

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**

**Peniston,** Buckner, Court, Fields, Lebsock, Melton, Pettersen, Rosenthal, Salazar

**SENATE SPONSORSHIP**

**Kerr,**

**House Committees**

Education  
Appropriations

**Senate Committees**

Education  
Appropriations

**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  
3rd Reading Unamended  
April 17, 2014

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 OR IS WORKING TOWARD ATTAINING A GIFTED  
25 EDUCATION LICENSE ENDORSEMENT, A DIRECTOR OF GIFTED EDUCATION  
26 LICENSE ENDORSEMENT, OR A MASTER'S DEGREE OR HIGHER IN GIFTED  
27 EDUCATION.

1           (9) (18) "School district" means a school district organized and  
2 existing pursuant to law, but shall not include a junior college district.

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

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

7           **22-20-203. Administration - rules - state advisory committee.**

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

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

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

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

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

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 ==  
13 (c) SATISFY ANY CRITERIA ESTABLISHED BY RULES PROMULGATED  
14 BY THE STATE BOARD FOR THE IMPLEMENTATION OF THIS PART 2; AND

15 (d) BE CONSISTENT WITH THE ADVANCED LEARNING PLANS OF THE  
16 GIFTED CHILDREN THAT THE ADMINISTRATIVE UNIT IDENTIFIES.

17 (2) EACH ADMINISTRATIVE UNIT IS ALSO STRONGLY ENCOURAGED  
18 TO INCLUDE IN THE PROGRAM PLAN A UNIVERSAL SCREENING, AS DEFINED  
19 BY STATE BOARD RULE, OF ENROLLED STUDENTS NO LATER THAN SECOND  
20 GRADE TO IDENTIFY GIFTED CHILDREN AND A SECOND SCREENING OF  
21 GIFTED CHILDREN IN CONJUNCTION WITH THE CREATION OF EACH CHILD'S  
22 INDIVIDUAL CAREER AND ACADEMIC PLAN.

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

1 TO THE EXTENT DESCRIBED IN THE ADMINISTRATIVE UNIT'S PROGRAM  
2 PLAN.

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

12 (5) (a) EACH ADMINISTRATIVE UNIT SHALL MAKE A GOOD-FAITH  
13 EFFORT TO HIRE AND RETAIN ON AT LEAST A HALF-TIME BASIS AT LEAST  
14 ONE QUALIFIED PERSON IN GIFTED EDUCATION TO ADMINISTER THE  
15 ADMINISTRATIVE UNIT'S GIFTED PROGRAMS AND IMPLEMENT THE  
16 ADMINISTRATIVE UNIT'S PROGRAM PLAN. THE QUALIFIED PERSON MUST  
17 MEET THE QUALIFICATION STANDARDS SET BY RULE OF THE STATE BOARD.

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

27 (6) TO ASSIST AN ADMINISTRATIVE UNIT IN IMPLEMENTING ITS

1 PROGRAM PLAN AND PROVIDING SERVICES TO GIFTED CHILDREN, EACH  
2 ADMINISTRATIVE UNIT IS STRONGLY ENCOURAGED TO ESTABLISH AND  
3 MAINTAIN A LOCAL ADVISORY COMMITTEE THAT INCLUDES PERSONS WHO  
4 ARE INVOLVED IN OR CONCERNED WITH GIFTED EDUCATION AND  
5 CONCERNED WITH IMPROVING THE DELIVERY OF AND COMMUNICATION  
6 CONCERNING GIFTED EDUCATION.

7 **SECTION 5.** In Colorado Revised Statutes, **add 22-20-204.3** and  
8 22-20-204.5 as follows:

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

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

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

1           **22-20-204.5. Highly advanced gifted children - identification**

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

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

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

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

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

27          (3) IF AN ADMINISTRATIVE UNIT INCLUDES IN ITS PROGRAM PLAN

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

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

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

19 (I) APTITUDE;

20 (II) ACHIEVEMENT;

21 (III) PERFORMANCE;

22 (IV) READINESS FOR ADVANCED PLACEMENT;

23 (V) OBSERVABLE SOCIAL BEHAVIOR;

24 (VI) MOTIVATION TO LEARN; AND

25 (VII) SUPPORT FROM PARENTS, TEACHERS, AND SCHOOL  
26 ADMINISTRATORS.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

21 (b) AN ADMINISTRATIVE UNIT MAY CONDUCT EITHER OR BOTH THE  
22 UNIVERSAL SCREENING OF ENROLLED STUDENTS NO LATER THAN SECOND  
23 GRADE AND THE SECOND SCREENING IN CONJUNCTION WITH THE CREATION  
24 OF EACH CHILD'S INDIVIDUAL CAREER AND ACADEMIC PLAN. AN  
25 ADMINISTRATIVE UNIT MAY APPLY TO THE DEPARTMENT FOR A GRANT FOR  
26 THE SCREENINGS IT CONDUCTS. THE DEPARTMENT SHALL DISTRIBUTE  
27 MONEYS APPROPRIATED FOR THE COSTS OF CONDUCTING THE SCREENINGS

1 TO EACH ADMINISTRATIVE UNIT THAT APPLIES FOR A GRANT. THE AMOUNT  
2 OF EACH GRANT MUST BE BASED ON THE NUMBER OF STUDENTS WHO  
3 PARTICIPATE IN THE SCREENING AND THE PER PUPIL COST OF THE  
4 SCREENING.

