

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 1/30/17  
**Bill No:** HM15

**Sponsor:** Rep. Christine Trujillo                      **Agency Code:** 924  
**Short**            ALLOW SCHOOL ACADEMIC                      **Person Writing**            Matt Pahl  
**Title:**            ACCELERATION    **Phone:** 470-9909                      **Email** Matt.pahl@state.nm.u

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
See fiscal analysis below	See fiscal analysis below	Recurring	

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: HM15 requests that the Public Education Department (PED) allow academic acceleration in public schools. Additionally, HM15 requests that the PED research options to allow for early entry into kindergarten permit credit for demonstrated mastery and establish needs and research-based interventions for gifted and high-ability learners as a priority for expending Every Student Succeeds Act funds.

**FISCAL IMPLICATIONS**

HM15 requests that interventions for gifted and high-ability learners be a priority for expending Every Student Succeeds Act funds. This includes early entry into kindergarten, dual-credit courses, and may not fit the requirements of federal funds under ESSA.

**SIGNIFICANT ISSUES**

The provisions in HM15 are already provided for. School districts and charter schools may already provide policies around acceleration in their district, which is responsive to local needs and issues. This is reiterated on page 2, line 6 of the memorial, which states that local school boards determine whether and to what extent acceleration is permitted.

HM15’s provision of allowing early entry to kindergarten would likely need a statutory change. Currently, 22-1-2 (O) NMSA reads:

*O. "school -age person" means a person who is at least five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent. A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section [22-8-21](#) NMSA 1978 or as a resident of a state institution;*

As a result, statute may need to change to allow for students under 5 to attend Kindergarten.

Acceleration that is determined on a case-by-case basis is more responsible than sweeping policies applicable for all. Acceleration for some students may mean skipping a grade but for

others they may need an accelerated class or interventions. Other students may be identified as gifted, and are therefore provided with an IEP to identify their special education needs.

Services for students identified as gifted were mandated in New Mexico in 1972. As stated in NMAC 6.31.2.12, an IEP team determines the special education services that are required to meet the child's educational needs for any identified gifted students.

### **PERFORMANCE IMPLICATIONS**

HM15 makes reference to grouping students based on level. In addition to the state mandated requirements for gifted students in 6.31.2.12, Domain 1 in the NMTEACH evaluation addresses the issue of strategic student grouping and differentiated instruction based on student level.

Requiring that dual credit be available to all students to provide a fast-track to college would be costly for the Department. Additionally, this ideology does not align with the Department's vision of what dual credit offers students.