

# Family Rights in Gifted Education

## Procedural Safeguards Notice

An Explanation of Procedural Safeguards  
Available Under the Provisions of the  
Colorado Rules for the Administration of  
the Exceptional Children's Educational Act (ECEA)  
**for families of identified gifted students in Colorado.**

The Exceptional Children's Educational Act (ECEA) requires all administrative units (AUs) in Colorado to identify and serve students between the ages of five and twenty-one, and age four in administrative units with Early Access, whose aptitude or competence in abilities, talents, and potential for accomplishment in one or more domains are so exceptional or developmentally advanced that they require special provisions to meet their educational programming needs.

**The purpose of this document is to provide a summary of information regarding gifted students' rights in the state of Colorado according to the Exceptional Children's Educational Act (ECEA). Families will be better equipped to advocate for their gifted child when aware of their rights.**

**This is not a summary of the entire ECEA.**

**You can access the full document here:**

**<https://www.coloradosos.gov/CCR/GenerateRulePdf.do?ruleVersionId=10194&fileName=1%20CCR%20301-8>**

**More information about gifted and talented services and policies can also be found at the Colorado Department of Education's Gifted and Talented site:**

**<https://www.cde.state.co.us/gt>**

**Please consult your district (Administrative Unit) to find out more information regarding location-specific policies and procedures not outlined in this document.**

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**Administrative Unit (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 (see Rule 2.02 of these Rules).

Administrative units shall implement gifted education student programs providing programming options and services for gifted children for at least the number of days calendared for the school year by each school district.

### **Advisory Committee**

Administrative Units are highly encouraged to establish and maintain a local advisory committee for gifted education.

**“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:

### **General Intellectual Ability**

### **Specific Academic Aptitude**

Mathematics, Reading, Science, Social Studies, World Languages, Writing

## **Specific Talent Aptitudes**

Creative or Productive Thinking, Dance, Leadership, Music, Performing Arts (theater, speech and debate), Visual Arts, Psychomotor

**“Twice Exceptional”** means a student who is identified as a gifted student pursuant to Section 12.01(9) of the ECEA Rules; and

Identified as a child with a disability pursuant to Section 4.02 of these Rules; or

A qualified individual pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. §794.

**“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.

## **Advanced Learning Plans (ALPs)**

Advanced Learning Plan OR “ALP” means a written record of a gifted student’s strengths, academic and affective learning goals and the resulting programming utilized with each gifted child and considered in educational planning and decision making.

The ALP documents shall be part of the student’s cumulative education records. An ALP shall be developed for every gifted student according to the student’s determined area(s) of giftedness, interests, and instructional and affective needs. The working-document section of the ALP is updated at least annually with routine progress monitoring reports during the year.

Teacher(s) and other school personnel directly responsible for instruction or program delivery develop ALP goals in collaboration with gifted personnel

at an end-of-year review or within the first month of the beginning of a school year.

## **Advanced Learning Plan Content**

The ALP shall be considered in educational planning toward post-secondary readiness outcomes and decision-making concerning subsequent programming for that student and be used in the articulation/transition process, preschool (if applicable) through grade 12. At the high school level ALPs may blend with the student's individualized career and academic plan (ICAP) if it includes achievement and affective goals. The ALP content shall include, but not be limited to:

- A student profile described in a body of evidence. This profile shall be subject to the AU's student records confidentiality guidelines. The local AU determines periodic updates of the student profile, especially in terms of interests, and/or demonstration of previously unidentified strengths;
- A working-document section of the ALP. This portion of the ALP records annual measurable, attainable achievement and affective goals and progress. **Achievement goals** are standards-based statements in strength area(s). Additional achievement goals may be needed to address documented achievement gaps or career interest. **Affective goals** reflect development of personal, social, communication, leadership, and/or cultural competency.
- Description or delineation of supplemental curriculum, activities, specific programs or coursework, specific strategies, and/or extended or expanded learning opportunities available in the AU that match a student's strength area(s) and support the goals;
- Progress reports that align with the AU's or member district's schedule for parent-reporting and/or conferences about student progress. Adjustments to goals and programming options may occur during any progress reporting period; and

- Personnel involved in ALP development, and in progress report meetings or conferences, including, but not limited to classroom teacher(s), student, parents, gifted education staff or staff with training in gifted education identification and programming, and support staff as appropriate.

