

CHAPTER 330

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 14-1102

BY REPRESENTATIVE(S) Peniston, Buckner, Court, Fields, Lebsock, Melton, Pettersen, Rosenthal, Salazar, Duran, Exum, Fischer, Ginal, Hullinghorst, Kraft-Tharp, Labuda, Moreno, Pabon, Primavera, Schafer, Singer, Tyler, Williams, Young, Becker, Hamner, Lee, Ryden, Vigil;
also SENATOR(S) Kerr, Crowder, Heath, Johnston, Jones, Kefalas, Newell, Nicholson, Schwartz, Steadman, Tochtrop, Todd, Ulibarri.

AN ACT

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

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

SECTION 1. In Colorado Revised Statutes, **amend** 22-20-201 as follows:

22-20-201. Legislative declaration. (1) The general assembly, recognizing the obligation of the state of Colorado to provide educational opportunities to all children that will enable them to lead fulfilling and productive lives, declares that the purpose of this part 2 is to provide means for identifying and educating those children who are ~~exceptional~~ GIFTED.

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

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

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

(3) The general assembly further finds and declares that traditional assessment methods ~~currently used do~~ MAY not adequately identify some gifted children, including those who are economically disadvantaged, those who are from ethnic or cultural minorities, and those with CHILDREN FROM ALL SOCIOECONOMIC, ETHNIC,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AND CULTURAL POPULATIONS AND GIFTED CHILDREN WHO ALSO HAVE disabilities. ~~and~~ IT IS THEREFORE THE GENERAL ASSEMBLY'S INTENT that the state board, the department, and every administrative unit ~~are encouraged to give the highest priority to the identification of~~ INCLUDE ALL STUDENT GROUPS IN EACH ADMINISTRATIVE UNIT'S PROCEDURES FOR IDENTIFYING gifted children and ~~to the development of~~ FOR DEVELOPING educational programs that include gifted children.

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

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

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

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

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

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

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

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

- (a) IDENTIFICATION AND PROGRAMMING; AND
- (b) MONITORING THE GIFTED CHILD'S PERFORMANCE AND OUTCOMES.

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

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

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

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

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

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

(c) IDENTIFYING THE PRIORITIES AND CONCERNS OF THE CHILD'S FAMILY AND RESOURCES TO WHICH THE FAMILY AND THE CHILD'S SCHOOL HAVE ACCESS; AND

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

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

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

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

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

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

~~(8)~~ (13) "Highly advanced gifted child" means a gifted child ~~who has been~~

~~identified by~~ THAT an administrative unit, using criteria and a process established by rules ~~promulgated by~~ THAT the state board PROMULGATES pursuant to ~~section 22-20-204(6), to be~~ SECTION 22-20-204.5 (4), HAS IDENTIFIED AS a highly advanced gifted child.

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

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

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

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

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

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

(17) "QUALIFIED PERSON" OR "QUALIFIED PERSONNEL" MEANS AN EDUCATOR THAT HOLDS OR IS WORKING TOWARD ATTAINING A GIFTED EDUCATION LICENSE ENDORSEMENT, A DIRECTOR OF GIFTED EDUCATION LICENSE ENDORSEMENT, OR A MASTER'S DEGREE OR HIGHER IN GIFTED EDUCATION.

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

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

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

22-20-203. Administration - rules - state advisory committee. (1) (a) THE DEPARTMENT SHALL ADMINISTER this part 2, ~~shall be administered by the department. Administration of this part 2 shall include the recommendation~~ WHICH INCLUDES RECOMMENDING to the state board of reasonable rules necessary to implement this part 2, including but not limited to:

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

(II) Criteria ~~for~~ THAT administrative units ~~to~~ MUST satisfy in adopting program

plans to identify and serve gifted children;

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

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

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

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

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

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

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

(c) THE DEPARTMENT SHALL PROVIDE TO AN ADMINISTRATIVE UNIT THAT PROVIDES GIFTED EDUCATION PROGRAM ~~plans, programs, ADVANCED LEARNING PLANS, or services that do not comply with the STATE BOARD rules, adopted by the state board, will be provided by the department with a detailed analysis of any discrepancies noted along with specific recommendations for their correction~~ TO CORRECT THE DISCREPANCIES. THE DEPARTMENT MUST ALLOCATE OR CONTINUE ALLOCATING TO THE ADMINISTRATIVE UNIT ~~applicable federal and state funding will be provided or continued~~ for a reasonable period of time, as determined by the department, to allow the administrative unit an opportunity to comply with ~~such~~ THE rules. An administrative unit may establish a claim for variance based ~~upon~~ ON conditions indigenous to or unique to the administrative unit.

