

HOUSE BILL 483

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

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

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.--

A. The department shall promulgate rules to adopt
standards pertaining to universal screening and the
determination of who is a gifted ~~[child]~~ student and shall:

(1) publish those standards as part of the
educational standards for New Mexico schools;

(2) establish standards for equity and
excellence in gifted education based on national association

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1 for gifted children pre-kindergarten through twelfth grade
2 programming standards;

3 (3) publish the standards established pursuant
4 to Paragraph (2) of this subsection as part of the educational
5 standards for New Mexico public schools;

6 (4) triannually evaluate the effectiveness of
7 each school district's gifted education programming and
8 annually evaluate the equity of identification statewide in
9 each school district and charter school;

10 (5) create a funding code to track funds spent
11 on gifted education and periodically audit public school and
12 school district use of funds generated by the state
13 equalization guarantee distribution for gifted education; and

14 (6) include proportionality of racial, ethnic,
15 socioeconomic, language and disability group participation of
16 gifted education and advanced performance in state
17 accountability reporting.

18 B. In adopting standards to determine who is a
19 gifted ~~[child]~~ student, the department shall:

20 (1) provide for universal screening and
21 automatic identification of students obtaining advanced
22 performance levels on state achievement tests; and

23 (2) provide for the evaluation of selected
24 school-age ~~[children]~~ students by multidisciplinary teams from
25 each ~~[child's]~~ student's school district. That team shall be

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1 vested with the authority to designate a ~~[child]~~ student as
2 gifted. The team shall consider information regarding a
3 ~~[child's]~~ student's cultural and linguistic background and
4 socioeconomic background in the identification, referral and
5 evaluation process. The team also shall consider any disabling
6 condition in the identification, referral and evaluation
7 process. No single test, criterion or gatekeeping procedure,
8 such as intelligence quotient or teacher referral, shall be
9 permitted to disallow a student from identification.

10 C. Each school district ~~[offering a gifted~~
11 ~~education program]~~ shall:

12 (1) develop policies and procedures for
13 universal screening;

14 (2) develop policies and procedures to allow
15 any student who may benefit to receive gifted identification
16 and services in a timely manner; and

17 (3) annually evaluate the equity and
18 effectiveness of gifted identification and services compared to
19 state standards for excellence and report to the school
20 district's gifted education advisory committee.

21 D. Each school district shall create one or more
22 gifted education advisory committees of parents, community
23 members, students and school staff members. The school
24 district may create as many advisory committees as there are
25 high schools in the district or may create a single

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1 districtwide advisory committee. The membership of each
2 advisory committee shall reflect the cultural diversity of the
3 enrollment of the school district or the schools the committee
4 advises. The advisory committee shall regularly review the
5 goals and priorities of the gifted ~~[program]~~ education
6 services, including the operational plans for student
7 identification, evaluation, placement and service delivery, and
8 shall demonstrate support for the gifted ~~[program]~~ education
9 services.

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

- 13 (1) creativity or divergent-thinking ability;
- 14 (2) critical-thinking or problem-solving
15 ability;
- 16 (3) intelligence; ~~[and]~~
- 17 (4) achievement;
- 18 (5) artistry;
- 19 (6) leadership; and
- 20 (7) aptitude in specific academic areas.

21 F. School districts shall:

22 (1) adopt an academic acceleration and
23 enrichment policy that includes all of the following:

- 24 (a) a range of options such as: 1)
25 skipping grades; 2) advancement by one or more grade levels in

1 a single subject; 3) enrollment in concurrent high school and
2 college credit courses; 4) credit for demonstrated mastery of
3 subject matter; and 5) other research-based interventions for
4 gifted and high-ability students such as school-wide
5 enrichment;

6 (b) specified nondiscrimination and
7 inclusiveness of all students, including those with
8 disabilities, language differences and socioeconomic
9 differences;

10 (c) provisions that the individualized
11 education program team may make acceleration and enrichment
12 decisions for students identified as gifted and that the
13 student assistance team or district gifted education
14 coordinator may make acceleration and enrichment decisions for
15 other advanced students not identified as gifted; and

16 (d) inclusion of procedures for: 1)
17 appeal and due process; and 2) safe reversion of placement
18 within a reasonable time frame if the acceleration is
19 ineffective;

20 (2) uphold the student's right to accelerate
21 through a dual-credit or concurrent credit course in the event
22 that the student's home school offers the course that would
23 allow the student to earn credit toward graduation;

24 (3) provide special supports for disadvantaged
25 and disabled students who are also identified as gifted

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1 pursuant to this section to participate in acceleration and
2 enrichment; and

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

6 G. A twice-exceptional student shall continue to be
7 eligible for special education and related services even though
8 the person achieves a high score on an achievement test.

9 H. As used in this section, "twice-exceptional"
10 means a student who qualifies as a gifted student and meets the
11 criteria for a disability under federal law."

12 SECTION 2. A new section of the School Personnel Act is
13 enacted to read:

14 "[NEW MATERIAL] TEACHER PREPARATION FOR GIFTED
15 EDUCATION.--The department shall develop standards for teacher
16 preparation based on national association for gifted children
17 council for exceptional children teacher preparation standards.
18 Standards for gifted education teachers shall include standards
19 for teachers who provide services across educational domains
20 and standards for gifted education and talent development in
21 specific educational domains."

22 SECTION 3. APPROPRIATION.--One million dollars
23 (\$1,000,000) is appropriated from the general fund to the
24 public education department for expenditure in fiscal years
25 2023 and 2024 to assist public schools with implementing

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1 universal screening for gifted education. Any unexpended or
2 unencumbered balance remaining at the end of fiscal year 2024
3 shall revert to the general fund.

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