

2220-R-1.00 STATEMENT OF BASIS AND PURPOSE

- 1.00 (10) The statutory authority for the amendments to these Rules is found in Article 20 of Title 22, C.R.S., Sections 22-20-103(12)(b) and (13), 22-20-104.5, and Sections 22-54-103(10)(a)(IV)(B) and (10)(b)(I). The purposes of the amendments are to: address new requirements in legislation for early access to educational services for children who are less than six years of age; provide an outline of the criteria and process for making early access determinations by administrative units who choose to permit early access; and, clarify the provisions that will allow administrative units to receive state education funds for early access students.

2220-R-12.00 GIFTED AND TALENTED STUDENT PROGRAMMING

12.01 Definitions.

- 12.01 (1) **“Administrative Unit”** or **“AU”** means a school district, a board of cooperative services, or the state Charter School Institute that: oversees and/or provides educational services to exceptional children; is responsible for the local administration of Article 20 of Title 22, C.R.S.; and meets the criteria established in Section 3.01 of these Rules.
- 12.01 (2) **“Advanced Learning Plan”** OR **“ALP”** means a written record of gifted and talented programming utilized with each gifted child and considered in educational planning and decision making.
- 12.01 (3) **“Affective Development”** means social and emotional programming intended to:
- 12.01 (3) (a) assist gifted and talented students in understanding themselves as gifted learners, and the implications of their abilities, talents, and potential for accomplishment (intrapersonal skills); and
- 12.01 (3) (b) assist gifted and talented students in developing and/or refining interpersonal skills.
- 12.01 (4) **“Aptitude”** means abilities or behaviors that can be monitored, evaluated, or observed to determine potential or a level of performance in problem solving, reasoning, and other cognitive functions (e.g., memory, synthesis, creativity, speed in problem solving). Aptitude or general ability assessments predict potential in an area of giftedness and/or academic school success.
- 12.01 (5) **“Aptitude Test”** means an ability test to determine potential or level of performance in problem solving, reasoning and other cognitive functions. Aptitude or ability tests predict potential in an area of giftedness and/or future academic school success.
- 12.01 (6) **“Articulation”**, for purposes of this Rule 12.00, means the communication that occurs as students move or transition through the school system, grade by grade and school level to school level.
- 12.01 (7) **“Board of Cooperative Services”** means a regional educational services unit created pursuant to Article 5 of Title 22, C.R.S., and designed to provide supporting, instructional, administrative, facility, community, or any other services contracted by participating members.

- 12.01 (8) **“Commensurate Growth”** means the academic and affective progress that can be measured and should be expected of a gifted student given the student’s level of achievement, learning needs, and abilities matched with the appropriate instructional level.”
- 12.01 (9) **“Early Access”** means early entrance to kindergarten or first grade for highly advanced gifted children under the age of six.
- 12.01 (10) **“Early Childhood Special Educational Services”** means those instructional strategies, curriculum, affective and programming options that nurture and develop exceptional abilities or potential for gifted students, including but not limited to an early entrance strategy or advanced level pre-school interventions.
- 12.01 (11) **“Early Entrance”** means a gifted student is placed in a grade level above other same aged peers based upon the following conditions:
- 12.01 (11) (a) the student is formally identified as gifted as specified in 12.01(12); and
- 12.01 (11) (b) the student meets requirements for accelerated placement as determined in an auditable body of evidence (e.g., achievement, ability, social-emotional factors, school learning skills, developmental characteristics, and family and school support).
- 12.01 (12) **“Gifted and Talented Children”** means those persons between the ages of four and twenty-one whose abilities, talents, and potential for accomplishment are so exceptional or developmentally advanced that they require special provisions to meet their educational programming needs. Gifted and talented children are hereafter referred to as gifted students. Children under five who are gifted may also be provided with early childhood special educational services. Gifted students include gifted students with disabilities (i.e. twice exceptional) and students with exceptional abilities or potential from all socio-economic and ethnic, cultural populations. Gifted students are capable of high performance, exceptional production, or exceptional learning behavior by virtue of any or a combination of these areas of giftedness:
- 12.01 (12) (a) General or Specific Intellectual Ability.
- 12.01 (12) (a) (i) Definition
- Intellectual ability is exceptional capability or potential recognized through cognitive processes (e.g., memory, reasoning, rate of learning, spatial reasoning, ability to find and solve problems, ability to manipulate abstract ideas and make connections, etc.).
- 12.01 (12) (a) (ii) Criteria
- Intellectual ability is demonstrated by advanced level on performance assessments or ninety-fifth percentile and above on standardized cognitive tests.
- 12.01 (12) (b) Specific Academic Aptitude
- 12.01 (12) (b) (i) Definition
- Specific academic aptitude is exceptional capability or potential in an academic content area(s) (e.g., a strong knowledge base or the ability to ask insightful, pertinent questions within the discipline, etc.).
- 12.01 (12) (b) (ii) Criteria