5 (c) AN ADMINISTRATIVE UNIT THAT HIRES A QUALIFIED PERSON ON  
6 AT LEAST A HALF-TIME BASIS TO ADMINISTER THE ADMINISTRATIVE UNIT'S  
7 GIFTED PROGRAMS AND IMPLEMENT THE ADMINISTRATIVE UNIT'S  
8 PROGRAM PLAN MAY APPLY TO THE DEPARTMENT FOR A GRANT TO OFFSET  
9 THE COSTS INCURRED IN EMPLOYING THE QUALIFIED PERSON ON A  
10 HALF-TIME BASIS. THE DEPARTMENT SHALL DISTRIBUTE MONEYS  
11 APPROPRIATED FOR THE COSTS OF EMPLOYING QUALIFIED PERSONS ON A  
12 HALF-TIME BASIS TO EACH ADMINISTRATIVE UNIT THAT APPLIES FOR A  
13 GRANT. THE AMOUNT OF EACH GRANT MUST BE EQUAL TO THE COSTS  
14 INCURRED BY THE APPLYING ADMINISTRATIVE UNIT IN EMPLOYING THE  
15 QUALIFIED PERSON ON A HALF-TIME BASIS.

16 (d) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY  
17 TO IMPLEMENT PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2),  
18 INCLUDING BUT NOT LIMITED TO, RULES TO SPECIFY THE DEADLINE BY  
19 WHICH ADMINISTRATIVE UNITS MUST APPLY FOR GRANTS PURSUANT TO  
20 PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2). THE DEPARTMENT  
21 SHALL DISTRIBUTE ANY AMOUNT REMAINING OF THE MONEYS  
22 APPROPRIATED FOR PURPOSES OF PARAGRAPHS (b) AND (c) OF THIS  
23 SUBSECTION (2) TO ADMINISTRATIVE UNITS IN THE SAME MANNER THAT IT  
24 DISTRIBUTES THE MONEYS APPROPRIATED PURSUANT TO SUBSECTION (1)  
25 OF THIS SECTION, NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
26 THE CONTRARY, IN A BUDGET YEAR IN WHICH THE GENERAL ASSEMBLY  
27 DOES NOT APPROPRIATE MONEYS PURSUANT TO PARAGRAPH (a) OF THIS

1 SUBSECTION (2) IN AN AMOUNT THAT IS SUFFICIENT TO FULLY FUND THE  
2 GRANTS AUTHORIZED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2).  
3 THE DEPARTMENT SHALL DISTRIBUTE MONEYS TO GRANT APPLICANTS,  
4 SUBJECT TO THE AVAILABLE APPROPRIATIONS, BASED ON THE ORDER IN  
5 WHICH IT RECEIVES APPLICATIONS.

6 (e) IF AN ADMINISTRATIVE UNIT IS CONDUCTING THE UNIVERSAL  
7 SCREENING AND THE SECOND SCREENING OR EMPLOYING A QUALIFIED  
8 PERSON IN GIFTED EDUCATION BEFORE THE EFFECTIVE DATE OF THIS  
9 SECTION AS REPEALED AND REENACTED, THE ADMINISTRATIVE UNIT MUST  
10 USE THE MONEYS RECEIVED PURSUANT TO PARAGRAPH (b) OR (c) OF THIS  
11 SUBSECTION (2) FOR OTHER COSTS INCURRED IN IMPLEMENTING THE  
12 ADMINISTRATIVE UNIT'S GIFTED EDUCATION PROGRAM AS PROVIDED IN  
13 SUBSECTION (4) OF THIS SECTION.

14 (3) AN ADMINISTRATIVE UNIT MAY NOT REFUSE TO ACCEPT STATE  
15 OR FEDERAL MONEYS FOR IMPLEMENTING A PROGRAM PLAN, BUT SHALL  
16 ADOPT AND IMPLEMENT A PROGRAM PLAN THAT THE ADMINISTRATIVE  
17 UNIT CAN IMPLEMENT WITHIN THE LOCAL, STATE, AND FEDERAL MONEYS  
18 AND RESOURCES THAT ARE AVAILABLE TO THE ADMINISTRATIVE UNIT FOR  
19 GIFTED EDUCATION.

