



Proposed Language for Gifted Education

“22-13-1.8. GIFTED [~~CHILDREN~~] STUDENTS—DETERMINATION EDUCATION. --

A. The department shall adopt standards pertaining to 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 monitor and enforce these standards.

B. In adopting standards to determine who is a gifted [~~child~~] student, the department shall provide for the evaluation of selected school-age children by identification, referral, and evaluation process. All students identified as gifted shall be provided gifted services, including students identified as twice exceptional (gifted with disabilities) given that parent permission is provided. Identification will be determined by:

(1) Multidisciplinary teams from each [~~child~~'s] student's school district. That team shall be vested with the authority to designate a [~~child~~] student as gifted. [~~D.~~] In determining whether a [~~child~~] student is gifted, the multidisciplinary team shall consider diagnostic or other evidence of the [~~child~~'s] student's:

- ~~[(1)]~~ (a) creativity or divergent-thinking ability;
- ~~[(2)]~~ (b) critical thinking or problem-solving ability;
- ~~[(3)]~~ (c) intelligence; and
- ~~[(4)]~~ (d) achievement; OR

(2.) An alternate assessment which considers evidence of giftedness in light of information regarding a [~~child~~'s] student's cultural and linguistic background and socio-economic background in the identification, referral and evaluation process. The team also shall consider and any disabling condition in the identification, referral and evaluation process.

C. Appropriate services will be determined by a multidisciplinary team. The team will create and review an individualized education plan (IEP) to provide a free and appropriate education in the least restrictive environment. The team will consider a continuum of research-based services and placements to individualize the plan to meet the student's unique needs. The department will adopt an appeals process to address situations when parents are not in agreement with the consensus of the IEP team or feel that the IEP is not being appropriately implemented.

D. The department shall adopt appropriate caseloads maximums for gifted education teachers to allow for effective gifted services to be provided.

~~[(C.)~~ E. Each school district offering [~~a~~] gifted [~~education program~~] services shall create one or more gifted education advisory committees of parents of gifted students, community members who are knowledgeable about gifted, [~~students~~] and gifted education teachers [~~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 district wide 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 goal and priorities of the gifted [~~program~~] services, including the operational plans for student identification, evaluation, placement and service delivery and shall [~~demonstrate support for~~] make recommendations regarding the gifted [~~program~~] services provided.

~~[(E.)~~ F. Nothing in this section shall preclude a school district from offering additional gifted [~~programs~~] services for students who fail to meet the eligibility criteria.”