Specific academic aptitude is demonstrated by advanced level on performance assessments or ninety-fifth percentile and above on standardized achievement tests.

12.01 (12) (c) Creative or Productive Thinking

12.01 (12) (c) (i) Definition

Creative or productive thinking is exceptional capability or potential in mental processes (e.g., critical thinking, creative problem solving, humor, independent/original thinking, and/or products, etc.).

12.01 (12) (c) (ii) Criteria

Creative or productive thinking is demonstrated by advanced level on performance assessments or ninety-fifth percentile and above on standardized tests of creative/critical skills or creativity/critical thinking.

12.01 (12) (d) Leadership Abilities.

12.01 (12) (d) (i) Definition

Leadership is the exceptional capability or potential to influence and empower people (e.g., social perceptiveness, visionary ability, communication skills, problem solving, inter and intra-personal skills and a sense of responsibility, etc.).

12.01 (12) (d) (ii) Criteria

Leadership is demonstrated by advanced level on performance assessments or ninety-fifth percentile and above on standardized leadership tests.

12.01 (12) (e) Visual Arts, Performing Arts, Musical or Psychomotor Abilities.

12.01 (12) (e) (i) Definition

Visual arts, performing arts, musical or psychomotor abilities are exceptional capabilities or potential in talent areas (e.g., art, drama, music, dance, body awareness, coordination and physical skills, etc.).

12.01 (12) (e) (ii) Criteria

Visual arts, performing arts, musical or psychomotor abilities are demonstrated by advanced level on performance talent-assessments or ninety-fifth percentile and above on standardized talent-tests.

12.01 (13) **“Highly Advanced Gifted Child”** means a gifted child whose body of evidence demonstrates a profile of exceptional ability or potential compared to same-age gifted children. To meet the needs of highly advanced development, early access to educational services may be considered as a special provision. For purposes of early access into kindergarten or first grade, the highly advanced gifted child exhibits exceptional ability and potential for accomplishment in cognitive process and academic areas.

12.01 (14) **“Parent”** for purposes of this Rule 12 means the natural or adoptive parent, or legal guardian, unless the gifted student is also a child with a disability in which case parent shall be defined consistent with federal special education law.

- 12.01 (15) **“Performance Assessment”** means systematic observation of a student’s performance, examples of products, tasks, or behaviors based upon established criteria, scoring rubric or rating scale norms.
- 12.01 (16) **“Pre-Collegiate”** means a variety of programs to help students plan, apply and pay for college. Programs may be offered through middle and high schools, colleges and universities or community organizations and businesses.
- 12.01 (17) **“Pre-Advanced Placement”** means a variety of programs and strategies that prepare students to take advanced placement courses beginning in the early grades, through middle school and high school. “Advanced Placement” means college-level courses and/or exams offered and certified through the College Board.
- 12.01 (18) **“Qualified Personnel”** or **“Qualified Person”** means a licensed, content endorsed teacher who also has an endorsement or higher degree in gifted education; or who is working toward an endorsement or higher degree in gifted education.
- 12.01 (19) **“Screening”** means an assessment method that uses a tool(s) to determine if the resulting data provides evidence of exceptional potential in an area of giftedness. Screening tools may be qualitative or quantitative in nature, standardized and/or normative. Screening data are one component in a body of evidence for making identification and instructional decisions.
- 12.01 (20) **“Special Educational Services”** or **“Special Educational Programs”** means the services or programs provided to exceptional children including children with disabilities and gifted students.
- 12.01 (21) **“Special Provisions”** means the programming options, strategies and services necessary to implement the gifted student’s ALP.
- 12.01 (22) **“Twice Exceptional”** means a student who is:
- 12.01 (22) (a) Identified as a gifted student pursuant to Section 12.01(9) of these Rules; and
 - 12.01 (22) (b) (1) Identified as a child with a disability pursuant to Section 4.02 of these Rules; or
 - 12.01 (22) (b) (2) A qualified individual pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. §794.

