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HOUSE BILL 219114.1

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Christine Trujillo

AN ACT

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

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 adopt standards pertaining to child find, universal screening and the determination of who is a gifted [child] student and shall publish those standards as part of the educational standards for New Mexico schools. The department shall establish standards for equity and excellence in gifted education based on national association for gifted children pre-kindergarten through twelfth grade programming standards and shall publish those standards as part of the educational standards for New Mexico public schools. The department shall triannually evaluate the effectiveness of each school district's gifted education programming and

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1 annually evaluate the equity of identification statewide in  
2 each school district and charter school. The department shall  
3 create a funding code to track funds spent on gifted education  
4 and periodically audit public school and school district use of  
5 funds generated by the state equalization guarantee for gifted  
6 education. The department shall include equity of racial,  
7 ethnic, socioeconomic, language and disability group  
8 participation of gifted education and advanced performance in  
9 state accountability reporting.

10 B. In adopting standards to determine who is a  
11 gifted ~~[child]~~ student, the department shall provide for  
12 universal screening and the evaluation of selected school-age  
13 ~~[children]~~ students by multidisciplinary teams from each  
14 ~~[child's]~~ student's school district. That team shall be vested  
15 with the authority to designate a ~~[child]~~ student as gifted.  
16 The team shall consider information regarding a ~~[child's]~~  
17 student's cultural and linguistic background and socioeconomic  
18 background in the identification, referral and evaluation  
19 process. The team also shall consider any disabling condition  
20 in the identification, referral and evaluation process. No  
21 single test, criterion or gatekeeping procedure, such as  
22 intelligence quotient or teacher referral, shall be permitted  
23 to disallow a student from identification.

24 C. Each school district ~~[offering a gifted~~  
25 ~~education program]~~ shall develop policies and procedures for  
universal screening and child find. The school district shall  
develop policies and procedures to allow any student who may  
benefit to receive academic acceleration and enrichment in a  
timely manner. The school district shall annually evaluate the

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1 equity and effectiveness of gifted identification and services  
2 compared to state standards for excellence and report to the  
3 school district's gifted education advisory committee. The  
4 school district shall create one or more gifted education  
5 advisory committees of parents, community members, students and  
6 school staff members. The school district may create as many  
7 advisory committees as there are high schools in the district  
8 or may create a single districtwide advisory committee. The  
9 membership of each advisory committee shall reflect the  
10 cultural diversity of the enrollment of the school district or  
11 the schools the committee advises. The advisory committee  
12 shall regularly review the goals and priorities of the gifted  
13 ~~[program]~~ education services, including the operational plans  
14 for student identification, evaluation, placement and service  
15 delivery, and shall demonstrate support for the gifted  
16 ~~[program]~~ education services.

16 D. In determining whether a ~~[child]~~ student is  
17 gifted, the multidisciplinary team shall consider diagnostic or  
18 other evidence of the ~~[child's]~~ student's:

- 19 (1) creativity or divergent-thinking ability;  
20 (2) critical-thinking or problem-solving  
21 ability;  
22 (3) intelligence; ~~[and]~~  
23 (4) achievement;  
24 (5) artistry;  
25 (6) leadership; and  
(7) aptitude in specific academic areas.

E. School districts offering gifted education  
services shall:

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1                   (1) consider the potential need for social  
2 work services, transportation costs and occupational therapy  
3 for students identified as gifted pursuant to this section with  
4 another qualifying condition pursuant to Section 504 of the  
5 federal Rehabilitation Act of 1973 or the federal Individuals  
6 with Disabilities Education Act;

7                   (2) adopt an academic acceleration and  
8 enrichment policy that allows all of the following:

9                                 (a) a range of options such as: 1)  
10 skipping grades; 2) advancement by one or more grade levels in  
11 a single subject; 3) enrollment in concurrent high school and  
12 college credit courses; 4) credit for demonstrated mastery of  
13 subject matter; and 5) other research-based interventions for  
14 gifted and high-ability students such as school-wide  
15 enrichment;

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

20                                 (c) provisions that the individualized  
21 education program team may make acceleration and enrichment  
22 decisions for students identified as gifted and that the  
23 student assistance team or district gifted education  
24 coordinator may make acceleration and enrichment decisions for  
25 other advanced students not identified as gifted; and

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

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

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

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

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

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