

# House Bill 14-1102

Concerning gifted education programs in public schools

The Colorado General Assembly passed legislation in the 2014 session that will impact change in the ECEA, Exceptional Children's Education Act. House Bill 14-1102 establishes an appropriation for a grant program, codifies the Gifted Education State Advisory Committee, and drives changes in rules.

It was the intent of the General Assembly that:

- (a) Evidence-based practices support instruction and the social-emotional development of gifted children;
- (b) Each gifted child is educated in a rigorous learning environment and culture that develops the child's area of exceptionality and coordinates programs and services among available support systems; and,
- (c) Procedures for identifying gifted children are inclusive of all socioeconomic, ethnic and cultural, and twice exceptional student groups.

## Main Points in HB 14-1102

### Primary Attributes

- Establishes an appropriation to offset costs incurred by administrative units in universal screening no later than second grade, and/or middle school in conjunction with the creation of individual career and academic plans (ICAP), and the hire of qualified personnel. Universal screenings are voluntary.
- If funds are awarded, the AU must retain prior funds used for function of the award in the gifted program.
- Gives formal authority for the Gifted Education State Advisory Committee.
- Requires rules for advanced learning plans; transfer between districts of a child's gifted identification; accountability for gifted student academic achievement; evaluation of gifted programs; accountability for program budgets and expenditures; and, procedures for family engagement.
- Requires each administrative unit to make a good-faith effort to hire and retain a qualified person in gifted education to administer the gifted program and implement the AU's program plan.
- Necessitates that each administrative unit uses a body of evidence to base the determination of giftedness, including at a minimum data points from identification assessment results, parental input, and multiple types of measures and data sources.
- Retains early access related to identification of highly gifted children

### Grant Program - Description

This is a grant program dependent upon the allocation of funds by the General Assembly in a given fiscal year. If the grant is fully funded, every administrative unit applicant receives its request. In years when it is not fully funded, the program is a selection process according to conditions of the grant posted on the CDE Web site.

### Definitions

- "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.
- "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.
- Universal screening is the practice of utilizing a group or individual ability assessment, or alternate classroom observation tool at a grade level, K-2, or middle school, for the purpose of recognizing exceptional ability and considering the data for identification of giftedness. Universal screening seeks "exceptional potential" across student groups and socio-economic status.
- "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.
- If districts do not apply for, or do not receive an award, all other provisions of the ECEA rules apply for program elements. The AU must ensure that constituent schools and districts implement the AU's



## Fiscal year 2014-2015 –

A grant program is being proposed for release in October 2014. Prior to release of the grant, it is required that rules for the grant program be approved by the State Board of Education (SBE). A request for emergency rules concerning only the portion of HB 14-1102 related to this grant reimbursement program will be submitted at the October SBE meeting.

## What are the benefits of emergency rules?

Emergency rules provide immediate governance for implementation of law that requires rule guidance. Emergency rules are in effect for 120 days. Adoption of the emergency rules in October will permit immediate release of the grant application and selection procedures, and disbursement of the allocation to AUs for use in fiscal year 2015.

## If emergency rules are approved:

An administrative unit (AU) may apply for funds if the AU: 1) hires or has hired a qualified person to implement the gifted education program; and/or 2) conducts universal screening by the end of grade two, and/or in middle school as a part of the identification process. Grant funds for a qualified person are equivalent to .5 FTE. Funds for universal screening (no later than end of grade two or in middle grades in conjunction with development of the ICAP) are the cost of universal screening based upon the number of students participating in the screening.

## Emergency rule process:

The Department will develop proposed emergency rules by August 2014. Prior to submission of the October State Board of Education agenda item for emergency rule approval, key stakeholder group representatives will be asked for informal input. It is the intent that the grant reimbursement program be a positive opportunity for as many AUs as possible statewide.

## Rule Making

---

### **Authority of the State Board of Education**

The State Board is authorized in HB 14-1102 to promulgate rules necessary to implement part 2 (Gifted Education) of the Exceptional Student Education Act (ECEA).

### **Rule Making Process**

The Department will also request approval of rule-making for required changes in ECEA rules driven by HB 14-1102. If approved, the Department will proceed with development of permanent rules. Key stakeholder groups and the public will be provided time for informal and formal comments. The time line permits a formal hearing – to be posted on [www.cde.state.co.us/gt](http://www.cde.state.co.us/gt).

## Where can I learn more?

- Colorado General Assembly – House bills:  
<http://www.leg.state.co.us/Clitics/Clitics2014A/csl.nsf/BillFoldersHouse?OpenFrameSet>
- Office of Gifted Education:  
Jacquelin Medina, [medina\\_j@cde.state.co.us](mailto:medina_j@cde.state.co.us)
- To view all CDE fact sheets, visit: [www.cde.state.co.us/Communications/factsheetsandfaqs](http://www.cde.state.co.us/Communications/factsheetsandfaqs)