

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill No: HB 131

49th Legislature, 1st Session, 2009

Short Title: Gifted Education Teacher Requirements

Sponsor(s): Representative Mimi Stewart and Others

Analyst: James Ball

Date: January 30, 2009

Bill Summary:

HB 131 defines the term “gifted education teacher” as a teacher who provides special instruction or case management to a student who qualifies as gifted in accordance with Sections 22-13-6 and 22-13.6.1 NMSA 1978. The bill also establishes requirements for teachers of gifted students which must be met by January 1, 2012, as follows:

- completing a minimum of 12 graduate credit hours in the teaching of gifted students;
- passing a state-approved assessment examination for gifted education; or
- completing three or more years of gifted education teaching and successfully completing a portfolio reviewed by two or more individuals who have already met the requirement.

Fiscal Impact:

HB 131 makes no appropriation.

Fiscal Issues:

According to the Public Education Department (PED), the option of completing a portfolio process for individuals with three or more years of experience to demonstrate that they are highly qualified gifted education teachers will be both costly and time consuming. The cost for the current Online Portfolio for Alternative License (OPAL) was approximately \$700,000 and it took three years to implement. To be consistent with the direction that PED has taken regarding portfolio assessments, the portfolio option for gifted education teachers needs to be an online process with trained external reviewers.

It might be reasonable to assume, however, that with the OPAL procedure already in place, adding a similar process for gifted education teachers might not be as costly as the original design and implementation.

Issues:

According to PED, general education requirements for teachers are governed through state statute while specific licensure requirements are governed through PED rule. If HB 131 were enacted, it would create the only license that would be governed through statute and, therefore, would require legislative approval in order to make any changes in the future.

Additionally, PED states that universities will have to develop and add graduate level courses in gifted education. The two-year institutions that have teacher preparation programs would be

excluded from offering classes because the bill requires that the additional hours must be graduate-level.

PED also indicates in its bill analysis that the requirement that allows for passing a state-approved assessment examination as an avenue for being highly qualified in gifted education means that the PED would have to work with a testing company to develop an exam. The testing companies do not charge for this service because they recoup their expenses from the individuals who take the tests. Test development generally takes a full calendar year.

It appears that HB 131 might address only the pedagogical skill required to teach gifted students. The specified credit hours, state examination and portfolio all assess teaching proficiency with no requirements specified about the academic preparation of the teacher in a content area. For example, a K-8 licensed teacher might possess the teaching proficiency necessary to teach gifted middle school students in science but not have the in-depth science background necessary to enrich the experience. It might be desirable for the teacher to have an academic major in the content area being taught. PED has previously defined an academic major in rules as being a minimum of 24 semester hours.

Finally, PED reports that there were 479 teachers who taught gifted classes in 2007-2008 as reported on the 120th day according to the Student Teacher Accountability Reporting System.

Technical Issues:

It might be unclear in the list of requirements for an individual to be highly qualified as a gifted education teacher whether the first requirement (page 2, lines 2-4) is required of all candidates with items two and three (page 2, lines 5-10) being optional thereafter, or if the gifted education teacher must meet only one of the three options.

Background:

During the 2007 interim, the LESC heard input from Dr. Teresa Rowlison, Professor and Program Coordinator at the College of Education, New Mexico State University, on behalf of the New Mexico Association for the Gifted (NMAG). She said that the more than 17,000 students identified as gifted students deserve to be served by teachers who are qualified in the area of gifted education. Dr. Rowlison proposed various ways teachers of gifted learners could demonstrate that they are highly qualified, and concluded with a NMAG proposal that, by school year 2011-2012, districts be required to hire only qualified teachers for gifted learners, and by school year 2013-2014, all teachers for gifted learners meet a higher standard of preparation.

HB 347 in the 2008 regular session previously addressed this same topic, but it did not pass.

Related Bills:

None as of 1-26-2009.