



LFC Requester: Liu

**PUBLIC EDUCATION DEPARTMENT
BILL ANALYSIS
2025 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

Check all that apply:

Original Amendment
Correction Substitute

Date Prepared: 02/19 /25

Bill No: SB434

Sponsor: Lanier/Tobiassen/
Townsend/Woods

Agency Name and Code: PED - 924

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SECTION II: FISCAL IMPACT

(Parenthesis () Indicate Expenditure Decreases)

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None	None	N/A	NFA

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None	N/A	NFA

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	232,922.0	232,922.0	232,922.0	698,766.0	Recurring	GF

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: Senate Bill 434 (SB434) would create a new section of [Public School Code](#) establishing requirements for “accelerated” instruction as an intervention for students who have not made adequate progress with only the general instruction in mathematics and reading. The bill would define a student’s score within lowest level of performance on the previous year’s academic summative achievement tests as “mathematics deficiency” and “reading deficiency.” Parents of students identified to have such deficiencies would be notified immediately.

SB434 directs that accelerated instruction be:

- initiated within 30 days of the student’s designation as “deficient”;
- individualized to meet a student’s specific needs for improvement;
- provided by a trained, licensed school employee;
- based on high-quality instructional materials (HQIM) aligned with the subject’s content and performance standards;
- additional to any minimum instruction in mathematics and reading; and
- delivered at least three times per week for a minimum of 30 minutes.

Licensed, qualified providers of interventions described in SB434 would be required to have department-approved training to deliver the interventions.

SB434 would also require individualized “accelerated instruction plans” for students to be explained to parents. To each parent whose student is receiving accelerated instruction, schools would be required to provide:

- the name of the licensed school employee providing the instruction,
- the subject matter and the schedule and duration of the accelerated instruction,
- written progress reports for the student every 15 days during accelerated instruction; and
- information and guidance for the parents’ support of the student's learning at home.

FISCAL IMPLICATIONS

The bill does not contain an appropriation.

The services required of SB434 would create new instructional assignments that would not overlap with existing teaching assignments. An estimated 2,676 FTE would be required to take the new roles, as detailed in the section below, or diverted from other teaching assignments. At a total personnel cost of \$87,000 per instructional FTE on average, providing for SB434 may cost as much as \$232.8 million if the new teaching assignments did not take the place of existing teaching assignments.

At least one FTE additional personnel would be required for the Public Education Department (PED) to administer the provisions of the bill for training 2,676 intervention services providers, at an annual cost of \$110,000.

SIGNIFICANT ISSUES

Specific, statewide parameters for intervention systems. SB434 creates new, detailed requirements for all school schedules, for which decision-making is currently left to local leadership. This is especially constraining for the more autonomous charter schools. The bill requires a minimum of three intervention periods for each subject (math and reading) in which a student has a deficiency each week, with a minimum duration of 30 minutes per intervention.

High-stakes decision-making based on a single indicator. High-stakes educational decisions should not be based on a single indicator, such as proposed by SB434, according to the [testing standards](#) of the American Educational Research Association (AERA), the American Psychological Association (APA), and the National Council on Measurement in Education (NCME). The AERA [Position Statement on High-stakes Testing](#) explains that “decisions that affect individual students' life chances or educational opportunities should not be made on the basis of test scores alone,” as HB434 proposes.

Proposing an overly restrictive system of interventions in place of the current system. The requirements for interventions provided for in this bill restrict local decision-making more than the current [Multi-layered System of Supports](#) (MLSS) administered by PED.

[6.29.1 NMAC, General Provisions](#) defines MLSS as:

“. . . a coordinated and comprehensive framework that uses increasingly intensive evidence-based academic and behavioral supports that address student needs as evidenced by student data. It is a model for holistic school improvement that provides progress measures for additional supports such as school-based team structures, professional development, health and wellness, and family and community engagement. MLSS satisfies the definition of ‘multi-tiered system of supports’ contained within the Every Student Succeeds Act.”

Data used to make decisions about student interventions and regarding layered interventions are chosen by classroom teachers and support personnel closest to the students. Balanced assessment systems are used for decision-making, which better conform to [Standards for Educational and Psychological Testing](#). Both academic and behavioral evidence may be considered in determining academic and behavioral interventions. Compared to previous intervention models, MLSS reduces paperwork and time in meetings to make decisions regarding layered interventions.

PED requires that all school districts and charter schools:

- provide specific support and interventions for students who have academic needs;
- assign a point of contact (POC) for MLSS;
- ensure that the POC attends monthly statewide webinars;
- submit the *MLSS Self-Assessment* to PED.

Duplicating individualized planning for students with disabilities. SB434 does not account for the existing individualized instructional plans addressing the academic needs of students with disabilities, for whom a detailed plan is incorporated into an Individualized Education Program (IEP). Approximately one-third of all students with test scores at performance level one (PL1) had IEPs in the 2023-24 school year.

Determining the number of students who must have intervention plans. The number of students who scored at the lowest proficiency level are tabulated below for the 2023-24 school year. There would be 62,000 students required to have individualized plans for reading and 79,000 students required to have individualized plans in mathematics. This may impose the heaviest lift in small school districts and at charter schools.

