

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date 02/02/18
Bill No: HB174

Sponsor: Rep. Christine Trujillo
Short Title: "SCHOOL-AGE PERSON" DEFINITION

Agency Code: 924
Person Writing: Ashley Eden
Phone: _____ **Email:** AshleyR.Eden@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY18	FY19		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY18	FY19	FY20		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0.0 - \$7,018.1	\$0.0 - \$7,018.1	0.0 - \$14,036.3	Recurring	Public School Budgets

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House Bill 174 expands the definition of “school-age person” in the Public School Finance Code to include “provided that a student who has been identified as qualifying for gifted education services pursuant to Section 22-13-6.1 NMSA 1978 may begin kindergarten early as part of an academic acceleration program pursuant to Section 22-13-6.1 NMSA 1978”.

This bill also adds “or is attending kindergarten as part of an academic acceleration program for gifted students as provided in Section 22-13-6.1 NMSA 1978”.

FISCAL IMPLICATIONS

The bill does not provide an appropriation. Any additional costs of evaluating the potential needs of gifted students would be borne by school districts. Given that approximately 2.4 percent to 6 percent of the student population is estimated have intellectual abilities two standard deviations above the mean or be identified as gifted, between 1,344 and 3,360 three-and –four-year olds children statewide may need to be considered under provisions of this bill. According to PED, in the 2016-2017 school year, there were 15,016 students in New Mexico identified as being gifted.

The bill allows gifted students early entrance into kindergarten in the school year when they turn three years of age, which could increase the number of program units generated in the public school funding formula.

Transportation costs for districts may increase if transportation is indicated in the gifted child’s Individual Education Program (IEP).

SIGNIFICANT ISSUES

Since giftedness is considered an exceptional program and not a part of the federal Individuals with Disabilities Education Act (IDEA) unless a student who is gifted has a disability under the IDEA, the federal term Free Appropriate Public Education (FAPE) does not apply to students who are determined to be “gifted only” in New Mexico. Instead, state special education rules for gifted education determine what procedures and programmatic standards apply as an “appropriate” free public school education for students who are gifted. The student’s IEP team is responsible for determining what is appropriate for the student who is gifted. Subsection E (2) of 6.31.2.12 NMAC allows for alternative methods of identification for giftedness due to the student’s cultural background, linguistic background, socioeconomic status or disability condition(s).

According to a 2010 Journal of Advanced Academics study, “both grade-based and content based acceleration are effective interventions in academic and social-emotional domains for high-ability students. Grade-accelerated students generally outperform their chronologically older classmates academically, and both groups show approximately equal levels of social and emotional adjustment.” The study noted there was no evidence that acceleration had a negative effect on a student’s social-emotional development and recommended the following framework for acceleration options.

PERFORMANCE IMPLICATIONS

Performance measures that inform if a younger student is successful within an accelerated environment and is successful in subsequent grades requires further investigation. Professional development and training based on serving younger students for school personnel will be required and cost burden will be incurred at the local level.

Provisions of the bill may affect performance measures related to graduation rates and student proficiency.

ADMINISTRATIVE IMPLICATIONS

Provisions of the bill require school districts to allow three-and-four-year old children who are identified as gifted early entry to kindergarten. PED would need to notify school districts and charter schools regarding the changes to the public school code and the requirements to procure appropriate assessments to evaluate children for giftedness at ages three and four.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB175 relating to public schools; currently requires the public education department to establish and expand acceleration opportunities for certain qualifying students.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None

AMENDMENTS

None