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

(3) THE GENERAL ASSEMBLY RECOGNIZES THAT, TO ASSIST THE STATE BOARD IN

PERFORMING ITS RESPONSIBILITIES IN IMPLEMENTING THIS PART 2, THE STATE BOARD HAS APPOINTED A STATE GIFTED EDUCATION ADVISORY COMMITTEE OF AN APPROPRIATE SIZE. ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION, AS AMENDED, THE MEMBERSHIP OF THE ADVISORY COMMITTEE MUST CONTINUE TO INCLUDE REPRESENTATIVES FROM EACH CONGRESSIONAL DISTRICT IN THE STATE AND CONSIST OF PERSONS INVOLVED IN OR CONCERNED WITH THE EDUCATION OF GIFTED CHILDREN. THE STATE BOARD SHALL CONTINUE TO APPOINT MEMBERS FOR TERMS AS STATED IN THE BYLAWS OF THE ADVISORY COMMITTEE. MEMBERS OF THE ADVISORY COMMITTEE CONTINUE TO SERVE WITHOUT COMPENSATION BUT MAY RECEIVE REIMBURSEMENT FOR EXPENSES.

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

22-20-204. Gifted education - program plans - implementation - qualified personnel - local advisory committees. (1) EACH ADMINISTRATIVE UNIT SHALL PROVIDE A GIFTED EDUCATION PROGRAM IN ACCORDANCE WITH THIS PART 2 AND THE RULES OF THE STATE BOARD. EACH ADMINISTRATIVE UNIT SHALL ADOPT A GIFTED EDUCATION PROGRAM PLAN THAT THE ADMINISTRATIVE UNIT CAN IMPLEMENT WITHIN THE LOCAL, STATE, AND FEDERAL MONEYS AND RESOURCES THAT ARE AVAILABLE TO THE ADMINISTRATIVE UNIT FOR GIFTED EDUCATION. EACH ADMINISTRATIVE UNIT SHALL SUBMIT THE PROGRAM PLAN TO THE DEPARTMENT, AS PROVIDED IN STATE BOARD RULE. AT A MINIMUM, EACH PROGRAM PLAN MUST:

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

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

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

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

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

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

(4) TO COMPLY WITH THIS SECTION, AN ADMINISTRATIVE UNIT MAY CONTRACT

WITH ONE OR MORE ADMINISTRATIVE UNITS TO ESTABLISH AND MAINTAIN GIFTED EDUCATION PROGRAMS FOR THE EDUCATION OF GIFTED CHILDREN, SHARING THE COSTS OF THE GIFTED EDUCATION PROGRAMS IN ACCORDANCE WITH THE TERMS OF THE CONTRACT. AN ADMINISTRATIVE UNIT THAT HAS FEWER THAN SIX CHILDREN WHO NEED A PARTICULAR KIND OF GIFTED EDUCATION PROGRAM MAY PURCHASE SERVICES FROM ONE OR MORE ADMINISTRATIVE UNITS THAT PROVIDE THE APPROPRIATE GIFTED EDUCATION PROGRAM.

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

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

(6) TO ASSIST AN ADMINISTRATIVE UNIT IN IMPLEMENTING ITS PROGRAM PLAN AND PROVIDING SERVICES TO GIFTED CHILDREN, EACH ADMINISTRATIVE UNIT IS STRONGLY ENCOURAGED TO ESTABLISH AND MAINTAIN A LOCAL ADVISORY COMMITTEE THAT INCLUDES PERSONS WHO ARE INVOLVED IN OR CONCERNED WITH GIFTED EDUCATION AND CONCERNED WITH IMPROVING THE DELIVERY OF AND COMMUNICATION CONCERNING GIFTED EDUCATION.

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

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

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

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

22-20-204.5. Highly advanced gifted children - identification - rules - legislative declaration. (1) (a) IN ADOPTING AND IMPLEMENTING A PROGRAM PLAN TO IDENTIFY AND SERVE GIFTED CHILDREN PURSUANT TO SECTION 22-20-204, EACH ADMINISTRATIVE UNIT MAY INCLUDE IN ITS PROGRAM PLAN PROVISIONS TO IDENTIFY AND SERVE HIGHLY ADVANCED GIFTED CHILDREN WHO ARE:

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

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

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

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

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

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

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

(I) APTITUDE;

(II) ACHIEVEMENT;

- (III) PERFORMANCE;
- (IV) READINESS FOR ADVANCED PLACEMENT;
- (V) OBSERVABLE SOCIAL BEHAVIOR;
- (VI) MOTIVATION TO LEARN; AND
- (VII) SUPPORT FROM PARENTS, TEACHERS, AND SCHOOL ADMINISTRATORS.

