTIFY GIFTED STUDENTS;

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

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

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

27 ~~(9)~~ (18) "School district" means a school district organized and

1 existing pursuant to law, but shall not include a junior college district.

2 (10) (19) "State board" means the state board of education created
3 and existing pursuant to section 1 of article IX of the state constitution.

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

6 **22-20-203. Administration - rules - state advisory committee.**

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

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

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

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

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

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

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

1 (VII) PROCEDURES FOR PARENT, FAMILY, AND STUDENT
2 ENGAGEMENT AND COMMUNICATION WITH REGARD TO GIFTED EDUCATION
3 PROGRAMS; AND

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

6 (b) The state board shall adopt appropriate recommendations as
7 rules to implement this part 2 following public comment and hearing. The
8 rules ~~promulgated by~~ THAT the state board ~~shall~~ PROMULGATES MUST be
9 in accord with the legislative declaration set forth in section 22-20-201.
10 THE STATE BOARD RULES THAT ARE IN EFFECT TO IMPLEMENT THIS PART
11 2 BEFORE THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, MAY
12 CONTINUE IN EFFECT AFTER THAT DATE TO THE EXTENT THE STATE BOARD
13 FINDS THAT THE RULES CONTINUE TO BE APPROPRIATE, AND THE STATE
14 BOARD SHALL PROMULGATE PURSUANT TO THE "STATE ADMINISTRATIVE
15 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., SUCH ADDITIONAL
16 RULES AS MAY BE NECESSARY TO IMPLEMENT THIS PART 2.

17 (c) THE DEPARTMENT SHALL PROVIDE TO an administrative unit
18 that provides GIFTED EDUCATION PROGRAM plans, programs, ADVANCED
19 LEARNING PLANS, or services that do not comply with the STATE BOARD
20 rules, ~~adopted by the state board, will be provided by the department with~~
21 a detailed analysis of any discrepancies noted along with specific
22 recommendations ~~for their correction~~ TO CORRECT THE DISCREPANCIES.
23 THE DEPARTMENT MUST ALLOCATE OR CONTINUE ALLOCATING TO THE
24 ADMINISTRATIVE UNIT applicable federal and state funding ~~will be~~
25 ~~provided or continued~~ for a reasonable period of time, as determined by
26 the department, to allow the administrative unit an opportunity to comply
27 with ~~such~~ THE rules. An administrative unit may establish a claim for

1 variance based ~~upon~~ ON conditions indigenous to or unique to the
2 administrative unit.

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

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

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

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

1 AVAILABLE TO THE ADMINISTRATIVE UNIT FOR GIFTED EDUCATION. EACH
2 ADMINISTRATIVE UNIT SHALL SUBMIT THE PROGRAM PLAN TO THE
3 DEPARTMENT, AS PROVIDED IN STATE BOARD RULE. AT A MINIMUM, EACH
4 PROGRAM PLAN MUST:

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

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

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

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

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

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

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

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

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

25 (5) TO ASSIST AN ADMINISTRATIVE UNIT IN IMPLEMENTING ITS
26 PROGRAM PLAN AND PROVIDING SERVICES TO GIFTED CHILDREN, EACH
27 ADMINISTRATIVE UNIT IS STRONGLY ENCOURAGED TO ESTABLISH AND

1 MAINTAIN A LOCAL ADVISORY COMMITTEE THAT INCLUDES PERSONS WHO
2 ARE INVOLVED IN OR CONCERNED WITH GIFTED EDUCATION AND
3 CONCERNED WITH IMPROVING THE DELIVERY OF AND COMMUNICATION
4 CONCERNING GIFTED EDUCATION.

