

LESC Input on Gifted Education from Albuquerque Association for Gifted and Talented Students (AAGTS)

After soliciting input from our membership, the AAGTS Board has the following input on HB241 in its present form.

QUESTION 1 (Is the provision of education programming for "gifted, advanced placement and honors programs" specific enough?)

First, AAGTS strongly disagrees that gifted services should be removed from special education protection and this wording in HB 241 underlines our need to protest; by placing gifted in a grouping with advanced placement and honors PROGRAMS, the wording reflects a view of gifted students that misunderstands and consequently fails to serve their needs. Giftedness requires "SERVICES," not classes, just as special education students at the other end of the spectrum do. They learn differently and have an array of other emotional and social issues that cannot be addressed without specially designed services provided by trained professionals. Without these services, we are at risk of losing students capable of great contributions to society through drop-outs, suicides, crimes or -less dramatically- underperformance. At a time when we are daily reminded on television that the US is 21st in the world in math and 25<sup>th</sup> in science," we need to provide appropriate services for those who have the potential to excel in these and other areas.

If the decision is made to remove gifted from special education, the wording of the bill does even further damage by lumping gifted in with "advanced placement and honors programs." Students make the decision to take an advanced placement or honors class, but gifted students do not choose to be gifted; giftedness cannot be taught or coached. Section 22-13-6 (B) NMSA 1978 defines "exceptional children" as those "whose abilities render regular services of the public school to be inconsistent with their educational needs." By eliminating this definition and indeed any definition of gifted in the statute, accountability for providing appropriate services for the gifted has been removed. MINIMALLY, HB 241 needs to provide wording that allows for a definition of the gifted and a requirement that:

"the educational plan shall include educational SERVICES (note change in wording) for:

(TWO OPTIONS HERE)

5. advanced placement and honors programs

6. special education including gifted services

OR

5. advanced placement and honors programs

6. gifted services that will meet the needs of gifted students as defined by their individual gifted educational plan and the option for districts to create magnet schools specifically designed to meet the needs of gifted students,

If this second option were to be taken, further guarantees in statute of funding and accountability would need to be included to ensure that students who are gifted receive the appropriate services to meet their needs.

QUESTION 2 (Are these provisions, as implemented through Public Education Department rule, sufficient to ensure that students will be properly identified as gifted?)

Our concern here is not with the determination process as has been listed previously and in HB 241. Our concern is what happens after a student has been determined to be gifted. Previously this determination led to an IEP (Individualized Education Program) as given to all special education students. This document provides legal clarity as to the service needs of the student and provides parents and schools alike with a clear record of the requirements and degree of service for each student. By removing gifted from special education, accountability for providing appropriate services fails. A student may be determined to be gifted, but the level and even offering of appropriate services is not guaranteed. If a student's needs are not met, without an IEP, parents have no legal recourse; a huge potential disconnect could exist between gifted determination and level of services offered.

Therefore, HB 241 should either:

-leave gifted in special education

OR

-provide a legally binding document like the I.E.P. AS PART OF THE DETERMINATION PROCESS that provides a clear legal written statement of the service needs of the gifted student and provides recourse to parents in the event these needs are not met.

QUESTION 3 (Do you believe that the EPSS is the appropriate mechanism to tie together budget approval and program delivery, including delivery of programs for gifted students?)

No. In Albuquerque we have repeatedly seen gifted services grow or die with changes in a school administrator. The IEP has been the vehicle used by parents to insist that their child's needs must be met in the face of school opposition. HB 241 both removes IEP protection and INCREASES reliance on an individual school's power to offer- or not- gifted services to the degree that it sees fit. This decreases the accountability required for providing gifted services. If the numerous other groups competing for budget dollars out vote the small group of gifted, the gifted students needs can be deemed as having been "met" by providing a one-hour a week "gifted" class for example. If this is the case, we will have spent more tax dollars on identifying the gifted than we have on providing them the services that will help them; we all lose.

Again our suggestion is to:

-keep gifted in special education

OR

- provide gifted the legal guarantee that they will receive services appropriate to their needs through the guarantee of an IEP or similar legally binding document

#### QUESTION 4 (other issues)

HB 241 as written will result in the disappearance of regulations that have protected services for gifted students. For example, 6.13.2.12 (F)(1) NMAC provides that "all definitions, policies, procedures, assurances, procedural safeguards and services identified in 6.31.2 NMAC for school-aged children with disabilities apply to school-aged gifted children within the educational jurisdiction of each local school district, including children in charter schools." Clearly, losing this regulation is unacceptable to AAGTS members. From our membership we have heard repeatedly that they want to see: 1) **accountability** for providing appropriate services (2) **recourse** if a student's needs are not met (3) **funding** specifically tied to the provision of gifted SERVICES clearly defined. HB 241 as currently written does not meet these criteria for our support of the bill.

The AAGTS Board looks forward to providing any additional input required by the LESC and would be happy to work with any and all concerned in making adjustments to the bill that would make it acceptable to our members.

Thank you for allowing us this opportunity to formally present our concerns.

Lani Held, President of AAGTS on behalf of the AAGTS Board and Members