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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 1st Session, 2025

Bill Number	<u>SB242/aSEC</u>	Sponsor	<u>Stewart</u>
Tracking Number	<u>.229422.3</u>	Committee Referrals	<u>SEC/SFC</u>
Short Title	<u>Advancing the Science of Reading Act</u>		
Analyst	<u>Andrews</u>	Original Date	<u>2/6/2025</u>
		Last Updated	<u>2/10/2025</u>

BILL SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee Amendment to SB242 (SB242/aSEC) adds clarifying language to specify that future educators are “pre-service” teachers, and replaces the use of educator preparation programs with “teacher preparation programs” in alignment with statute. SB242/aSEC also removes the requirement for PED to “work with stakeholders to” develop specific teacher preparation standards related to the five components of the science of reading. SB242/aSEC also adds “and alternative licensure” to clarify that alternative licensure will not require 16 weeks of student teaching prior to initial licensure.

Synopsis of Original Bill

Senate Bill 242 (SB242) would amend the Public School Code and create the Advancing the Science of Reading Act to ensure educator preparation programs (EPPs) use only structured literacy practices, and future educators are trained in scientifically based reading instruction (SBRI). SB242 also bans the use of balanced literacy in New Mexico public schools, state agencies, or by anyone who receives state funding. SB242 also requires all reading instruction in prekindergarten through 12th grade public schools to use high-quality instructional materials (HQIM) that must meet specified parameters, including being grounded in evidence-based research, being consistent with the science of reading, and having been reviewed and approved as English language arts (ELA) core instructional materials on the Public Education Department’s (PED) multiple list (a ranked list of HQIM reviewed through a rigorous evaluation process), among other requirements.

SB242 would require all EPPs to use the science of reading as the basis for reading instruction coursework, and for EPP candidates to use structured literacy practices within their field experience. SB242 would prohibit balanced literacy instruction to be taught within or included in EPP curriculum. The bill would require EPP reading instruction coursework and field experience for prekindergarten through 12th grade to only to use HQIM reviewed by PED and included on PED’s ELA core instructional materials multiple list and recognized for structured literacy.

SB242 would stipulate EPPs require six credit hours in SBRI for prekindergarten through third grade, kindergarten through eighth grade, fifth through ninth grade, sixth through 12th grade, and prekindergarten through 12th grade special education candidates seeking standard or alternative licensure. The bill would require candidates in these programs to complete a minimum of 100 hours of supervised field experience in classrooms implementing SBRI. SB242 also updates licensure requirements so candidates in these programs meet minimum credit and field hour requirements specified in the proposed act.

SB242 would create a “literacy coordinator” position at each EPP to oversee the implementation of SBRI and ensure compliance with the proposed act. SB242 would require PED to conduct an initial audit of EPPs—followed by ongoing monitoring—to assess compliance and require EPPs that fail to adhere to the stipulations of the proposed act to submit corrective action within 60 days or potentially face the loss of state accreditation or funding.

Finally, SB242 would require EPPs to ensure teacher candidates are trained to identify when students are not reading at grade level and to provide appropriate interventions. SB242 also would require school districts and charter schools to notify parents of any kindergarten through third grade student on current reading performance twice per academic year. SB242 would also require districts and schools to notify all parents of first grade students in writing no later than 15 days after the dyslexia screener has been administered of any reading difficulty.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPACT

SB242/aSEC does not contain an appropriation.

LESC staff anticipate implementation of SB242/aSEC could result in modest costs for EPPs, school districts, and charter schools.

SB242/aSEC states “sufficient funding shall be provided to support salary and administrative costs of literacy coordinator positions.” It is unclear whether this language requires the Legislature to provide funding for one full-time equivalent (FTE) literacy coordinator position at each EPP to oversee the implementation of SBRI, or if it would require each EPP to repurpose funding to support a literacy coordinator position.

School districts and charter schools could face costs transitioning away from balanced literacy curriculum to HQIM in the science of reading. For example, in the last five years, some districts have purchased the Fountas and Pinnell and Lucy Calkins literacy programs. According to [PED’s Instructional Materials Bureau](#), 54 percent of New Mexico districts have purchased HQIM for kindergarten through 12th grade (K-12) ELA, and SB242 would limit the use of reading materials to only items on the HQIM multiple list. However, if districts wait to purchase HQIM in the science of reading until their next adoption cycle, additional costs would be minimal; ninth through 12th grade reading adoption is scheduled for 2026, and kindergarten through eighth grade reading is scheduled for 2027.

The LESB budget recommendation for FY26 includes \$14 million in recurring funding for early literacy and reading support. However, these funds have traditionally been used to support Language Essentials for Teachers of Reading and Spelling (LETRS) professional development for

elementary educators that focuses on the science of reading. The LESC, LFC and executive budget recommendations for FY26 also include \$30 million to support structured literacy implementation through the structured literacy institute. It is unclear if this funding would support the proposed Advancing the Science of Reading Act in addition to its current uses. School districts and charter schools also receive funding for instructional materials through the state equalization guarantee (SEG), the state’s public school funding formula, which could be used for HQIM as specified in SB242. For FY25, the SEG included \$55 million for school districts and charter schools to purchase culturally and linguistically appropriate instructional materials. The LESC, LFC, and executive recommendations include flat funding at \$55 million for instructional materials through the SEG distribution.