12.02 Administrative Unit Gifted Education Program Plan.

In order to be eligible for funding under these Rules, an AU shall submit a gifted education program plan (program plan) for educating gifted students to the Department on an annual basis. Filing of the program plan shall constitute application for funding. Plans shall be filed by April 30 of the fiscal year prior to the funding year. The Department will review all program plans for completeness. A program plan shall be deemed complete if it addresses all elements specified in Section 12.02(1)(a) through 12.02(1)(f) of these Rules.

12.02 (1) Elements of the program plan.

A program plan for the education of gifted students submitted to the Department for funding purposes shall contain the following elements:

- 12.02 (1) (a) **Communication Outreach.**

The program plan shall describe how the AU will communicate to parents and educators about available gifted programming options within the AU and how those options may be accessed.

12.02 (1) (b) **Definition of “gifted and talented student” .**

The program plan shall include a written definition that is the same as or substantially similar to the definition of “gifted and talented student” specified in section 12.01(12) of these Rules. This definition shall serve as the basis for the implementation of all other program plan elements described below.

12.02 (1) (c) **Identification procedure.**

The program plan shall describe the assessment process used by the AU for identifying students who meet the definition specified in section 12.01(12) and for identifying the educational needs of gifted students. The assessment process shall recognize a student’s exceptional abilities or potential, interests, and needs in order to guide student instruction and individualized programming. The assessment process shall include, but need not be limited to:

12.02 (1) (c) (i) A method(s) to ensure equal and equitable access for all students. The program plan shall describe the efforts the AU will make to identify gifted students from all populations, including preschool (if applicable) through twelfth grade students, minority students, economically diverse students, culturally diverse students, students with limited English proficiency and children with disabilities;

12.02 (1) (c) (ii) Referral and screening procedures;

12.02 (1) (c) (iii) Multiple sources of data in a body of evidence (i.e. qualitative and quantitative);

12.02 (1) (c) (iv) Criteria for determining exceptional ability or potential;

12.02 (1) (c) (v) A review team procedure; and

12.02 (1) (c) (vi) A communication procedure by which parents are made aware of the assessment process for their student, gifted determination, and development and review of the student’s ALP.

12.02 (1) (H) **Early Access.**

If early access is permitted in the AU, an AU shall include in its program plan provisions to identify and serve highly advanced gifted children pursuant to Section 12.08 of these Rules. Constituent schools or districts within the AU shall abide by the requirements established in the program plan.

12.03 Reports.

Any AU receiving funding under the provision of Section 12.00 shall submit to the Department by September 30 a report for the prior fiscal year, including:

- 12.03 (1) a detailed report of financial income and expenditures;
- 12.03 (2) the number of formally identified gifted students served through gifted student programming reported by:
 - 12.03 (2) (a) each grade level, preschool (if applicable) through grade 12;
 - 12.03 (2) (b) gender and ethnicity;
 - 12.03 (2) (c) twice exceptional; and
 - 12.03 (2) (d) gifted preschoolers served through early entrance per local policies and procedures, if applicable;
- 12.03 (3) the number of non-identified students served through gifted student programming;
- 12.03 (4) the percent of students in the AU who have been identified as gifted and talented through a formal identification procedure;
- 12.03 (5) the number of qualified personnel;
- 12.03 (6) the types of programming strategies utilized most commonly at each school level to address the needs of gifted students reported by:
 - 12.03 (6) (a) programming options for each area of giftedness as specified in 12.01(12) of these Rules;
 - 12.03 (6) (b) methods of articulation through the grades; and
 - 12.03 (6) (c) methods and tools used in accountability to monitor gifted student achievement and commensurate growth related to the implementation of the programming components; and
- 12.03 (7) administrative units and their member districts, if any, shall comply with the requirements of accreditation, pursuant to Article 11 of Title 22, C.R.S., with regard to gifted student achievement, identification of disparities in the data, instructional goals, growth and reporting.

