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HOUSE BILL 07-1244

BY REPRESENTATIVE(S) Peniston, Solano, Borodkin, Carroll M., Carroll T., Green, Kefalas, Kerr A., Labuda, Marshall, McFadyen, McGihon, and Todd;
also SENATOR(S) Williams, Boyd, Groff, Harvey, Keller, Kester, Kopp, Penry, Sandoval, Shaffer, Spence, Taylor, Tochtrop, Ward, and Wiens.

CONCERNING THE PROVISION OF EDUCATIONAL PROGRAMS TO GIFTED STUDENTS.

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

SECTION 1. 22-20-102.5, Colorado Revised Statutes, is amended to read:

22-20-102.5. Legislative declaration - identification of gifted children. The general assembly hereby finds and declares that traditional assessment methods currently used do not adequately identify some gifted children, including those who are economically ~~and culturally~~ disadvantaged, ~~THOSE WHO ARE FROM ETHNIC OR CULTURAL MINORITIES,~~ and those with disabilities; and that the state board, the department, and every administrative unit are encouraged to give the highest priority to the identification of such gifted children and to the development of educational programs ~~which~~ THAT include such gifted children.

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

SECTION 2. 22-20-103 (3.4), Colorado Revised Statutes, is amended to read:

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

(3.4) "Exceptional children" means:

(a) Those children defined in subsection (1.5) of this section as children with disabilities. ~~and those children defined in subsection (3.7) of this section as gifted children.~~ An administrative unit shall serve every child with a disability FROM THREE TO TWENTY-ONE YEARS OF AGE, ~~but may provide voluntary programs for the gifted.~~ An administrative unit may make special educational programs and services available to children with disabilities under age five and, on and after January 1, 1992, under age three and gifted children under age five who would otherwise qualify as exceptional children under this subsection (3.4), and such CHILDREN WITH DISABILITIES FROM BIRTH THROUGH TWO YEARS OF AGE, AND persons enrolled in special educational programs or receiving special educational services shall be deemed to be "exceptional children" for all purposes of this article. ~~The state board shall promulgate rules for the identification of exceptional children who, under the provisions of this article, may become eligible for special educational services.~~

(b) THOSE CHILDREN DEFINED IN SUBSECTION (3.7) OF THIS SECTION AS GIFTED CHILDREN. PURSUANT TO SECTION 22-20-104.5 (1), AN ADMINISTRATIVE UNIT SHALL ADOPT AND SUBMIT TO THE DEPARTMENT A PROGRAM PLAN TO IDENTIFY AND SERVE GIFTED CHILDREN.

SECTION 3. 22-20-104.5 (1), Colorado Revised Statutes, is amended to read:

22-20-104.5. Plan for academic excellence - inclusion of gifted children - cooperation. (1) ~~Administrative units may develop and implement a management plan for excellence in education that shall include the education of gifted children consistent with each gifted child's advanced learning plan.~~ EACH ADMINISTRATIVE UNIT SHALL ADOPT AND IMPLEMENT A PROGRAM PLAN TO IDENTIFY AND SERVE GIFTED CHILDREN. Any PROGRAM plan developed and implemented pursuant to the provisions of this section shall satisfy any criteria for accreditation which have been established by

the state board AND ANY CRITERIA ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF THIS ARTICLE. ~~No management plan shall be implemented by an administrative unit unless adequate funding is provided for such implementation.~~ A PROGRAM PLAN ADOPTED BY AN ADMINISTRATIVE UNIT PURSUANT TO THIS SECTION SHALL BE CONSISTENT WITH THE ADVANCED LEARNING PLANS OF THE GIFTED CHILDREN WHO ARE IDENTIFIED BY THE ADMINISTRATIVE UNIT, AND THE PROGRAM PLAN SHALL BE IMPLEMENTED TO THE EXTENT THAT FUNDS ARE PROVIDED FOR SUCH IMPLEMENTATION. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO REQUIRE AN ADMINISTRATIVE UNIT TO IMPLEMENT A PROGRAM PLAN IN THE EVENT THAT SUFFICIENT MONEYS ARE NOT PROVIDED FOR SUCH IMPLEMENTATION.

SECTION 4. 22-20-106 (3) (a), Colorado Revised Statutes, is amended to read:

22-20-106. Special educational programs. (3) (a) Each administrative unit, state-operated program, and eligible facility shall make available special education services as specified by the IEP for any child with a disability for whom it is responsible, as defined by the rules adopted by the state board pursuant to this article. ~~An administrative unit may also serve gifted students.~~ FOR THE PURPOSE OF IMPLEMENTING THE PROGRAM PLAN ADOPTED BY EACH ADMINISTRATIVE UNIT PURSUANT TO SECTION 22-20-104.5, EACH ADMINISTRATIVE UNIT SHALL ENSURE THAT ITS CONSTITUENT SCHOOLS AND SCHOOL DISTRICTS MAKE AVAILABLE APPROPRIATE SPECIAL PROVISIONS FOR GIFTED CHILDREN TO THE EXTENT THAT FUNDS ARE PROVIDED FOR SUCH IMPLEMENTATION.

SECTION 5. 22-20-104 (1) (a) (IX) and (1) (a) (X), Colorado Revised Statutes, are amended, and the said 22-20-104 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

22-20-104. Administration. (1) (a) This article shall be administered by the department. Administration of this article shall include the recommendation to the state board of reasonable rules necessary to implement this article, including but not limited to:

(IX) Extended school year services; ~~and~~

(X) Requirements pursuant to the federal "Individuals with

Disabilities Education Improvement Act of 2004" regarding children with disabilities who are enrolled in private schools; AND

(XI) CRITERIA FOR ADMINISTRATIVE UNITS TO SATISFY IN ADOPTING PROGRAM PLANS TO IDENTIFY AND SERVE GIFTED STUDENTS.

SECTION 6. Effective date. This act shall take effect July 1, 2007.

SECTION 7. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Andrew Romanoff
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Joan Fitz-Gerald
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Karen Goldman
SECRETARY OF
THE SENATE

APPROVED _____

Bill Ritter, Jr.
GOVERNOR OF THE STATE OF COLORADO