

HOUSE BILL

INTRODUCED BY

AN ACT

RELATING TO PUBLIC SCHOOLS; IMPOSING REQUIREMENTS ON SCHOOL DISTRICTS OFFERING GIFTED EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 22-13-6.1 NMSA 1978 (being Laws 1994, Chapter 25, Section 2, as amended) is amended to read:

"22-13-6.1. GIFTED ~~CHILDREN~~ STUDENTS—DETERMINATION AND SERVICES.—

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A. The department shall adopt standards pertaining to child find, universal screening, and the determination of who is a gifted child student and shall publish those standards as part of the educational standards for New Mexico schools. The department shall establish standards for equity and excellence in gifted education based on National Association for Gifted Children PreK-12 Programming Standards and shall publish those standards as part of the educational standards for New Mexico schools. The department shall tri-annually (every three years) evaluate the effectiveness of each school district's gifted education programming, and annually evaluate the equity of identification in each district and charter school, as well

last the state overall. The department shall create a funding code to track funds spent on gifted education, to periodically audit school and district use of funds generated by the SEG for gifted education. The department shall include equity of racial, ethnic, socioeconomic, language, and disability group participation of gifted education and racial, ethnic, socioeconomic, language, and disability group advanced performance in state accountability reporting.

B. In adopting standards to determine who is a gifted ~~child~~ student, the department shall provide for universal screening, and the evaluation of selected school-age [~~children~~] students by multidisciplinary teams from each ~~child's~~ student's school district. That team shall be vested with the authority to designate a ~~child~~ student as gifted. The team shall consider information regarding a ~~child's~~ student's cultural and linguistic background and socioeconomic background in the identification, referral and evaluation process. The team also shall consider any disabling condition in the identification, referral and evaluation process. No single test, criterion, or gatekeeping procedure such as IQ or teacher referral shall be permitted to disallow a student from identification.

C. Each school district ~~offering a gifted education program~~ shall develop policies and procedures for universal screening and ~~child~~ find. The school district shall develop policies and procedures to allow any student who may benefit to receive academic acceleration

and enrichment in a timely manner. The school district shall annually evaluate the equity and effectiveness of gifted identification and services compared to state standards for excellence and report to the district gifted education advisory committee(s). The school district shall create one or more gifted education advisory committees of parents, community members, students and school staff members. The school district may create as many advisory committees as there are high schools in the district or may create a single districtwide advisory committee. The membership of each advisory committee shall reflect the cultural diversity of the enrollment of the school district or the schools the committee advises. The advisory committee shall regularly review the goals and priorities of the gifted ~~program~~ education services, including the operational plans for student identification, evaluation, placement and service delivery and shall demonstrate support for the gifted ~~program~~ education services.

D. In determining whether a ~~child~~ student is gifted, the multidisciplinary team shall consider diagnostic or other evidence of the ~~child's~~ student's:

- (1) creativity or divergent-thinking ability;
- (2) critical-thinking or problem-solving ability;
- (3) intelligence; ~~and~~
- (4) achievement-;
- (5) artistry;
- (6) leadership; and

(7) aptitude in specific academic areas.

E. School districts offering a gifted education services

shall:

(1) consider 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 under Section 504 under the Rehabilitation Act

of 1973 or the Individuals with Disabilities in Education Act;

(2) adopt an academic acceleration and enrichment

policy that allows all of the following:

(a) 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;

(b) specified nondiscrimination and

inclusiveness of all students, including those with disabilities,

language differences and socioeconomic differences;

(c) provisions that the individual education

plan 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

(d) 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;

(3) uphold 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;

(4) provide special supports for disadvantaged and disabled students who are also identified as gifted pursuant to this section to participate in acceleration and enrichment; and

(5) accept accelerated credit or college credit earned at accredited schools toward graduation from the student's home high school.

F. A twice-exceptional student shall continue to be eligible for special education and related services even though the person achieves a high score on an achievement test. For purposes of this section, "twice exceptional" means a student who qualifies as a gifted student and meets the criteria for a disability under federal law."