12.08 Early Access

- 12.08 (1) **General Provisions**
 - 12.08 (1) (a) Early access shall be provided by the AU to identify and serve highly advanced gifted children who are:
 - 12.08 (1) (a) (i) Four years of age and for whom early access to kindergarten is deemed appropriate by the AU; and

- 12.08 (1) (a) (ii) Five years of age and for whom early access to first grade is deemed appropriate by the AU.
- 12.08 (1) (b) If the AU permits early access, early access provisions shall be included in its early childhood and gifted instructional programs, and the AU shall expand access to kindergarten through grade one for students deemed appropriate for early access.
- 12.08 (1) (c) Early access shall not be an acceleration pattern recommended for the majority of age 4 or age 5 gifted children who will benefit from preschool gifted programming that responds to the strength area. The purpose of early access is to identify and serve the few highly advanced gifted children who require comprehensive academic acceleration.
- 12.08 (1) (d) When an AU permits early access, its program plan shall describe the elements of an early access process and how those elements, criteria and components will be implemented. Determinations made by the AU shall be made after consideration of criteria required by Section 12.08(2)(d) of these Rules.
- 12.08 (1) (e) In 2008, an AU may submit an early access addendum to its program plan by September 10, 2008. Thereafter, AUs shall submit an addendum for early access by January 1 preceding the initial school year in which early access will be permitted, thus early access assessment may occur after the addendum is approved by the Department.

12.08 (2) Elements of an Early Access Process

An early access process shall include the following elements:

12.08 (2) (a) Communication

The AU shall communicate with parents, educators and community members as specified in Section 12.02(1)(a) of these Rules. Early access communication is:

- 12.08 (2) (a) (i) Information about the criteria and process for identifying a highly advanced gifted child for whom early access is deemed appropriate, time frames, portfolio referral, deadlines, specific tests and threshold scores used to make final determinations concerning such a student;
 - 12.08 (2) (a) (ii) Professional development of educators, or other means to increase the understanding of a highly advanced gifted child and the educational needs of such a student;
 - 12.08 (2) (a) (iii) A method for collaborative efforts among preschool, general and gifted education personnel and parents; and
 - 12.08 (2) (a) (iv) An advanced learning plan for the highly advanced gifted child determined appropriate for early access.
- 12.08 (2) (b) Optional Fee Condition**
- 12.08 (2) (b) (i) The AU may charge parents a reasonable fee for assessment and other procedures performed for the purpose of identifying a highly advanced gifted child and making determinations for early access. The AU shall describe the fee related to the implementation of the referral, testing and/or decision making processes.

- 12.08 (2) (b) (ii) No charge shall be assessed if the child who is the subject of such assessments is eligible for a reduced-cost meal or free meal pursuant to the federal "National School Lunch Act", 42 U.S.C. §1751, et seq.
- 12.08 (2) (b) (iii) When evaluating the need for fees, the AU will:
 - 12.08 (2) (b) (iii) (A) Integrate the costs of assessment and decision making into the ongoing general instructional and assessment practices conducted by early childhood and gifted education personnel to the maximum extent possible;
 - 12.08 (2) (b) (iii) (B) Take into account the economic circumstances of the community and applicant's family; and
 - 12.08 (2) (b) (iii) (C) Consider test results within three months of application from outside licensed professionals paid by the parent.

12.08 (2) (c) **Funding and Reporting**

Administrative units that permit early access shall receive funding from the state education fund created in Article IX, Section 17(4) of the Colorado Constitution. To receive funding the AU shall abide by the Rules in this Section 12.08, and:

- 12.08 (2) (c) (i) Support integration of early access in early childhood and gifted programming;
- 12.08 (2) (c) (ii) Report age four gifted children provided early access using date of birth, grade level placement and gifted student designations on the October Enrollment Count and the End-of-Year Report; and
- 12.08 (2) (c) (iii) Report age five gifted children provided early access using date of birth, grade level placement and gifted student designations on the October Enrollment Count and the End-of-Year Report.

12.08 (2) (d) **Criteria for Early Access**

The AU shall evaluate a child referred by the parent for early access using the following criteria. The evaluation will lead to a student profile of strengths, performance, readiness, needs and interests, and a determination of appropriate placement. All criteria must be considered in making the determination – test scores alone do not meet the standards of a determination.

