

**Exceptional Children's Educational Act:
Portions Pertaining to Gifted Children
(including changes made by HB 07-1244)**

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 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 that include such gifted children.

22-20-103. Definitions.

As used in this article, 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 gifted and talented programming utilized with each gifted child and considered in educational planning and decision making.

(3) "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.

(12) "Exceptional children" means:

(a) Those children defined in subsection (5) of this section as children with disabilities. An administrative unit shall serve every child with a disability from three to twenty-one years of age, children with disabilities from birth through two years of age, and persons enrolled in special educational programs or receiving special educational services deemed to be "exceptional children" for all purposes of this article.

(b) Those children defined in subsection (13) 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.

(13) "Gifted children" means those persons from five to twenty-one years of age whose abilities, talents, and potential for accomplishments are so outstanding that they require special provisions to meet their educational needs.

(24) "Special educational services" or "special educational programs" means the services or programs provided to gifted children pursuant to this article.

22-20-104. Administration - advisory committee - rules.

(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:

(XI) Criteria for administrative units to satisfy in adopting program plans to identify and serve gifted students.

22-20-104.5. Plan for academic excellence - inclusion of gifted children - cooperation.

(1) 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. 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.

(2) Institutions of higher education which are located within the state are encouraged to work with the administrative units, the state board, and the department to provide staff development and in-service opportunities to support such management plans specified in subsection (1) of this section.

(3) Funding for the gifted shall be for appropriately certified, endorsed, or licensed staff, for activities related to serving gifted children, and for educational equipment and materials. Funding for gifted programs shall supplement, not supplant, programs for students with disabilities.

(4) For each fiscal year, appropriations made by the general assembly to fund programs for gifted and talented children shall be designated by a separate line item in the annual general appropriation act.

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. 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.