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

- 22 (a) APPROPRIATELY LICENSED AND ENDORSED PERSONNEL;
- 23 (b) PROGRAMMING OPTIONS AND COUNSELING RELATED TO  
24 SERVING GIFTED CHILDREN;
- 25 (c) MATERIALS USED IN SERVING GIFTED CHILDREN;
- 26 (d) PROFESSIONAL DEVELOPMENT FOR PERSONNEL WHO SERVE  
27 GIFTED CHILDREN; AND

1 (e) THE DIRECT ADMINISTRATIVE COSTS AND OTHER LIMITED  
2 EXPENDITURES, AS DEFINED BY STATE BOARD RULE, THAT THE  
3 ADMINISTRATIVE UNIT INCURS IN IMPLEMENTING THE GIFTED EDUCATION  
4 PROGRAM.

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

7 **22-20-206. Length of gifted education program.** AN  
8 ADMINISTRATIVE UNIT SHALL ENSURE THAT ITS GIFTED EDUCATION  
9 PROGRAM PROVIDES PROGRAMS AND SERVICES FOR GIFTED CHILDREN FOR  
10 AT LEAST THE NUMBER OF DAYS CALENDARED FOR THE SCHOOL YEAR BY  
11 EACH SCHOOL DISTRICT IN WHICH THE ADMINISTRATIVE UNIT PROVIDES  
12 THE GIFTED EDUCATION PROGRAM.

13 **SECTION 8.** In Colorado Revised Statutes, 22-7-402, **amend**  
14 (8.5) as follows:

15 **22-7-402. Definitions.** As used in this part 4, unless the context  
16 otherwise requires:

17 (8.5) "Exceptional students" means those students defined in  
18 section 22-20-103 (5) as children with disabilities and students defined  
19 in ~~section 22-20-202 (6)~~ SECTION 22-20-202 (11) as gifted children.

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

22 **22-11-301. School district accountability committees - creation**  
23 **- membership.** (3) If a local school board appoints the members of the  
24 school district accountability committee, the local school board, to the  
25 extent practicable, shall ensure that the parents who are appointed reflect  
26 the student populations that are significantly represented within the  
27 school district. Said student populations may include, but need not be

1 limited to:

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

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

6 **22-11-401. School accountability committee - creation -**  
7 **qualifications - elections.** (1) (d) If the local school board or the institute  
8 determines that the members of a school accountability committee should  
9 be appointed, the appointing authority shall, to the extent practicable,  
10 appoint persons to serve on the school accountability committee who  
11 reflect the student populations that are significantly represented within the  
12 school. If the local school board or the institute determines that persons  
13 shall be elected to serve on the school accountability committee, the  
14 school principal shall encourage persons who reflect the student  
15 populations that are significantly represented within the school to seek  
16 election to the committee. Said student populations may include, but need  
17 not be limited to:

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

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

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

24 (12) "Exceptional child" means:

25 (b) A child defined in ~~section 22-20-202 (6)~~ SECTION 22-20-202  
26 (11) as a gifted child. Pursuant to section 22-20-204 (1), an administrative  
27 unit shall adopt and submit to the department a program plan to identify

1 and serve gifted children who are at least five years of age.

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

4 **22-54-103. Definitions.** As used in this article, unless the context  
5 otherwise requires:

6 (10) (a) (IV) (B) For purposes of determining pupil enrollment in  
7 first grade for the 2007-08 budget year and each budget year thereafter,  
8 in addition to the pupils counted pursuant to sub-subparagraph (A) of this  
9 subparagraph (IV), a district may count and receive funding for a pupil  
10 who is enrolled in first grade who is at least five years old on or before  
11 October 1 of the applicable budget year if the pupil attended at least one  
12 hundred twenty days of kindergarten in a state other than Colorado. A  
13 district may also receive funding for a pupil who is five years old and  
14 who has been identified by the district or an administrative unit as a  
15 highly advanced gifted child for whom early access to first grade is  
16 appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

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

26 (B) Four years old as of October 1 of the applicable budget year  
27 and who have been identified by an administrative unit to be highly

1 advanced gifted children for whom early access to kindergarten is  
2 appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

3 **SECTION 13.** In Colorado Revised Statutes, 22-54.5-103,  
4 **amend as it will take effect upon proclamation of the governor** (26)  
5 (b) (II) (B) and (26) (b) (III) (C) as follows:

6 **22-54.5-103. Definitions - repeal.** As used in this article, unless  
7 the context otherwise requires:

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

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

12 (B) Four years of age as of October 1 of the applicable averaging  
13 period, and the local education provider or an administrative unit has  
14 identified the pupil as a highly advanced gifted child for whom early  
15 access to kindergarten is appropriate, as provided in ~~section 22-20-204~~  
16 SECTION 22-20-204.5;

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

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

23 **SECTION 14. Appropriation.** (1) In addition to any other  
24 appropriation, there is hereby appropriated, out of any moneys in the state  
25 education fund created in section 17 (4) (a) of article IX of the state  
26 constitution, not otherwise appropriated, to the department of education,  
27 for the fiscal year beginning July 1, 2014, the sum of \$1,903,178 and 1.0

1 FTE, or so much thereof as may be necessary, to be allocated to the  
2 categorical program for special education programs for gifted and  
3 talented children for the implementation of this act.

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