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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/09  
 LAST UPDATED 02/13/09    HB 131

SPONSOR Stewart

SHORT TITLE Gifted Education Teacher Requirements    SB \_\_\_\_\_

ANALYST Varela

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$0.0		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
	\$700.0			\$700.0	Nonrecurring	General Fund
	\$50.0	\$50.0	\$50.0	\$150.0	Recurring	General Fund
<b>Total</b>	\$750.0	\$50.0	\$50.0	\$850.0		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

Public Education Department (PED)

Higher Education Department (HED)

### SUMMARY

#### Synopsis of Bill

House Bill 131 requires the Public Education Department (PED) to establish an assessment examination and competencies for teachers of Gifted Education. Additionally, this bill requires teachers of Gifted Education to complete the following:

- a minimum of twelve graduate course hours in the teaching of gifted students from an accredited college or university
- pass a state-approved assessment examination for gifted education or
- complete three or more years of gifted education teaching and successfully complete a portfolio process reviewed by two or more individuals who already meet the highly qualified requirement for gifted education teachers.

The effective date of the bill is July 1, 2009.

### **FISCAL IMPLICATIONS**

This bill carries no appropriation; however, there is additional fiscal impact to the general fund.

According to PED, based on costs with the current licensure portfolio system, the online alternative license portfolio cost is approximately \$700 thousand and requires three years to develop. Ongoing expenses for maintaining the online portfolio system are estimated to be \$50 thousand annually. PED does not have the staff or fiscal resources to address increased costs and workload associated from implementing the provisions of the bill.

### **SIGNIFICANT ISSUES**

PED reports that the general education requirements are governed through statute while licensure requirements are governed through PED rule. This would be the only license that would be governed through statute and, therefore, would require legislative approval in order to make any changes.

Additionally, universities would have to develop and add courses in gifted education. The universities would have to be queried as to whether they are prepared to make such offerings and to recruit teachers into the new teacher preparation field.

This bill also requires that teachers of gifted education complete a minimum of 12 graduate hours in the teaching field and pass a state-approved assessment examination for Gifted Education. Currently, a teacher must complete 24 hours (12 lower division and 12 upper division) in order to get an endorsement. If a teacher currently has an endorsement, they may take a test and get an additional endorsement. Completing a minimum of 12 graduate hours in the teaching of gifted education doesn't meet the current New Mexico rule for endorsements. Additionally not all in-state universities offer courses in gifted education and, if they do, they are under the umbrella of special education. All of the four-year institutions in New Mexico would have to develop programs for gifted education and two-year institutions would be excluded from offering classes because the bill requires that the additional hours have to be graduate-level.

The requirement that allows for passing a state-approved assessment examination as an avenue for being qualified to teach 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 test.

The bill's requirement for completing a portfolio process for individuals with three or more years of experience is both costly and time consuming. The cost for the online alternative license portfolio was approximately \$700 thousand and took three years to implement. To be consistent with the direction that PED is taking, the portfolio for gifted education teachers needs to be an online process with external reviewers.

Information received from the New Mexico Association for the Gifted (NMAG) indicates that sufficient classes exist in the state to meet the educational component of the bill. Of concern, is that according to NMAG, the portfolio assessment will be conducted by NMAG with reviewers appointed by the NMAG executive board. It appears that the intent may be to preclude PED from being involved in the determination of a highly qualified teacher.

Finally, there were 479 unduplicated teachers who taught gifted classes in 2007-2008 on the 120th-day of reporting, according to the Student Teacher Accountability Reporting System (STARS).

### **TECHNICAL ISSUES**

According to PED, the use of “Highly Qualified” in Section 1-B and Section 1-C is a requirement under NCLB and not a licensure requirement in New Mexico. The use of this term comingles state and federal requirements. At this time, there are no federal requirements specifically addressing “Highly Qualified” requirements for gifted teachers.

Further, this bill could not be implemented by July 1, 2009. It would take three years to the Online Alternative License Portfolio.

PV/svb