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HOUSE BILL 28

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY  
Rick Miera

FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN EARLY LITERACY  
PROGRAM IN THE PUBLIC SCHOOLS; REQUIRING ACCOUNTABILITY;  
MAKING AN APPROPRIATION.

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 EARLY LITERACY PROGRAM.--

A. The department of education, upon approval of  
an early literacy program for students from kindergarten  
through third grade, shall distribute money to those school  
districts that address program elements established by the  
department of education, including:

- (1) intensive literacy programs through  
third grade for students not reading at grade level; and
- (2) literacy programs before or after school

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1 or on weekends.

2 B. A school district's application to the  
3 department of education for an early literacy program  
4 distribution shall include a family involvement component  
5 that is based on family support principles for each of the  
6 program elements."

7 Section 2. A new section of the Public School Code is  
8 enacted to read:

9 "[NEW MATERIAL] PROGRAM APPROVAL.--

10 A. An approved early literacy program shall  
11 support the educational and developmental needs of students  
12 in kindergarten through third grade, address cultural  
13 diversity and provide family support.

14 B. In addition to programs already offered  
15 pursuant to Section 22-2-8.3 NMSA 1978, an approved early  
16 literacy program shall consist of a minimum of ninety hours  
17 of instruction per academic year for kindergarten students  
18 and a minimum of one hundred eighty hours of instruction per  
19 academic year for students in first, second and third grades.

20 C. An approved early literacy program shall  
21 demonstrate the following components:

22 (1) engaging and abundant literacy materials  
23 appropriate to the age of the students;

24 (2) effective instructional techniques that  
25 incorporate the most recent research in the teaching of  
reading;

(3) thorough integration of reading and

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1 writing activities;  
2 (4) training for teachers and parents; and  
3 (5) annual pre- and post-program assessments  
4 for students that clearly reveal student outcomes.

5 D. School districts that receive funding shall  
6 evaluate and document the results of the early literacy  
7 program in terms of the number of students and families  
8 served, the services provided and the gains achieved by the  
9 students and report those results to the department of  
10 education."

11 Section 3. A new section of the Public School Code is  
12 enacted to read:

13 "[NEW MATERIAL] DUTIES OF THE DEPARTMENT OF EDUCATION.--

14 A. By July 1, 2000, the department of education  
15 shall develop guidelines for the approval process for early  
16 literacy programs and disseminate those guidelines to all  
17 school districts. The department shall provide technical  
18 assistance in developing proposals and shall define approval  
19 criteria, establish content standards and benchmarks that  
20 ensure students' progress and provide accountability to the  
21 public.

22 B. The department of education shall monitor early  
23 literacy programs and ensure that they serve the children  
24 most in need based upon age-appropriate assessments. If the  
25 department determines that a program is not meeting the  
benchmarks necessary to ensure the progress of students in  
the program, the department shall notify the school district

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1 that failure of the program to meet the benchmarks within  
2 sixty days will result in the cessation of funding for the  
3 program. The department shall compile the program results  
4 submitted by the school districts and make an annual report  
5 to the legislative education study committee."

6 Section 4. Section 22-8-18 NMSA 1978 (being Laws 1974,  
7 Chapter 8, Section 8, as amended) is amended to read:

8 "22-8-18. PROGRAM COST CALCULATION--LOCAL SCHOOL BOARD  
9 RESPONSIBILITY.--

10 A. The total program units for the purpose of  
11 computing the program cost shall be calculated by multiplying  
12 the sum of the program units itemized as Paragraphs (1)  
13 through ~~[(4)]~~ (5) in this subsection by the ~~[instruction]~~  
14 instructional staff training and experience index and adding  
15 the program units itemized as Paragraphs ~~[(5)]~~ (6) through  
16 ~~[(8)]~~ (9) in this subsection. The itemized program units are  
17 as follows:

- 18 (1) early childhood education;
- 19 ~~(2)~~ early literacy;
- 20 ~~[(2)]~~ (3) basic education;
- 21 ~~[(3)]~~ (4) special education, adjusted by  
22 subtracting the units derived from membership in class D  
23 special education programs in private, nonsectarian,  
24 nonprofit training centers;
- 25 ~~[(4)]~~ (5) bilingual multicultural education;
- ~~[(5)]~~ (6) size adjustment;
- ~~[(6)]~~ (7) at-risk program;

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1                    [~~(7)~~] (8) enrollment growth or new district  
2 adjustment; and

3                    [~~(8)~~] (9) special education units derived  
4 from membership in class D special education programs in  
5 private, nonsectarian, nonprofit training centers.

6                    B. The total program cost calculated as prescribed  
7 in Subsection A of this section includes the cost of early  
8 childhood, special, bilingual, multicultural and vocational  
9 education and other remedial or enrichment programs. It is  
10 the responsibility of the local school board to determine its  
11 priorities in terms of the needs of the community served by  
12 that board. Funds generated under the Public School Finance  
13 Act are discretionary to local school boards; provided that  
14 the special program needs as enumerated in this section are  
15 met."

16                    Section 5. Section 22-8-19 NMSA 1978 (being Laws 1974,  
17 Chapter 8, Section 9, as amended) is amended to read:

18                    "22-8-19. EARLY CHILDHOOD EDUCATION AND EARLY LITERACY  
19 PROGRAM UNITS.--

20                    A. The number of early childhood education program  
21 units is determined by multiplying the early childhood  
22 education MEM by the cost differential factor 1.44. No early  
23 childhood education student shall be counted for more than  
24 0.5 early childhood education MEM.

25                    B. For the purpose of calculating early childhood  
education program units, developmentally disabled three- and  
four-year-old students shall be counted in early childhood

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1 education membership. No developmentally disabled three- or  
2 four-year old student shall be counted for more than 0.5  
3 early childhood education MEM.

4 C. The number of early literacy program units is  
5 determined by multiplying the early literacy program MEM by  
6 the cost differential factor .03."

7 Section 6. APPROPRIATION.--Five million dollars  
8 (\$5,000,000) is appropriated from the general fund to the  
9 state department of public education for expenditure in  
10 fiscal year 2001 to fund early literacy programs in the  
11 public schools. Any unexpended or unencumbered balance  
12 remaining at the end of fiscal year 2001 shall revert to the  
13 general fund.