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SENATE BILL 149

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE EARLY LITERACY ACT  
TO PROVIDE SUPPORT AND FUNDING FOR EARLY LITERACY INTERVENTION,  
INSTRUCTION AND REMEDIATION TO STUDENTS IN KINDERGARTEN THROUGH  
THIRD GRADE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"Early Literacy Act"."

**SECTION 2.** A new section of the Public School Code is  
enacted to read:

"[NEW MATERIAL] PURPOSE.--The purpose of the Early  
Literacy Act is to provide support to school districts and  
charter schools that deliver multiple opportunities for early

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1 acquisition of literacy skills, early literacy intervention,  
2 targeted intensive instruction and focused remediation to  
3 students who experience difficulties learning language in  
4 kindergarten through third grade."

5 SECTION 3. A new section of the Public School Code is  
6 enacted to read:

7 "[NEW MATERIAL] DEFINITIONS.--As used in the Early  
8 Literacy Act:

9 A. "deficient in reading" means a student has not  
10 scored high enough on a screening assessment as determined by  
11 the department;

12 B. "early literacy program" includes programs of  
13 education through which students receive language and early  
14 literacy skills intervention, targeted intensive instruction or  
15 remediation from kindergarten through third grade;

16 C. "intensive targeted instruction" means extra  
17 instruction provided to small groups or to individual students  
18 by a licensed school employee as identified in the school  
19 district early literacy program;

20 D. "intervention" means targeted instructional  
21 practice for students as a response to intervention;

22 E. "reading improvement plan" means a written  
23 document developed by the student assistance team that  
24 describes the specific reading standards required for a certain  
25 grade level that a student has not achieved and that prescribes

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1 specific intervention, intensive targeted instruction or  
2 remediation, including specific strategies that the parent can  
3 use in helping the student achieve reading proficiency, that  
4 have demonstrated effectiveness and that can be implemented  
5 during the school day or outside of the school day pursuant to  
6 a school district early literacy program;

7 F. "screening assessment" means a valid and  
8 reliable assessment that measures a student's proficiency in  
9 language and literacy skills, including phonological awareness,  
10 phonics, reading fluency, vocabulary and comprehension; and

11 G. "student assistance team" means a collaborative  
12 group consisting of a student's:

- 13 (1) teacher;
- 14 (2) school counselor;
- 15 (3) school administrator;
- 16 (4) parent; and
- 17 (5) if a student or parent wishes, a student  
18 advocate chosen by the parent."

19 SECTION 4. A new section of the Public School Code is  
20 enacted to read:

21 "[NEW MATERIAL] DEPARTMENT--POWERS AND DUTIES.--The  
22 department shall issue guidelines for the development and  
23 implementation of early literacy programs pursuant to the Early  
24 Literacy Act and:

25 A. administer and reinforce the provisions of that  
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1 act; and

2 B. assist school districts and charter schools in  
3 developing and evaluating early literacy programs."

4 SECTION 5. A new section of the Public School Code is  
5 enacted to read:

6 "[NEW MATERIAL] PROGRAM PLAN AND EVALUATION.--

7 A. A school district or charter school may annually  
8 prepare and submit to the department an early literacy program  
9 plan in accordance with guidelines issued by the department.

10 B. At a minimum, the plan shall include:

11 (1) a three-year plan for implementation of  
12 early literacy programs;

13 (2) the educational plan for student success  
14 for each school in the school district with a focus on reading  
15 improvement plans for elementary schools;

16 (3) the screening assessment used to identify  
17 students who are deficient in reading and an assurance that the  
18 screening assessment will be administered no later than the end  
19 of the first nine weeks of the school year in kindergarten  
20 through third grade;

21 (4) the process that the school district or  
22 charter school will use to notify parents, in a language  
23 appropriate for the parent, that a student is deficient in  
24 reading upon receiving results that identify the student as  
25 such;

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1 (5) the process that the school district or  
2 charter school will use with a student assistance team to  
3 create a reading improvement plan for a student who is  
4 deficient in reading;

5 (6) the early literacy programs offered to  
6 students who are deficient in reading in kindergarten through  
7 third grade;

8 (7) the process that a school district or  
9 charter school will use if a parent refuses to allow the  
10 student to participate in the prescribed early literacy  
11 programs;

12 (8) the process that a school district or  
13 charter school will use when a student is deficient in reading  
14 two or more consecutive years; and

15 (9) a plan for professional development in the  
16 science of teaching reading for licensed school employees  
17 participating in instruction aligned to the early literacy  
18 program.

19 C. By August 1, 2016 and by August 1 of each  
20 subsequent year, a participating local school board or  
21 governing body of a charter school shall review the early  
22 literacy program that is created by the local superintendent or  
23 head administrator of a charter school in collaboration with a  
24 parent advisory committee and that is offered to students who  
25 are deficient in reading in kindergarten through third grade in

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1 order to review the goals, priorities and progress of the  
2 implementation of the program and make appropriate  
3 recommendations to the early literacy program to improve the  
4 reading proficiency of students in kindergarten through third  
5 grade.

6 D. By August 1, 2016 and by August 1 of each  
7 subsequent year, the secretary shall review early literacy  
8 programs and provide recommendations for improvement to the  
9 programs."

10 SECTION 6. A new section of the Public School Code is  
11 enacted to read:

12 "[NEW MATERIAL] EARLY LITERACY PROGRAMS--ELIGIBILITY FOR  
13 FUNDING.--To be eligible for state funding, an early literacy  
14 program shall:

15 A. provide for the educational needs of students  
16 deficient in language and early literacy skills to refine those  
17 skills, including phonological awareness, phonics, fluency,  
18 vocabulary and comprehension, pursuant to an educational plan  
19 for student success;

20 B. integrate early literacy intervention into the  
21 curriculum;

22 C. use licensed school employees who receive annual  
23 professional development in the science of teaching reading;  
24 and

25 D. require background checks for licensed school

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1 employees in accordance with the provisions of Section 22-10A-5  
2 NMSA 1978."

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