

HOUSE BILL 175

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC SCHOOLS; REQUIRING THE PUBLIC EDUCATION DEPARTMENT TO ESTABLISH AND EXPAND ACCELERATION OPPORTUNITIES FOR CERTAIN QUALIFYING STUDENTS.

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--DETERMINATION.--

A. The department shall adopt standards pertaining to the determination of who is a gifted child and shall publish those standards as part of the educational standards for New Mexico schools.

B. In adopting standards to determine who is a gifted child, the department shall provide for the evaluation of selected school-age ~~children~~ persons by multidisciplinary

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1 teams from each child's school district. That team shall be  
2 vested with the authority to designate a child as gifted. The  
3 team shall consider information regarding a child's cultural  
4 and linguistic background and socioeconomic background in the  
5 identification, referral and evaluation process. The team also  
6 shall consider any disabling condition in the identification,  
7 referral and evaluation process.

8 C. Each school district offering a gifted education  
9 program shall create one or more advisory committees of  
10 parents, community members, students and school staff members.  
11 The school district may create as many advisory committees as  
12 there are high schools in the district or may create a single  
13 districtwide advisory committee. The membership of each  
14 advisory committee shall reflect the cultural diversity of the  
15 enrollment of the school district or the schools the committee  
16 advises. The advisory committee shall regularly review the  
17 goals and priorities of the gifted program, including the  
18 operational plans for student identification, evaluation,  
19 placement and service delivery and shall demonstrate support  
20 for the gifted program.

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

- 24 (1) creativity or divergent-thinking ability;  
25 (2) critical-thinking or problem-solving

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1 ability;

2 (3) intelligence; and

3 (4) achievement.

4 E. School districts offering a gifted education  
5 program shall:

6 (1) consider the potential need for social  
7 work services, transportation costs and occupational therapy  
8 for students identified as gifted pursuant to this section;

9 (2) adopt an academic acceleration policy  
10 that allows all of the following:

11 (a) a range of options such as: 1)  
12 early entry into kindergarten; 2) skipping grades; 3)  
13 facilitated enrollment in concurrent high school and college  
14 credit courses; 4) credit for demonstrated mastery of subject  
15 matter; and 5) other research-based interventions for gifted  
16 and high-ability learners as a priority for expending federal  
17 Every Student Succeeds Act funding;

18 (b) specified nondiscrimination and  
19 inclusiveness of all students, including those with  
20 disabilities, language differences and socioeconomic  
21 differences;

22 (c) provisions that the individual  
23 education plan team may make acceleration decisions for  
24 students identified as gifted and that the student assistance  
25 team may make acceleration decisions for other advanced

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1 students not identified as gifted; and

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

6 (3) uphold the student's right to accelerate  
7 through a dual-credit or concurrent credit course in the  
8 event that the student's home school offers the course that  
9 would allow the student to earn credit toward graduation;

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

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

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