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## LEGAL REQUIREMENTS & FUNDING

### **Do charter schools need to offer gifted education programming?**

Yes, all public schools in Colorado are required to identify and provide programming for gifted students. The Exceptional Children's Educational Act (ECEA) Rules can be found on the Colorado Department of Education, Office of Gifted Education website under the Laws and Regulations tab. <http://www.cde.state.co.us/gt/lawsregs>

Rules provide definitions and guidelines for programming elements such as: Parent, student and family engagement; identification procedures; Advanced Learning Plan (ALP) procedures; personnel; budget; evaluation; and accountability.

Each CSI school is required to develop a Gifted Education Program Plan that describes how the school will identify and serve gifted students in accordance with state law. The [program plan template](#) can be found on the CSI website's Gifted Education Page.

### **What funding is available for gifted education?**

The primary funding source for gifted education is per pupil revenue. State categorical funds for gifted education ([3150 – ECEA Gifted](#)) are supplemental and help to offset the costs of a gifted program. These funds provide resources and support for the instruction and growth of gifted students. Areas for eligible expenditures are: personnel who work directly with gifted students and the gifted program; student instructional activities; student materials; activities related to gifted education; equipment used for the instruction identification or assessment of gifted students; and professional development for educators/parents of gifted students. CDE provides a [chart of examples](#) of possible gifted education fund expenditures.

**Universal Screening Grant:** The Colorado Department of Education and House Bill 14-1102 provide schools the opportunity to apply for funds to offset the costs of conducting Universal Screening in a K-2 grade, and/or in conjunction with ICAP planning at the middle school level. "Universal Screening" means the systematic assessment of ALL students within a grade level for identifying students with exceptional ability or potential. Schools are strongly encouraged to include universal screening in identification procedures. CSI conducts a grant application process in May for schools wishing to apply for funds to offset the cost of purchasing state approved cognitive assessments for Universal Screening. Awards are announced in August.

## ADMISSIONS, ENROLLMENT & OCTOBER COUNT

### **Can the school's application or letter of intent ask if a student was identified as gifted at a prior school?**

Public schools must provide equal access to all students and should avoid admissions practices that may indicate bias in favor of gifted or advanced students. Therefore, pre-admissions materials, including the letter of intent, may not ask about a gifted designation.

Once a student has been admitted, enrollment paperwork should include a question about prior gifted identification and a request for records to the former school should include a request for a student's Advanced Learning Plan (ALP) for gifted programming.

**What happens if child identified by another district moves to our school? Another state?**

In Colorado, identification transfers with the child if he/she is moving to another district or charter school in the state. In Colorado law, this is called "[portability](#)" of identification. The receiving school must review the transfer ALP within 45 school days of the student's start date. If the receiving school does not find a body of evidence to support the identification, the receiving school may conduct further assessment to confirm identification (re-evaluate). The decision to accept the identification or re-evaluate must be made and communicated to the guardian within 60 days of the student's first date of attendance.

If a student transfers from another state, the school may honor the identification if the sending school's body of evidence meets Colorado identification criteria. If the receiving school does not find a body of evidence to support the identification, the receiving school may re-evaluate.

Students who are part of a military family do have portability from state to state. The receiving school shall initially honor placement of the student in the gifted education program. The receiving school may perform subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

**Is a school required to offer the student the same gifted programming that they were receiving at the previous school, as written on the sending school ALP?**

The student's identification is portable, but the programming will vary from school to school. The receiving school should develop the new ALP with parent input within 60 school days of the student's start date.

**The number of students identified as gifted on CSI's Annual Performance Report and Student Services Screener is different than our school's actual caseload. Why?**

CSI uses the data submitted through October Count Student Association File (SSA) to determine the number and type of gifted students at a school. The school should develop procedures to ensure that all students who are identified are coded properly in the Student Information System (PowerSchool or Infinite Campus). Gifted Leads should verify the number and type of gifted students on the SSA prior to the final October Count submission.

## **IDENTIFICATION OF GIFTED STUDENTS**

**At what age may a child be identified?**

Colorado law requires all public schools, including charter schools, to identify and serve students between the ages of five and twenty-one, and age four in districts that have an [Early Access](#) plan that has been approved by the state. Many schools screen for exceptional potential by the end of second grade. However, if a student demonstrates gifted abilities prior to this time, identification may occur at any time.