5 **SECTION 5.** In Colorado Revised Statutes, **add 22-20-204.3** and
6 **22-20-204.5** as follows:

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

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

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

27 **22-20-204.5. Highly advanced gifted children - identification**

1 **- rules - legislative declaration.** (1) (a) IN ADOPTING AND IMPLEMENTING
2 A PROGRAM PLAN TO IDENTIFY AND SERVE GIFTED CHILDREN PURSUANT TO
3 SECTION 22-20-204, EACH ADMINISTRATIVE UNIT MAY INCLUDE IN ITS
4 PROGRAM PLAN PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED
5 GIFTED CHILDREN WHO ARE:

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

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

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

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

26 (3) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN
27 PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN

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

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

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

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

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

- 27 (I) A TIMELINE ACCORDING TO WHICH A CHILD'S PARENTS MAY

1 APPLY FOR ADVANCED PLACEMENT FOR THE CHILD;

2 (II) A DESCRIPTION OF THE ADMINISTRATIVE UNIT PERSONNEL WHO
3 ARE INVOLVED IN THE PROCESS OF IDENTIFYING HIGHLY ADVANCED
4 GIFTED CHILDREN FOR WHOM ADVANCED PLACEMENT IS APPROPRIATE;

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

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

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

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

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

1 STATE CONSTITUTION.

2 **SECTION 6.** In Colorado Revised Statutes, **repeal and reenact,**
3 **with amendments,** 22-20-205 as follows:

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

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

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

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

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

1 (3) AN ADMINISTRATIVE UNIT MAY NOT REFUSE TO ACCEPT STATE
2 OR FEDERAL MONEYS FOR IMPLEMENTING A PROGRAM PLAN, BUT SHALL
3 ADOPT AND IMPLEMENT A PROGRAM PLAN THAT THE ADMINISTRATIVE
4 UNIT CAN IMPLEMENT WITHIN THE LOCAL, STATE, AND FEDERAL MONEYS
5 AND RESOURCES THAT ARE AVAILABLE TO THE ADMINISTRATIVE UNIT FOR
6 GIFTED EDUCATION.

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

9 (a) APPROPRIATELY LICENSED AND ENDORSED PERSONNEL;

10 (b) PROGRAMMING OPTIONS AND COUNSELING RELATED TO
11 SERVING GIFTED CHILDREN;

12 (c) MATERIALS USED IN SERVING GIFTED CHILDREN;

13 (d) PROFESSIONAL DEVELOPMENT FOR PERSONNEL WHO SERVE
14 GIFTED CHILDREN; AND

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

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

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

27 **SECTION 8.** In Colorado Revised Statutes, 22-7-402, **amend**

1 (8.5) as follows:

2 **22-7-402. Definitions.** As used in this part 4, unless the context
3 otherwise requires:

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

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

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

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

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

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

1 school principal shall encourage persons who reflect the student
2 populations that are significantly represented within the school to seek
3 election to the committee. Said student populations may include, but need
4 not be limited to:

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

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

9 **22-20-103. Definitions.** As used in this part 1, unless the context
10 otherwise requires:

11 (12) "Exceptional child" means:

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

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

18 **22-54-103. Definitions.** As used in this article, unless the context
19 otherwise requires:

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

1 who has been identified by the district or an administrative unit as a
2 highly advanced gifted child for whom early access to first grade is
3 appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

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

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

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

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

20 **22-54.5-103. Definitions - repeal.** As used in this article, unless
21 the context otherwise requires:

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

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

26 (B) Four years of age as of October 1 of the applicable averaging
27 period, and the local education provider or an administrative unit has

1 identified the pupil as a highly advanced gifted child for whom early
2 access to kindergarten is appropriate, as provided in ~~section 22-20-204~~
3 SECTION 22-20-204.5;

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

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

10 **SECTION 14. Appropriation.** (1) In addition to any other
11 appropriation, there is hereby appropriated, out of any moneys in the state
12 education fund created in section 17 (4) (a) of article IX of the state
13 constitution, not otherwise appropriated, to the department of education,
14 for the fiscal year beginning July 1, 2014, the sum of \$3,403,178 and 2.0
15 FTE, or so much thereof as may be necessary, to be allocated to the
16 categorical program for special education programs for gifted and
17 talented children for the implementation of this act.

18 **SECTION 15. Act subject to petition - effective date.** This act
19 takes effect at 12:01 a.m. on the day following the expiration of the
20 ninety-day period after final adjournment of the general assembly (August
21 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
22 referendum petition is filed pursuant to section 1 (3) of article V of the
23 state constitution against this act or an item, section, or part of this act
24 within such period, then the act, item, section, or part will not take effect
25 unless approved by the people at the general election to be held in
26 November 2014 and, in such case, will take effect on the date of the
27 official declaration of the vote thereon by the governor.