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FISCAL IMPACT REPORT

ORIGINAL DATE 01/31/08

SPONSOR Zanetti LAST UPDATED _____ HB 347

SHORT TITLE Gifted Education Teacher Requirements SB _____

ANALYST Escudero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$200.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY08	FY09	FY10	3 Year Total Cost	Recurring or Non-Recurring	Fund Affected
Total		\$550.0 \$84.5	\$0 \$84.5	\$550.0 \$169.0	Non-Recurring Recurring	General Fund

SOURCES OF INFORMATION

LFC Files

Responses Received From
Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 347 requires the Public Education Department to establish an assessment examination and competencies for teachers of Gifted Education. Additionally, this bill requires teachers of Gifted Education to complete the following:

- a minimum of twelve graduate course hours in the teaching of gifted students from an accredited college or university
- pass a state-approved assessment examination for gifted education or
- complete three or more years of gifted education teaching and successfully complete a portfolio process reviewed by two or more individuals who already meet the highly qualified requirement for gifted education teachers.

The bill appropriates \$200.0 to the PED for expenditure in fiscal year 2009 and subsequent fiscal years to increase the gifted consultant position in the department to a full-time position, to provide for professional development of teachers to meet the requirements for a gifted education teacher, to increase the number of highly qualified gifted education teachers and to provide for an annual summer institute on gifted education.

The effective date of the bill is July 1, 2008.

FISCAL IMPLICATIONS

The appropriation of \$200.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the general fund.

According to PED, it is estimated that the \$200.0 appropriation would only cover about one-fourth of the projected costs. The Online Alternative License Portfolio cost approximately \$700.0 and three years to develop. Ongoing expenses for maintaining the online portfolio system are estimated to be \$50.0 annually. The bill has a requirement for an annual summer institute. Summer institutes, without providing books and materials or paying stipends to attendees, cost approximately \$50.0.

Further, this bill requires that a full-time position be allocated to the PED. Currently, the position allocated is .50 FTE. This would require PED to purchase an additional .50 FTE. The cost for an additional .50 FTE for an Education Administrator – A is \$25.50 X 1040 X 30% benefits, or \$34,476. It should be noted that this position is currently a temporary full-time position, with the person working at half-time status. The position needs to be established and created as a permanent position.

SIGNIFICANT ISSUES

According to PED, general education requirements are governed through statute while licensure requirements are governed through PED rule. This would be the only license that would be governed through statute and, therefore, would require legislative approval in order to make any changes.

Prior to July 1, 1987, Special Education was an endorsement on a teaching license. Individuals were required to meet requirements for an elementary or secondary teaching certificate. Further, they needed to complete a minimum of 24 semester hours in a special education program. Fifteen of the semester hours had to correspond to one of nine areas: General Special Education, Education of the Communicatively Disordered Child, Education of the Hearing Impaired/Deaf Child, Education of the Visually Impaired/Blind Child, Education of the Gifted Child, Education of the Learning Disabled Child, Education of the Child with Behavioral Disorders, Education of the Physically Impaired Child and Education of the Mentally Handicapped Child.

The rule further stated that individuals requesting the Education of the Gifted endorsement only would meet the requirements for the endorsement by completing 15 semester hours in gifted education. 24 semester hours in special education were not required. The question regarding those 15 hours was, would they be in the pedagogy of teaching gifted or academic content coursework in areas to be taught?

Effective July 1, 1987, New Mexico implemented the broad-based competency-based license in special education that created a Special Education License and eliminated the requirement of 15 semester hours in specialty areas.

This bill requires the Public Education Department to add three hours in Gifted Education to the current teacher preparation programs by 2010 and thereafter. This requirement would either increase the number of hours that it currently takes to complete a program in education or would require that one of the existing courses be eliminated.

Currently the requirements are as follows:

- Twelve hours in English
- Twelve hours in History, including American History and Western Civilization
- Six hours in Mathematics
- Six hours in Government, Economics or Sociology
- Twelve hours in science, including Biology, Chemistry, Physics, Geology, Zoology and Botany, and
- Six hours in Fine Arts.

Additionally, universities would have to develop and add courses in Gifted Education. PED questions if they are prepared to make such offerings.

This bill also requires that teachers of Gifted Education complete a minimum of 12 graduate hours in the teaching of Gifted and pass a state-approved assessment examination for Gifted Education. Currently a teacher must complete 24 hours (12 lower division and 12 upper division) in order to get an endorsement. If a teacher currently has an endorsement, they may take a test and get an additional endorsement. Completing a minimum of 12 graduate hours in the teaching of Gifted doesn't meet the current New Mexico rule for endorsements. Additionally not all in-state universities offer courses in Gifted Education and, if they do, they are under the umbrella of Special Education. All of the four-year institutions in New Mexico would have to develop programs for Gifted Education and two-year institutions would be excluded from offering classes because the bill requires that the additional hours have to be graduate-level hours.

The requirement that allows for passing a state-approved assessment examination as an avenue for being qualified to teach Gifted Education means that the Public Education Department would have to work with a testing company to develop an exam. The testing companies do not charge for this service because they recoup their expenses from the individuals who take the test. Things to consider would be where and when the exam would be administered, the format and the cost to the teacher.

The bill's requirement for completing a portfolio process for individuals with three or more years of experience is both costly and time consuming. The cost for the Online Alternative License Portfolio was approximately \$700.0 and took three years to implement. To be consistent with the direction that the Public Education Department is taking, the portfolio for Gifted Education teachers needs to be an online process with external reviewers.

Finally, there were 474 unduplicated teachers who taught gifted in 2006-2007 on the 120th-day of reporting, according to the Student Teacher Accountability Reporting System (STARS).

ADMINISTRATIVE IMPLICATIONS

As stated by PED, the administrative impacts will come in dedicating three years of staff time and work to the development of the Online Alternative Portfolio Assessment. This work involves convening and staffing a regularly scheduled diverse work group consisting of representatives from the educational gifted community. It also includes developing teacher professional development and conducting trainings and institutes to implement the system statewide for both districts and teachers. The PED could not absorb the increased cost and workload-associated from implementing the provisions of the bill.

TECHNICAL ISSUES

As stated by PED, the use of “Highly Qualified” in Section 1-B and Section 1-C: “Highly Qualified” is a requirement under NCLB and not a licensure requirement in New Mexico. The use of this term intermingles state and federal requirements. At this time there are no federal requirements specifically addressing Highly Qualified requirements for gifted teachers.

The language in Section 3 that requires the public education consultant to provide professional development so that teachers can meet the requirements for Gifted Education teachers creates a conflict. PED personnel cannot give teachers university credit for professional development. The bill requires graduate-level course work in order to meet the additional 12-hour requirement.

PME/bb