**Who can refer a child for possible gifted identification?**

Colorado law states that a school should have multiple types of referrals, from multiple sources and at multiple times during a student's educational career. An [educator](#), [parent](#) or [student](#) may submit a referral. Schools may have different types of referral forms. These referral documents may be located on a school's gifted website or by contacting the school's gifted coordinator.

**If a referral is made for possible gifted identification, does this automatically mean the child will be tested?**

A referral made for possible gifted identification does not necessarily lead to the administration of specific cognitive or achievement assessments. The identification team will carefully consider the referral, examine current assessment data the student may have and then determine appropriate next steps. This may or may not include administering additional tests to the student.

**Does the school need to obtain permission to test for gifted identification purposes?**

If the school has received a referral for gifted identification and the identification team determines that specific cognitive or achievement assessments should be administered, the school will need to obtain written [permission to test](#) from the guardian.

If the school is conducting Universal Screening of an entire grade level for the purposes of identifying students with gifted potential, the school is not required to obtain permission to test from the guardian. It is recommended that the school inform the guardian of the screening. Guardians may opt out of Universal Screening.

**Once a referral is made, how soon will a decision be made about identification?**

Colorado law specifies an identification team has a timeline of no more than 30 school days after a referral is received to determine whether a student will be formally identified or if more time is needed to continue with identification assessment. The team's decision should be communicated to the parent, student and other educators. This does not mean an identification determination must be made within 30 days, rather all stakeholders should receive information on intended next steps of the identification process within this time frame.

**What tests might be used for identification?**

Schools have a choice as to what assessment tools are used in the student's body of evidence. Typically, the following instruments are used in a body of evidence for identification: tests of cognitive ability; standardized achievement tests; norm-referenced behavior rating scales; performance observation data; and anecdotal data collected from teachers and the student. The CDE provides a list of [commonly used assessment tools](#).

**Does a child have to have a certain score on these tests to qualify as gifted?**

ECEA Rules define the criteria used for identification. This includes demonstration in the body of evidence of an advanced level on performance assessments and/or ninety-fifth percentile and above on standardized, norm-referenced assessments. Not meeting criteria on a single assessment tool shall not prevent further data collection or consideration for gifted identification, if other indicators suggest exceptional potential as observed in a body of evidence.

**Is the parent required to participate of the identification process?**

Colorado Rules state parents should have the opportunity to provide input in the identification process. There is an expectation that parents will provide insight into the needs and interests of their child, and their input can add value to the identification process. If a parent is requested to complete a norm-referenced observation scale, a school may choose to use this as qualifying evidence for identification. Schools are not required to include parents as members of the determination team.

**In what areas might a child be identified?**

ECEA Rules define the areas for identification to include:

- [General and Specific Intellectual Ability](#)

- [Specific Academic Aptitude](#) to include: reading, writing, math, science, social studies and world languages
- [Specific Talent Aptitude](#) to include: visual arts, performing arts, music, dance, psychomotor, creative/productive thinking, and leadership

A student may be defined in one or more of these areas.

### **What will happen after a child is identified?**

After identification, the parents, school staff and the student will work together to develop an individualized Advanced Learning Plan (ALP). The ALP will include achievement and affective annual goals for the student and describe the type of programming services that will be provided to meet the unique educational needs of the newly identified student. CDE has comprehensive resources regarding the [Advanced Learning Plan](#) development.

## **PROGRAMMING**

### **What are best practices in gifted programming?**

Schools should offer a continuum of gifted programming that articulates from grade to grade. This [article](#) by the Davidson Institute for Talent Development discusses some options that are proven to be effective with gifted students. Additionally, CDE has a [webpage](#) devoted to programming that includes tutorials and other resources.

### **Can a guardian refuse gifted education services?**

If a school wishes to evaluate a student for the purposes of gifted identification, the guardian has the right to refuse to allow the student to participate in the evaluation process. The school should obtain a written statement that indicates that the guardian is declining the gifted identification assessment and that if the guardian wishes to have the student assessed in the future, the guardian will need to provide a written request. The refusal letter should be maintained in the cumulative file.

