

<b>LFC Requester:</b>	<b>Sunny Liu</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto: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** 1/31/2021  
**Bill No:** HB130

**Sponsor:** Christine Trujillo  
**Short Title:** SCHOOL GIFTED EDUCATION REQUIREMENTS

**Agency Name and Code**    PED-924  
**Number:** \_\_\_\_\_  
**Person Writing**    John Sena  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 130 (HB130) would require the Public Education Department (PED) to establish standards for universal screening and child find for gifted students; establish standards for gifted education aligned with standards from the national association for gifted children; track funding for gifted education; and expand acceleration opportunities for certain qualifying students. HB130 also would require school districts to establish policies and procedures for universal screening and child find, annually evaluate the school district’s gifted services, and report its findings to a school district gifted education advisory committee.

**FISCAL IMPLICATIONS**

HB130 contains no appropriation.

**SIGNIFICANT ISSUES**

HB130 would require the PED to develop child find and universal screening standards for gifted students. This requirement would go beyond current federal special education regulations, which require states to have child find policies and procedures in place to ensure children with disabilities are “identified, located, and evaluated.” While gifted children in New Mexico are eligible for additional state special education funding, federal regulations for child find do not cover gifted students, and the federal government provides no additional funding for gifted education services.

Additionally, there are no federally mandated standards for gifted education. The National Association for Gifted Children developed its Pre-K to Grade 12 Gifted Programming Standards with input from a variety of stakeholders and review of current research and best practice. The PED already includes these standards in its guidance manual for gifted education.

HB130 would require the PED to triannually evaluate the effectiveness of each school district’s gifted education programming and annually evaluate the equity of identification statewide in each school district and charter school. The proposal, though, does not specify what metrics the department would use to evaluate programming nor does it define equity as it relates to gifted education identification. Lastly, it would require the department to include equity of racial, ethnic, socioeconomic, language, and disability group participation of gifted education and advanced performance in state accountability reporting.

HB130 would require school districts to develop policies and procedures for universal screening and child find; to allow any student who may benefit to receive academic acceleration and

enrichment in a timely manner. School districts would have to annually evaluate the effectiveness of their gifted education and services compared to state standards for excellence and report the results to their gifted advisory committee. As stated above, it is unclear what metrics the department would use to evaluate gifted programming, therefore making it unclear what standards district programming would be compared against.

In addition to adding artistry, leadership, and aptitude in specific academic areas to the list of areas in which students can demonstrate giftedness, HB130 also specifically defines requirements for school district gifted programming. They include considering the following:

- considering the potential need for social work services, transportation costs and occupational therapy for students identified as gifted pursuant to this section with another qualifying condition pursuant to Section 504 of the federal Rehabilitation Act of 1973 or the federal Individuals with Disabilities Education Act;
- adopting an academic acceleration and enrichment policy that allows all of the following:
  - a range of options such as: 1) skipping grades; 2) advancement by one or more grade levels in a single subject; 3) enrollment in concurrent high school and college credit courses; 4) credit for demonstrated mastery of subject matter; and 5) other research-based interventions for gifted and high-ability students such as school-wide enrichment;
  - specified nondiscrimination and inclusiveness of all students, including those with disabilities, language differences and socioeconomic differences;
  - provisions that the individualized education program team may make acceleration and enrichment decisions for students identified as gifted and that the student assistance team or district gifted education coordinator may make acceleration and enrichment decisions for other advanced students not identified as gifted; and
  - inclusion of procedures for: 1) appeal and due process; and 2) safe reversion of placement within a reasonable time frame if the acceleration is ineffective;
- upholding the student's right to accelerate through a dual-credit or concurrent credit course in the event that the student's home school offers the course that would allow the student to earn credit toward graduation;
- providing special supports for disadvantaged and disabled students who are also identified as gifted pursuant to this section to participate in acceleration and enrichment; and
- accepting accelerated credit or college credit earned at accredited schools toward graduation from the student's home high school.

Lastly, HB130 defines twice exceptional to mean a student who qualifies as a gifted student and meets the criteria for a disability under federal law. Under this proposal, if a twice exceptional student achieves a high score on an achievement test, the student would continue to be eligible for special education services. While there are times when a high score on an achievement test might be considered by an IEP team as a factor indicating that special education is no longer required, it would not automatically mean that the student is not eligible because there must be a formal evaluation to determine eligibility.

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

The PED would have to formally develop and adopt statewide standards for gifted education, as well as develop metrics and evaluation and reporting systems for school district gifted

programming. The additional administrative duties might require additional FTE.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP  
TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

At the first reporting date of the 2020-2021 school year, there were 12,591 students designated as gifted in New Mexico. Of those, 664 were twice exceptional.

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**