The number of students who performed in the lowest achievement level on the Assessment and Accountability Act tests in the 2023-24 school year is tabulated below with other performance-level counts. The total number of students with disabilities (SwD) at each performance level is also included.

Grade Level Reading	Count PL1	Count PL2	Count PL3	Count PL4	Count PL5
K	4,448	4,274	3,348	3,098	4,084
1	6,471	4,364	3,320	3,264	3,051
2	6,646	3,633	3,560	3,341	4,328
3	6,236	8,269	3,079	3,760	-
4	5,697	7,175	4,448	4,659	-
5	6,833	6,564	5,256	3,707	-
6	4,429	9,052	5,011	3,730	-
7	4,117	9,433	4,777	4,213	-
8	5,983	7,712	4,192	5,066	-
11	11,016	5,255	6,839	1,101	-
Total	61,876	65,731	43,830	35,939	11,463
Total SwD	23,558	10,688	3,714	2,129	872

Grade Level Mathematics	Count PL1	Count PL2	Count PL3	Count PL4
3	9,769	6,555	4,093	959
4	10,272	6,142	4,720	873
5	9,915	5,535	4,431	2,520
6	10,405	5,318	4,966	1,581
7	13,762	4,517	2,775	1,513
8	10,870	7,875	3,606	609
11	14,336	7,096	2,175	447
Total	79,329	43,038	26,766	8,502
Total SwD	23,989	4,612	1,752	479

PERFORMANCE IMPLICATIONS

The scheduling requirements of the bill may exacerbate inequities in access and participation in the arts, physical education, and other required subjects in elementary and middle school, and reduce participation in elective courses in high school. PED studied formal course enrollment in the 2022-23 school year and found that at elementary schools where arts courses were available, 10 percent of students were not enrolled in them, highlighting a possible inequity related to participation in competing academic interventions or services for

English learners. Additionally, PED found a positive effect on attendance rates for students enrolled in arts courses even when controlling for other individual variables such as poverty, gender, race, and grade level. For each arts course in which they were enrolled, a student's odds of regular attendance increased by 10 percent, and in the secondary grades an additional 10 percent increase to the odds of regular attendance was observed. Further, chronically absent students in urban high schools enrolled in one arts course attended 3.6 days more on average than those not enrolled in an arts course in the 2022-23 school year.

ADMINISTRATIVE IMPLICATIONS

Increasing the number of licensed teaching positions statewide. To estimate the number of additional staff required of SB434, assume that the teachers assigned to implement students' individual intervention plans may have an average of 35 students per FTE, similar to the [caseload maximum](#) of special education teachers providing a minimal service level to students with IEPs. At this teacher-to-student ratio, 1,095 FTE would be required for the 38,318 students at PL1 in reading who do not already have IEPs, and 1,581 FTE would be required for the 55,340 students at PL1 in mathematics who do not already have IEPs. In total, 2,676 FTE licensed teachers would need to be hired or diverted from some portion of their current teaching assignment to meet the requirements of SB434.

SB434 refers to an "accelerated instruction plan" for students, and that it be explained to parents, but the bill does not elaborate on the school's obligation to develop the plan. It is assumed in calculating the administrative burden to schools that the teachers providing the service would also develop the plans.

The 2,676 licensed providers of interventions described in SB434 would be required to have department-approved training to deliver the interventions. The PED does not currently have a program for professional learning that could accommodate the new program. At least one FTE additional member of staff would be required to develop the training program, potentially through promulgation of rule, and administer the provisions of the bill.

Developing, implementing, and communicating with parents about individualized intervention plans, as required by SB434, would be redundant and unnecessary for students with IEPs, which are required by law to include appropriate academic goal setting.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

- Conflicts with Senate Bill 38/aSFC, The Special Education Act, would codify MLSS which conflicts with provisions of HB434 for academic interventions.
- Relates to Senate Bill 235/aSEC, School Math Changes, which would require MLSS for students identified as having difficulty with mathematics.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

The educational term, "acceleration" carries two conflicting interpretations:

Remedial Acceleration: The bill mandates that students scoring in the lowest proficiency levels receive "accelerated instruction." This would be extra, individualized teaching designed to help them quickly catch up to grade-level standards. Here, acceleration means intensifying support so that struggling students can rapidly remediate their deficiencies.

Curricular Acceleration: In other educational contexts, "acceleration" refers to advancing a student more quickly through the curriculum, such as through grade-skipping or placement in higher level classes. This meaning is typically associated with gifted or advanced learners.

While the bill uses "accelerated instruction" to denote targeted remedial intervention for low-performing students, the term "acceleration" in common educational parlance can also imply speeding up academic progress for high-achieving students. This dual usage can create confusion about whether the focus is on catching up or on pushing students ahead in the standard curriculum.

SB434 provides for how a student will receive a designation of deficiency, but does not describe how a student may exit from status during the school year, other than through the annual academic summative achievement tests. This would require students receive interventions for the entirety of the school year, even if they are demonstrating proficiency in the classroom.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None.

AMENDMENTS

The sponsor may consider amending the bill to provide a means for students to exit deficiency status prior to the end of the school year.