If a student has already been identified and the guardian wishes to refuse services, the gifted coordinator should consult with the guardian and explain the criteria for gifted identification and the options for gifted programming that are available to meet the student's needs. If after consultation, the guardian still wishes to refuse services, the refusal should be documented on the most recent ALP and the guardian should fill out a [written refusal document](#). Both the ALP and the written refusal should be maintained in the cumulative file. The student's gifted code(s) in the student information system (PowerSchool or Infinite Campus) should be removed.

## **PERSONNEL**

### **What are qualifications for staff working with gifted students?**

Colorado Rules state that those who provide instruction, counseling, coordination and other programming for gifted students shall be knowledgeable in the characteristics, differentiated instructional methods and competencies in the special education of gifted students. Qualified personnel with [endorsement or an advanced degree](#) in gifted education are preferred in specific programs and classrooms consisting of mainly gifted students. To meet the "in field" criteria for a gifted teacher without obtaining a degree or license in gifted education, a teacher should have 36 semester hours of documented coursework that corresponds to the [CDE Gifted Education Core worksheet](#).

### **Can paraprofessionals provide instruction for gifted education?**

Paraprofessionals may serve in supportive roles but may not be the sole instructional provider for gifted programming. Paraprofessional salaries/benefits may not be supported with 3150 funds.

### **What opportunities are available for professional development related to gifted education?**

CSI offers training to new Gifted Leads Gifted Education Orientation in August/September of each year. CSI hosts webinars throughout the year on various gifted education topics.

Additional resources for professional development are:

[CDE Office of Gifted Education \(Face to Face and online courses, and webinars\)](#)

[Colorado Association for Gifted and Talented Conference \(October\)](#)

[University of Denver Gifted Education Conference \(February\)](#)

[Beyond Giftedness Conference \(February\)](#)

[Graduate Programs](#)

## **EARLY ACCESS IDENTIFICATION**

### **What is Early Access?**

House Bill 08-1021 created the opportunity for Colorado administrative units (AUs) to accelerate highly advanced gifted children age 4 for kindergarten and/or age 5 for first grade through an early access procedure. Early access is not 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. Children for early access are exceptionally gifted and ready for school earlier than their same-age peers. Academic achievement, reasoning ability, performance and motivation are keen compared to other gifted children. To meet the needs of highly advanced development, early access to educational services may be considered as a special provision.

Many young gifted children are ready for advancement in one or two areas of development. Full grade acceleration at this young age may not be appropriate; however, grade level acceleration may be considered at another point in time. Regular public or private preschools or home schooling meet the needs of the majority of gifted 4 and 5 year olds. Early access is intended to support students who are evaluated to be exceptional in aptitude/cognitive reasoning, academics, school readiness and motivation.

### **Does our school have to offer Early Access?**

As the administrative unit (AU) for gifted education, CSI has adopted provisions for Early Access; therefore, according to statute, all CSI elementary schools must develop procedures for offering early access.

### **What are the required procedures for Early Access?**

CSI has developed an [Early Access procedure](#) that complies with ECEA Rules. It includes requirements for communicating the early access application and identification timeline to families; application portfolio requirements; the formal assessment process; the school team determination process, and a dispute resolution process.

### **What tests might be used for identification?**

Schools must assess early access applicants in four areas: achievement in reading, math and writing; aptitude; performance and behavior/school readiness. Schools have a choice as to what

assessment tools are used. The CDE provides a [list of commonly used early access assessment tools](#).

**Does a child have to have a certain score on these tests to qualify for Early Access?**

ECEA Rules define the criteria used for identification. Early access applicants must score at or above the 97<sup>th</sup> percentile on norm-referenced achievement tests in reading, writing and mathematics; AND at or above the 97<sup>th</sup> percentile on a norm-referenced cognitive rating scale; AND demonstrate advanced performance (typically two years above age peers) based on a portfolio or work and/or parent teacher data; AND have data that supports school readiness.

**Can we charge fees for Early Access assessments?**

Schools can charge 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. No charge shall be assessed if the applicant is eligible for free or reduced lunch.

Typical fees assessed by school districts across the state include:

- Application fee (submitted with application portfolio): not more than \$25
- Cognitive and achievement testing fee (assessed if a student moves to formal testing): ranges from \$125 - \$300, depending on cost of assessment by school psychologist.

## Where can I learn more?

- Visit the Colorado Department of Gifted Education Website: <https://www.cde.state.co.us/gt>
- Contact your school's Gifted Education Lead: <https://resources.csi.state.co.us/gifted-education-leads/>