(c) THE PROCESS ESTABLISHED BY RULES MUST INCLUDE:

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

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

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

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

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

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

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

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

22-20-205. Gifted education - funding. (1) FOR EACH FISCAL YEAR, THE APPROPRIATIONS THAT THE GENERAL ASSEMBLY MAKES TO FUND PROGRAMS FOR

GIFTED CHILDREN MUST BE DESIGNATED BY A SEPARATE LINE ITEM IN THE ANNUAL GENERAL APPROPRIATION ACT. THE MONEYS THAT THE GENERAL ASSEMBLY APPROPRIATES FOR GIFTED EDUCATION PROGRAMS MUST SUPPLEMENT, NOT SUPPLANT, FUNDING FOR PROGRAMS FOR STUDENTS WITH DISABILITIES.

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

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

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

(b) AN ADMINISTRATIVE UNIT MAY CONDUCT EITHER OR BOTH THE UNIVERSAL SCREENING OF ENROLLED STUDENTS NO LATER THAN SECOND GRADE AND THE SECOND SCREENING IN CONJUNCTION WITH THE CREATION OF EACH CHILD'S INDIVIDUAL CAREER AND ACADEMIC PLAN. AN ADMINISTRATIVE UNIT MAY APPLY TO THE DEPARTMENT FOR A GRANT FOR THE SCREENINGS IT CONDUCTS. THE DEPARTMENT SHALL DISTRIBUTE MONEYS APPROPRIATED FOR THE COSTS OF CONDUCTING THE SCREENINGS TO EACH ADMINISTRATIVE UNIT THAT APPLIES FOR A GRANT. THE AMOUNT OF EACH GRANT MUST BE BASED ON THE NUMBER OF STUDENTS WHO PARTICIPATE IN THE SCREENING AND THE PER PUPIL COST OF THE SCREENING.

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

(d) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2), INCLUDING BUT NOT LIMITED TO, RULES TO SPECIFY THE DEADLINE BY WHICH ADMINISTRATIVE UNITS MUST APPLY FOR GRANTS PURSUANT TO PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2). THE DEPARTMENT SHALL DISTRIBUTE ANY AMOUNT REMAINING OF THE MONEYS APPROPRIATED FOR PURPOSES OF PARAGRAPHS (b) AND (c) OF THIS SUBSECTION (2) TO ADMINISTRATIVE UNITS IN THE SAME MANNER THAT IT DISTRIBUTES THE MONEYS APPROPRIATED PURSUANT TO SUBSECTION (1) OF THIS SECTION. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IN A BUDGET YEAR IN WHICH THE GENERAL ASSEMBLY DOES NOT APPROPRIATE MONEYS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) IN AN AMOUNT THAT IS SUFFICIENT TO FULLY FUND THE GRANTS AUTHORIZED IN PARAGRAPH (b) OR (c) OF THIS SUBSECTION (2), THE DEPARTMENT SHALL DISTRIBUTE MONEYS TO GRANT APPLICANTS, SUBJECT TO THE AVAILABLE APPROPRIATIONS, BASED ON THE ORDER IN WHICH IT RECEIVES APPLICATIONS.

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

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

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

(a) APPROPRIATELY LICENSED AND ENDORSED PERSONNEL;

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

(c) MATERIALS USED IN SERVING GIFTED CHILDREN;

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

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

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

22-20-206. Length of gifted education program. AN ADMINISTRATIVE UNIT SHALL ENSURE THAT ITS GIFTED EDUCATION PROGRAM PROVIDES PROGRAMS AND SERVICES FOR GIFTED CHILDREN 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.

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

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

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

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

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

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

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

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

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

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

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

(12) "Exceptional child" means:

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

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

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

(10) (a) (IV) (B) For purposes of determining pupil enrollment in first grade for the 2007-08 budget year and each budget year thereafter, in addition to the pupils counted pursuant to sub-subparagraph (A) of this subparagraph (IV), a district may count and receive funding for a pupil who is enrolled in first grade who is at least five years old on or before October 1 of the applicable budget year if the pupil

attended at least one hundred twenty days of kindergarten in a state other than Colorado. A district may also receive funding for a pupil who is five years old and who has been identified by the district or an administrative unit as a highly advanced gifted child for whom early access to first grade is appropriate, as provided in ~~section 22-20-204~~ SECTION 22-20-204.5.

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

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

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

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

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

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

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

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

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

SECTION 14. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state education fund created in section 17 (4) (a) of article IX of the state constitution, not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$1,903,178 and 1.0 FTE, or so much thereof as may be necessary, to be allocated to the categorical program for special education programs for gifted and talented

children for the implementation of this act.

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

Approved: June 5, 2014