## **ALP Procedures and Responsibilities**

The AU shall have procedures for developing ALPs that include:

- Notification of ALP development and times in the school year when parents, teachers and the student talk about student academic and affective goal progress;
- Personnel assigned with the responsibility for development and monitoring. At minimum the student's parents and classroom teachers should be familiar with and support ALP goals, and/or write ALP measurable goals according to local procedures. Gifted education resource personnel may assist in the writing of goals, but may not be the sole custodian of the ALP. Goals are written and aligned with classroom tiered instruction and expanded learning opportunities for supplemental or intensive programming;
- A method to develop student awareness and active participation in the ALP process;
- A process for management of ALPs within the cumulative file system including a procedure for transferring ALPs between grade levels, school levels, and districts. It is highly encouraged that ALPs are written by those working with the gifted student and that the ALP is an ongoing plan for coursework, tiered instruction, and increasing performance in the student's area of strength. ALP goals should be written or reviewed for current relevancy to teachers and students at the beginning of the school year;
- An ALP progress reporting timeline. The review of progress integrates with ongoing conference or reporting periods of the district.

It is highly encouraged that ALPs be student-led at the secondary level; and

- A system to show evidence of parent engagement and input in ALP development and in the review of progress. Evidence may include, but is not limited to: signature, electronic signature or checkbox of involvement, checklist, or other assurance supporting the student's growth. If after 3 documented attempts to contact the parents for signature, no parental signature is obtained, school personnel shall continue with ALP implementation and continue to engage parents in the process.

**Portability** means that a student's state-approved identification in one or more categories of giftedness transfers to any district in the state. Gifted programming must continue according to the receiving district's programming options. Portability of identification is a part of the student's permanent record and advanced learning plan.

**Identification Portability** shall be based upon AU implementation of statewide identification procedures, use of criteria set for exceptionality, and determination of a student's identification in one or more of the categories of giftedness as described in the state definition of gifted children in the ECEA. Administrative units shall implement procedures for statewide portability of identification that include:

- A requirement that the sending school/district transfer the body of evidence for identification and the ALP with student records when the student moves from one district to another;
- Review of the transferred student's ALP within 45 school days of start date to determine programming options and services that serve the identified area(s) according to the district and community resources of the receiving district;
- If the receiving district finds the body of evidence to be incomplete, the receiving district shall consult with, as practical,



the former district, parents, and student and re-evaluate the identification determination; and

- Communication to parents within 60 school days of start date about how the new district will meet the needs outlined in the student's ALP.

## **Dispute Resolution**

The program plan the AU submits to the CDE shall describe procedures for resolving disagreements with parents/guardians, or students in regard to identification, programming, and ALPs. The procedures for resolving disagreements shall include, but need not be limited to: a method for the aggrieved individual to express issues and concerns; a means to discuss disagreements in a timely manner with personnel designated by the district with authority to resolve the disagreement. The procedures shall afford the aggrieved individual notice of the decision giving rise to the dispute and an opportunity to be heard before the decision is implemented. The procedures must be posted for ease of access by stakeholders.

## **Student Education Records**

The ALP shall record programming options, and strategies utilized with individual students and shall be part of the student's record. The ALP shall be considered in educational planning and decision-making concerning subsequent programming for that student and be used in the articulation process, preschool (if applicable) through grade 12. Gifted student records shall describe the body of evidence that identifies strengths, interests and needs, and the ongoing programming and student achievement results.

## **Confidentiality of Student Education Records**

Individually identifiable records of students referred, assessed, evaluated, and/or served through programming for gifted and talented students in any

administrative unit shall be held to be confidential and protected in accordance with applicable federal and state laws and regulations.