Past Funding for Structured Literacy. Since the transition to the Structured Literacy New Mexico Initiative in 2019, the Legislature has allocated funding for structured literacy through both below-the-line program support appropriations and through SEG distributions directly to school districts and charter schools. Below-the-line program support for structured literacy totals \$42.4 million from FY21 to FY25. SEG funding for school districts and charter schools to provide evidence-based structured literacy interventions totaled \$32 million from FY21 to FY24, with an annual SEG distribution of \$8 million for each fiscal year.

In FY25, while the Legislature again included language to fund structured literacy through SEG distributions, the language no longer isolated SEG funding specifically for structured literacy. Instead, the FY25 SEG allocation included \$59 million for districts and schools to not only fund structured literacy supports, but also to fund teacher mentorship requirements, create an educational plan, provide career and technical education programs, and implement the community school framework. This means in FY25, school districts and charter schools could spend between \$0 and \$59 million of their SEG allocation to support structured literacy. Because these allocations are through the SEG, which is discretionary, school districts and charter schools do not necessarily have to spend the funds in alignment with enabling legislation that established criteria for structured literacy initiatives in the state.

In FY25, the Legislature also appropriated \$30 million for summer reading intervention through the inaugural year of the structured literacy institute.

SUBSTANTIVE ISSUES

HQIM in Public Schools and State Agencies. SB242/aSEC requires all reading instruction coursework for prekindergarten through 12th grade in public schools and state agencies to use HQIM that are grounded in evidence-based research and consistent with the science of reading; do not employ balanced literacy techniques; provide explicit and systematic instruction in phonemic awareness, phonics, fluency, vocabulary and comprehension; and are reviewed and approved as ELA core instructional materials on the multiple list adopted by PED and recognized for structured literacy.

It appears SB242/aSEC could result in an unintended consequence of restricting all ELA reading materials in public schools to materials that are on the PED adopted [multiple list](#) for ELA and meet the other enumerated criteria in SB242/aSEC. Since SB242/aSEC does not define “reading instruction” this requirement could be interpreted as applying to all prekindergarten through 12th grade ELA materials. For example, novels and storybooks do not meet the enumerated criteria in SB242/aSEC.

Programmatic Requirements. SB242/aSEC requires all EPPs to ensure candidates seeking initial standard or alternative licensure in prekindergarten through third grade, kindergarten through eighth grade, fifth through ninth grade, sixth through 12th grade, and prekindergarten through 12th grade special education to complete 100 hours in a classroom implementing SBRI with HQIM, including opportunities to observe and apply these instruction techniques under the supervision of a teacher trained in SBRI and the use of HQIM.

It is important to note that under current law and administrative rule, alternative teacher license candidates are not required to complete clinical experience prior to serving as a teacher of record. However, it is unclear in SB242/aSEC whether this requirement must be met before serving as a teacher of record, or if it could be completed while serving as a teacher of record. SB242/aSEC could have unintended consequences for alternative teacher license candidates. For example, those serving as a teacher of record for secondary students may be required to find a substitute teacher for 100 hours while they use that time to meet the requirements of SB242/aSEC to implement, observe, and apply SBRI with HQIM under the supervision of a teacher trained in SBRI and use of HQIM.

Standard teacher license candidates are currently required to complete at least 16 weeks of student teaching prior to attaining their license.

EPPs are currently required through state law to offer a course on teaching reading that is based on current scientifically based reading research. Statute also requires teacher candidates seeking a standard or alternative elementary license to complete at least six hours of reading courses. Likewise, teacher candidates seeking a standard or alternative secondary license are required to complete at least three hours of reading courses in subject matter content. SB242/aSEC would increase the number of reading credit hours required of secondary teacher candidates and would establish specific requirements for what reading courses would need to include, see **Figure 1: SB242/aSEC Proposed Course and Clinical Experience Requirements.**

Figure 1: SB242/aSEC Proposed Course and Clinical Experience Requirements

	Course Requirements	Clinical Experience Requirements
PreK through 12th Grade Candidates	<ul style="list-style-type: none"> • Three credit hours in phonemic awareness and phonics • Three credit hours in fluency, vocabulary acquisition and reading comprehension 	<ul style="list-style-type: none"> • At least 100 hours in a classroom implementing SBRI with HQIM
Alternative Licensure Candidates	Same as above must be completed within first twelve months of the alternative program	Same as above
Special Education Candidates	<ul style="list-style-type: none"> • Three credit hours in phonemic awareness, phonics, and strategies to support students with learning disabilities or dyslexia • Three credit hours in fluency, vocabulary acquisition and reading comprehension 	Same as above

It is also unclear what cohorts of pre-service teachers SB242/aSEC would apply to. As drafted, SB242/aSEC appears to apply to all cohorts of pre-service teachers, regardless of how far along they may be in either an alternative or standard EPP.

