

FIFTY-SEVENTH LEGISLATURE **SB 38/a**
FIRST REGULAR SESSION, 2025

February 19, 2025

Mr. President:

Your **FINANCE COMMITTEE**, to whom has been referred

SENATE BILL 38, as amended

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike Senate Education Committee Amendments 5 and 6.

2. On page 1, line 15, strike "REORGANIZING THE", strike lines 16 through 18 and on line 19, strike "OMBUD ACT IN THE PUBLIC SCHOOL CODE" and insert in lieu thereof "DISTINGUISHING SPECIAL EDUCATION FROM GIFTED EDUCATION".

3. On page 2, line 18, after the semicolon, insert "and".

4. On page 2, strike lines 19 and 20.

5. Renumber the succeeding paragraph accordingly.

6. On page 20, between lines 20 and 21, insert:

"SECTION 11. 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.--

A. School districts shall provide gifted education appropriate to meet the needs of gifted students. The department shall promulgate rules and standards for the provision of gifted education in public schools, state educational institutions and other institutions wholly or partially supported by the state. The department shall monitor and enforce implementation of the rules and standards for the provision of gifted education.

~~[A.]~~ B. The department shall adopt standards pertaining to the determination of who is a gifted [~~child~~] student and shall

**FIFTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION, 2025**

SFC/SB 38

Page 2

publish those standards as part of the educational standards for New Mexico schools.

~~[B.]~~ C. In adopting standards to determine who is a gifted ~~[child]~~ student, the department shall provide for 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.

~~[G.]~~ D. Each school district offering a gifted education program shall create one or more 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, including the operational plans for student identification, evaluation, placement and service delivery and shall demonstrate support for the gifted program.

~~[D.]~~ E. 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

FIFTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION, 2025

SFC/SB 38

Page 3

(4) achievement."".

7. Renumber the succeeding sections accordingly.

8. On page 24, strike lines 18 through 25 and strike pages 25 through 33.

Respectfully submitted,

Senator George Muñoz, Chair

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 3 Against
Yes: Brandt, Campos, Gonzales, Muñoz, Padilla, Shendo,
Steinborn, Trujillo
No: Lanier, Tobiassen, Woods
Excused: None
Absent: None