

FIFTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION, 2025

SB 38/a

February 12, 2025

Mr. President:

Your **EDUCATION COMMITTEE**, to whom has been referred

SENATE BILL 38

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 14, line 9, remove the brackets and the line through "and".
2. On page 14, strike lines 13 and 14.
3. On page 17, line 9, strike "and gifted students".
4. On page 18, line 13, strike "and gifted students".
5. On page 20, between lines 20 and 21, insert:

"SECTION 11. 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. School districts shall provide gifted education appropriate to meet the needs of gifted students. The department shall promulgate rules and standards for the provision of gifted education in public schools, state educational institutions and other institutions wholly or partially supported by the state. The department shall monitor and enforce implementation of the rules and standards for the provision of gifted education.

~~[A.]~~ B. 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.]~~ C. In adopting standards to determine who is a gifted child, the department shall provide for the evaluation of selected

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school-age children by multidisciplinary teams from each child's school district. That team shall be vested with the authority to designate a child as gifted. The team shall consider information regarding a child's cultural and linguistic background and socioeconomic background in the identification, referral and evaluation process. The team also shall consider any disabling condition in the identification, referral and evaluation process.

~~[C.]~~ D. Each school district offering a gifted education program shall create one or more advisory committees of parents, community members, students and school staff members. The school district may create as many advisory committees as there are high schools in the district or may create a single districtwide advisory committee. The membership of each advisory committee shall reflect the cultural diversity of the enrollment of the school district or the schools the committee advises. The advisory committee shall regularly review the goals and priorities of the gifted program, including the operational plans for student identification, evaluation, placement and service delivery and shall demonstrate support for the gifted program.

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

- (1) creativity or divergent-thinking ability;
- (2) critical-thinking or problem-solving ability;
- (3) intelligence; and
- (4) achievement."".

6. Renumber the succeeding sections accordingly.

7. On page 21, line 5, strike "and gifted students".

8. On page 21, line 12, strike "and gifted students".

9. On page 21, line 17, strike "and gifted students".,

and thence referred to the **FINANCE COMMITTEE**.

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Respectfully submitted,

Senator William P. Soules, Chair

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)
Date _____

The roll call vote was 5 For 3 Against
Yes: Hickey, Nava, Pope, Soules, Thornton
No: Boone, Ezzell, Ramos
Excused: Figueroa
Absent: None
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