Impact on EPPs. SB242/aSEC does not specify a timeline for implementation, yet contains a number of requirements for EPPs—such as proposed coursework and clinical experience requirements and use of HQIM—that are paired with monitoring and enforcement requirements. As the bill does not contain an effective date, it would go into effect 90 days after the Legislature adjourns (June 20, 2025)—it is unclear if all requirements for EPPs must be met by that date.

Structured Literacy and the Science of Reading. The science of reading is an interdisciplinary body of research that explains how individuals learn to read and the best practices for reading instruction, and structured literacy is research-based practices within the classroom. Together, this body of research and practices form SBRI.

Structured literacy is an umbrella term coined by the International Dyslexia Association in 2016 to describe a science-based, explicit, systematic, cumulative approach to reading and writing instruction. Structured literacy is an approach to reading instruction where teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children’s literacy learning as much as possible. This approach is helpful for all students and can be beneficial not only for students with reading disabilities, but also for other at-risk students including English learners and struggling adolescents ([IDA, 2019](#)).

As noted in PED’s [Statewide Literacy Framework](#), New Mexico is on a strategic path to ensure all literacy instruction is evidence-based, beginning with the passage of Laws 2019, Chapter 256 (SB398) which required:

- Universal dyslexia screening for first grade students;
- Early interventions for students displaying characteristics of dyslexia; and
- School districts to develop and implement a literacy professional development plan to implement structured literacy training for all elementary school teachers.

SB242/aSEC relates to the pedagogical approach known as structured literacy, and to the professional development program known as LETRS, both of which [PED supports extensively](#). As outlined in LESC’s October 2024 [Review of Structured Literacy Support Models](#) policy brief, through the Structured Literacy New Mexico initiative PED provides general literacy supports such as LETRS professional learning for all elementary educators, and additional supports to schools selected as “model” and “support” schools.

SBRI in New Mexico EPPs. While state law requires current elementary educators to receive structured literacy professional development training, it does not require EPPs to teach the science of reading, or guidelines on how to implement structured literacy instruction. However, in October 2023, PED issued a memo stating, “effective immediately, all [EPPs] in New Mexico must adopt and implement an English Language Arts and Teaching of Reading core curriculum requirements that align with the science of reading and structured literacy.” PED cited their statutory authority to approve New Mexico’s teacher preparation curricula and programs at two- and four-year postsecondary education institutions and general requirements for EPPs, including the Educator Accountability Report system and approval, governed by rule in NMAC 6.65.3.

Since 2024—the deadline set in the October 2023 PED memo—PED has used the EPP approval process to ensure EPPs have established and implemented a science of reading aligned curriculum for undergraduate and graduate degree programs. PED evaluates EPPs within their existing site visit review process based on the Quality Review Rubric within the Curriculum Design and Instructional Delivery components of the Educator Accountability Report. The rubric rates EPPs’ development of curricula design and delivery based on their alignment of top priority areas, including literacy, with accepted teaching standards. EPPs were also directed to conduct a programmatic review to ensure course and syllabi alignment with the science of reading and a structured literacy approach. The memo stated PED “may request document of course alignment and syllabi refinement beginning in 2024.” SB242 appears to codify PED department guidance to ensure this practice continues beyond the current administration.

ADMINISTRATIVE IMPLICATIONS

According to the University of New Mexico (UNM), the cost of implementing SB242/aSEC would include the hiring of a literacy coordinator at a minimum starting salary of \$75 thousand plus fringe benefits (about 40 percent at UNM).

PED would need to support the EPP audit process, including staffing and administrative costs, and may require additional FTE or funding to implement SB242/aSEC.

OTHER SIGNIFICANT ISSUES

Literacy is a foundational skill, but most students in New Mexico do not score as proficient in reading or writing, with the most recent data from PED showing 39 percent of New Mexico students testing as proficient in reading during the 2023-2024 school year (SY24). However, overall student proficiency in reading has been growing recently: from 34 percent in SY22 to 39 percent in SY24.

Martinez-Yazzie. In 2019, the 1st Judicial Court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico's public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court pointed to high school graduation rates, student test proficiencies, and college remediation rates as indicators of how the state is not meeting its constitutional obligation to ensure all students are college, career, and civics ready. The court's findings suggested overall public school funding levels, financing methods, and PED oversight were deficient. As such, the court enjoined the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings necessary to provide all at-risk students the opportunity for a sufficient education. Additionally, the court noted the state would need a system of accountability to measure whether the programs and services actually provided the opportunity for a sound, basic education and to assure that local school districts spent funds provided in a way that efficiently and effectively met the needs of at-risk students. However, the court stopped short of prescribing specific remedies and deferred decisions on how to achieve education sufficiency to the legislative and executive branch.

This bill relates to *Martinez-Yazzie* because while structured literacy is beneficial for all students, it is particularly helpful for at-risk students, including students with disabilities.

SOURCES OF INFORMATION

- LESC Files
- The University of New Mexico (UNM)
- NM Independent Community Colleges (NMICC)
- New Mexico Regional Cooperatives (NMRECA)
- New Mexico Higher Education Department (NMHED)
- New Mexico Institute of Mining and Technology (NMIMT)
- New Mexico School for the Blind and Visually Impaired (NMSBVI)