

LESC bill analyses are available on the New Mexico Legislature website (www.nmlegis.gov). Bill analyses are prepared by LESC staff for standing education committees of the New Mexico Legislature. LESC does not assume any responsibility for the accuracy of these reports if they are used for other purposes.

LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
53rd Legislature, 1st Session, 2017

Bill Number	<u>HB354/aHEC</u>	Sponsor	<u>Trujillo, CH</u>
Tracking Number	<u>.204773.2</u>	Committee Referrals	<u>HLELC/HEC</u>
Short Title	<u>Expand "School-Age Person" Definition</u>		
Analyst	<u>Simon</u>	Original Date	<u>2/16/17</u>
		Last Updated	<u>3/13/17</u>

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Amendment to House Bill 354 (HB354/aHEC) would amend the Public School Finance Act to allow students under the age of five who are enrolled in an academic acceleration program to be included in a school district's student membership making them eligible to generate funding through the public school funding formula.

Synopsis of Original Bill

House Bill 354 (HB354) would require school districts offering a gifted education program to adopt policies allowing gifted students early entrance into kindergarten, the ability to skip grades, facilitated enrollment in dual credit courses, high school credit for college courses or demonstrated mastery of a subject, and the prioritization of federal funding for "research-based" interventions for gifted students.

FISCAL IMPACT

HB354/aHEC could increase the number of program units generated by the public school funding formula. Without an increase in appropriations to the state equalization guarantee (SEG) distribution, an increase in the number of units would dilute the unit value, impacting school districts and charter schools statewide. The fiscal impact of HB354/aHEC would depend on the number of students who participate in early kindergarten enrollment as part of an academic acceleration program.

According to PED, approximately 5 percent of students were identified as gifted in FY16. Each grade cohort has about 25 thousand students. Assuming 5 percent of students would be identified as gifted, an additional 1,250 students could be eligible to enroll early in kindergarten. However, not all families would choose early kindergarten enrollment. Assuming 50 percent of eligible students enroll and each additional student generates 2 program units (a bit more than the statewide average in FY17), school districts could generate additional program units equivalent to \$5 million at the final FY17 unit value.

HB354/aHEC requires school districts offering gifted education programs to consider the need for social work services, transportation costs, and occupational therapy. According to PED, social workers and occupational therapists that perform services pursuant to an individual education program (IEP) generate “related services” program units through the public school funding formula. In FY17, each full-time-equivalent related service provider for special education generated nearly \$100 thousand in formula funding. It is not clear if HB354/aHEC would lead to a significant increase in “related services” FTE eligible to generate program units. Transportation costs for school districts may increase if gifted students need to be transferred to other schools for accelerated study.

The fiscal impact on school districts would depend on how the provisions of HB354/aHEC are implemented. For example, HB354/aHEC requires school districts to adopt a policy allowing “facilitated enrollment” in dual credit courses. It is not clear what level of service the school district would be required to adopt because “facilitated enrollment” is not defined (see Technical Issues). Similarly, HB354/aHEC requires “special supports” for disadvantaged and disabled students who are also identified as gifted.

Central New Mexico Community College indicates HB354/aHEC may lead to increased participation in dual-credit courses, although any increase would have minimal fiscal impact.

SUBSTANTIVE ISSUES

HB354/aHEC would require school districts offering a gifted education program to adopt an academic acceleration policy that allows:

- early entry into kindergarten;
- skipping grades;
- “facilitated enrollment” in dual credit courses and counting of college credit toward graduation;
- credit for “demonstrated mastery” of subject matter; and
- prioritization of federal funding for “research-based” interventions for gifted students.

HB354/aHEC would require identification as a gifted student not discriminate based on a student’s disability, language difference, and socioeconomic status. HB354/aHEC requires that students with disabilities who are also gifted must remain eligible for special education services. Under current rule, these “twice exceptional” students are eligible for special education services.

Under the required acceleration policy, a gifted student’s IEP team would make acceleration decisions, although the policy must include procedures for appealing an IEP team’s decision. If the decision of the IEP team is overturned, the IEP would likely need to be revised.

HB354/aHEC requires the academic acceleration policy to prioritize “research-based interventions” for gifted students for expending federal Every Student Succeeds Act (ESSA) funds. Schools may use federal Title I funds to identify and serve gifted students and Title II funds to address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students. Although schools are required by federal law to use federal funds to support gifted and talented students, a state policy making funds to gifted students a “priority” may limit the amount of funding available to address the needs of other students. ESSA has reauthorized a federal program specifically focused on gifted education, the

Jacob Javits Gifted Education Program, but New Mexico has not received federal funding from this program in recent years.

TECHNICAL ISSUES

HB354/aHEC requires school districts to adopt policies that allow “facilitated enrollment” in dual credit courses, but the term “facilitated enrollment” is not defined. As a result, school districts might not clearly understand the intent of the provision when adopting acceleration policies.

OTHER SUBSTANTIVE ISSUES

Current law requires the Public Education Department (PED) to adopt standards for identifying gifted children. Section 6.31.2.12 NMAC defines a gifted child as a child who scores two standard deviations above the mean on a properly administered intelligence measure paired with superior performance on tests involving a total subject area, creativity and divergent thinking, or problem solving and critical thinking. School districts are required to establish procedures for screening and referring potentially gifted students.

ALTERNATIVES

HB354/aHEC could require school districts or PED to adopt an academic acceleration policy for gifted students without requiring specific policy details.

RELATED BILLS

HB354/aHEC relates to SB323/SECS, Early Kindergarten Enrollment, which gives school districts the option to allow some 4-year-old children to enroll early in kindergarten if they have been assessed as kindergarten ready.

SOURCES OF INFORMATION

- LESC Files
- Central New Mexico Community College

JWS/rab