- 12.08 (2) (d) (i) Aptitude
 - 12.08 (2) (d) (i) (A) Aptitude supporting early access is indicated by a highly advanced level of performance compared to age-peers on cognitive abilities rating scales or 97th percentile and above on standardized cognitive ability tests. Every child with a score above 97th percentile may not benefit from early access to kindergarten or first grade.
 - 12.08 (2) (d) (i) (B) The AU shall describe the method(s) and the developmentally appropriate tools for assessment that will be used to determine potential in general cognitive abilities and school

success (e.g., individualized ability test, such as the Wechsler Preschool and Primary Scale of Intelligence or Woodcock Johnson Cognitive Ability Scale, or Kaufman Brief Intelligence Test).

- 12.08 (2) (d) (ii) Achievement
- 12.08 (2) (d) (ii) (A) Achievement supporting early access is indicated by a highly advanced level of performance compared to age-peers on achievement rating scales, performance assessment, or 97th percentile and above on standardized achievement tests. Typically, early access children function two or more years above their age peers.
- 12.08 (2) (d) (ii) (B) The AU shall describe the method(s) and tools for assessment that will be used to determine knowledge and skills in reading, writing and mathematics (e.g., curriculum-based assessment, above-level testing, and individualized achievement tests, such as the test of early math ability/reading ability, Woodcock Johnson III Tests of achievement, or Iowa Tests of basic skills).
- 12.08 (2) (d) (iii) Performance
- 12.08 (2) (d) (iii) (A) Performance supporting early access is indicated by work samples and informal teacher and/or parent data indicating demonstrated ability above age peers.
- 12.08 (2) (d) (iii) (B) The AU shall describe the method(s) and tools for assessment that will be used to determine actual demonstration of the student's work (e.g., work samples, independent reading, advanced vocabulary, observational data).
- 12.08 (2) (d) (iv) Readiness, Social Behavior and Motivation
- 12.08 (2) (d) (iv) (A) Readiness, social behavior and motivation for early access are determined by the child's ability to demonstrate the indicators deemed necessary for kindergarten or first grade by the district's standards or national standards (e.g., district readiness checklist, normed-checklists and rating scales, such as the California Preschool Competency Scale or the Preschool/Kindergarten Behavioral and Social Scale or Bracken School Readiness).
- 12.08 (2) (d) (iv) (B) The AU shall describe the method(s) and tools for evaluation that will be used to determine a child's readiness for kindergarten or first grade, social maturity, and eagerness to learn.
- 12.08 (2) (d) (v) Support Systems
- 12.08 (2) (d) (v) (A) The AU shall define and implement a support system to assist in a child's success in and transition through early access by evidence of:
 - 12.08 (2) (d) (v) (A) (I) A letter of determination of the early access decision signed by the parent, gifted education staff, early childhood staff, the receiving teacher and building administrator indicating recognition and support of the

child's placement (determination letters will be placed in the child's cumulative file);

12.08 (2) (d) (v) (A) (II) A transition goal in the child's advanced learning plan for the first year of early access;

12.08 (2) (d) (v) (A) (III) Methods of communication with the student about school success; and

12.08 (2) (d) (v) (A) (IV) Methods for parent-teacher communication.

12.08 (2) (d) (v) (B) The AU will describe how parents, teachers, school administrators and the learning environment will contribute to a positive support system.

12.08 (2) (e) **Process for Early Access**

The AU shall establish a collaborative process among parents, preschool, general and gifted educators and school administration for evaluating early access referrals. The process implemented shall include the following components:

12.08 (2) (e) (i) Timelines

12.08 (2) (e) (i) (A) Applications for early access are due by April 1 for the next school year. Each AU shall declare when it will begin accepting applications.

12.08 (2) (e) (i) (B) Determinations shall be made within 60 calendar days of the AU receiving the child's portfolio submitted by the child's parent in accordance with Section 12.08(2)(e)(iii)(A) of these Rules.

12.08 (2) (e) (i) (C) For referrals received after April 1, the AU may, at its discretion, consider the child's information, provided the determination is made by September 1 or by the start of the upcoming school year, whichever is earlier.

12.08 (2) (e) (i) (D) A student shall be age 4 by the district's start date for kindergarten; and, age 5 by the district's start date for first grade.

12.08 (2) (e) (ii) Personnel

The AU shall identify personnel at the AU, district, and/or school level who will be involved in the early access process based on the following list. Designated personnel may serve in multiple capacities during the early access process.

12.08 (2) (e) (ii) (A) A person designated to collect portfolio referrals;

12.08 (2) (e) (ii) (B) Educators designated to collect data used in a body of evidence including the test examiner(s), early childhood teacher(s), a gifted education resource person, and others as identified by the AU (e.g., a performance assessment team, principal);

- 12.08 (2) (e) (ii) (C) A determination team consisting of an AU level or school level gifted education resource person, a teacher in early childhood, and others as identified by the AU (e.g., principal, psychologist, counselor, parent);
- 12.08 (2) (e) (ii) (D) A support team during transition including the receiving teacher and school administrator, parents, and gifted education/early childhood personnel; and
- 12.08 (2) (e) (ii) (E) Other persons helpful in collecting data or making determinations, including the person who assisted in developing the screening portfolio.

12.08 (2) (e) (iii) Evaluation

The AU shall describe the implementation steps for early access evaluation. The steps shall include, but not be limited to:

12.08 (2) (e) (iii) (A) Screening Portfolio

Parents are responsible for collecting the information required for an early access portfolio application, and for submitting the portfolio to the appropriate AU personnel. The AU must describe the requirements for an application portfolio that shall include:

12.08 (2) (e) (iii) (A) (I) Applicant contact information;

12.08 (2) (e) (iii) (A) (II) A screening tool completed, individually, by the parent and the child's current teacher; or, if the child is not in school, by the parent and another adult who knows the child from other early childhood experiences (developmentally appropriate screening tools are district-developed tools and/or standardized tools, like the Gifted Rating Scales for Preschool and Kindergarten or the Kingore Observation Scale); and

12.08 (2) (e) (iii) (A) (III) Information about the performance of the child that provides evidence of a need for early access evaluation (e.g., work samples, data from the child's current teacher or an adult from early childhood experiences, or indicators of early access readiness factors).

12.08 (2) (e) (iii) (B) Referral

The AU shall designate the gifted education director/coordinator, principal, or other qualified person, to accept the referral portfolio provided by the parent, and make an initial decision as to whether early access assessment should continue.

12.08 (2) (e) (iii) (C) Testing and a Body of Evidence

The AU shall conduct the necessary tests and collect student information, including test results accepted pursuant to Section 12.08(2)(b)(iii)(C) of these Rules, regarding the criteria and factors for

early access outlined in Section 12.08(2)(d) of these Rules. The body of evidence is complete if data regarding all criteria, and other considerations deemed necessary by the AU, are compiled for data analysis and decision making.

12.08 (2) (e) (iii) (D) Decision Making

12.08 (2) (e) (iii) (D) (I) Early access decisions will be a consensus process within the determination team that analyzes multiple criteria from a body of evidence resulting in a student profile of strengths, needs and interests of the child. Test scores alone will not determine early access. If the team cannot reach consensus, the building principal or the gifted education director/coordinator shall make the final decision in accordance with the AU's early access program plan.

12.08 (2) (e) (iii) (D) (II) A determination letter will be signed by members of the determination team and the parent; and, forwarded for signature of the receiving teacher and principal if they are not on the determination team. Parents may accept or decline the offer of early access. When a child is deemed appropriate for early access, an advanced learning plan (ALP) shall be developed according to the AU's procedures, but no later than the end of the first month after the start of school. The ALP shall include academic and transition goals.

12.08 (2) (e) (iii) (D) (III) If the determination team finds the child gifted, but does not find that the child meets the criteria for early access, the team will provide the child's school with the child's assessment portfolio for serving the area of exceptionality in the child's public preschool or public kindergarten program.

12.08 (2) (e) (iii) (D) (IV) If the student transfers during the first year of an early access placement the new AU shall maintain the placement.

12.08 (2) (e) (iv) Monitoring of Student Performance

The student's teacher shall monitor student performance at least every five weeks during the student's first year of early access. The monitoring process shall be based on the advanced learning plan and performance reports shared with the parents and child.

12.08 (2) (e) (v) Dispute Resolution

A dispute resolution process for early access shall be in accordance with Section 12.06 of these Rules.