

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HB 295

51st Legislature, 2nd Session, 2014

Tracking Number: .195916.2

Short Title: Early Literacy Act

Sponsor(s): Representative Mimi Stewart

Analyst: LaNysha Adams

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Bill Summary:

HB 295 makes an appropriation and adds a new section to the *Public School Code* to create the *Early Literacy Act* to:

- provide support to school districts and charter schools that deliver multiple opportunities to K-3 students who experience difficulties learning language, including:
 - early acquisition of literacy skills,
 - early literacy intervention;
 - targeted intensive instruction; and
 - focused remediation.
- prescribe program requirements that include a report by the participating school board or charter school governing body and the Secretary of Public Education by August 1, 2015 and each subsequent year to review early literacy programs; and
- establish eligibility requirements for state funding.

Specifically, HB 295:

- In Section 3, defines:
 - **“deficient in reading”** as a score on a screening assessment as determined by the department;
 - **“early literacy program”** as programs of education through which students receive language and early literacy skills intervention, targeted intensive instruction or remediation in grades K-3;
 - **“intensive targeted instruction”** as extra instruction in small groups or as individuals provided by a certified school instructor as identified in the school district early literacy program;
 - **“intervention”** as targeted instructional practice for students as a response to intervention, as defined in Section 22-13-6 [Special education; definitions] NMSA 1978;
 - **“reading improvement plan”** as a written document developed by the student assistance team that describes the specific reading standards required for a certain grade level that a student has not achieved and that prescribes specific intervention, intensive targeted instruction or remediation, including specific strategies the parent

- can use in helping the student achieve reading proficiency that have demonstrated effectiveness and can be implemented during the school day or outside of the school day pursuant to a school district early literacy program;
- **“screening assessment”** as a valid and reliable assessment that measures a student’s proficiency in language and literacy skills, including phonological awareness, phonics, reading fluency, vocabulary and comprehension; and
 - **“student assistance team”** as a collaborative group consisting of a student’s:
 1. teacher;
 2. school counselor;
 3. school administrator;
 4. parent; and
 5. if a student or parent wishes, a student advocate chosen by the parent.
- In Section 4, outlines the powers and duties of the Public Education Department (PED) to require the department to:
 - issue guidelines for the development and implementation of early literacy programs;
 - administer and reinforce the provisions of the *Early Literacy Act*; and
 - assist school districts and charter schools in developing and evaluating early literacy programs.
 - In Section 5, delineates program plan provisions that:
 - allow a school districts and charter school to annually prepare and submit to PED an early literacy program plan in accordance with PED-issued guidelines; and
 - requires these plans to include:
 - ✓ a three-year plan for implementation of early literacy programs;
 - ✓ the educational plan for student success for each school in the school district with a focus on reading improvement plans for elementary schools;
 - ✓ the screening assessment used to identify students who are deficient in reading and an assurance the screening assessment will be administered no later than the end of the first nine weeks of the school year in grades K-3;
 - ✓ the process the school district or charter school will use to notify parents, in a language appropriate for the parent, that a student is deficient in reading upon receiving results that identify the student as such;
 - ✓ the process the school district or charter school will use with a student assistance team to create a reading improvement plan for a student who is deficient in reading;
 - ✓ the early literacy programs offered to students who are deficient in reading grades K-3;
 - ✓ the process a school district or charter school will use if a parent refuses to allow the student to participate in the prescribed early literacy programs;
 - ✓ the process a school district or charter school will use when a student is deficient in reading two or more consecutive years;
 - ✓ a plan for professional development in the science of teaching reading for certified school instructors participating in instruction aligned to the early literacy program; and
 - ✓ by August 1, 2015 and by August 1 of each subsequent year, a review and development of program improvement recommendations by a participating local

school board or charter school governing board followed by a review with program improvement recommendations by the Secretary of Public Education (see “Technical Issues,” below).

- In Section 6, establishes eligibility for state funding to require early literacy programs to:
 - provide for the educational needs of students deficient in language and early literacy skills to refine those skills, including phonological awareness, phonics, fluency, vocabulary, and comprehension, pursuant to an educational plan for student success;
 - integrate early literacy intervention into the curriculum;
 - use certified school instructors who receive annual professional development in the science of teaching reading; and
 - require background checks for instructors in accordance with provisions the *School Personnel Act of the Public School Code*.

Fiscal Impact:

\$11.5 million is appropriated from the General Fund to the Public School Reading Proficiency Fund for expenditure in FY 15 and subsequent fiscal years for early literacy intervention, instruction, and remediation to students in grades K-3. Any unexpended or unencumbered balance remaining at the end of a fiscal year will revert to the General Fund.

CS/H 2 et al., *General Appropriation Act of 2014*, includes appropriation language and a \$14.5 million to PED for the *Public School Reading Proficiency Fund* to support the Early Reading Initiative.

Substantive Issues:

The PED bill analysis states that the provisions of HB 295 interrupts current department initiatives, most notably Reads to Lead.

Researchers have established that early literacy:

- is what children know about communication, language, verbal and non-verbal, reading and writing before they can actually read and write;
- encompasses all of a child’s experiences with conversation, stories, oral and written, books, and print; and
- is not the teaching of reading, but is fundamental in laying a strong foundation so that when children are taught to read, they are ready.

Technical Issues:

As a technical issue, the Legislative Finance Committee Fiscal Impact Report states that the bill includes a definition of “reading improvement plan” and the term is not found anywhere else in the act. This term, however, is included on line 4, page 5.

Section 6: Although the bill requires that program improvement recommendations be made by a participating local school board or charter school and the Secretary of Public Education, it does not identify the recipient of these recommendations.

Fiscal Impact: The bill makes an appropriation to the *Public School Reading Proficiency Fund*. Current provisions for the fund require PED to distribute awards to public middle, junior and senior high schools that implement innovative, scientifically based reading programs. The sponsor may wish to amend the provisions of this fund to include grades K-3.

Background:

Since the 1990s, the Legislative Education Study Committee (LESC) has heard testimony about early childhood education, including issues related to early literacy. In addition to full-day kindergarten, which was phased in over a five-year period beginning with school year 2000-2001, the Legislature has supported early literacy efforts through the K-3 Plus Program and the *Pre-Kindergarten Act*.

K-3 Plus Program

In 2003, legislation was enacted to create the Kindergarten Plus pilot project in four school districts as a three-year study administered by PED. Kindergarten Plus extended the school year 40 days for participating kindergarteners for the purpose of demonstrating that additional time in kindergarten narrows the achievement gap between disadvantaged students and other students.

In 2006, LESC-endorsed legislation was enacted to amend the statute to extend the Kindergarten Plus pilot project to a six-year study and to expand the project beyond the original four school districts to allow any other school district with high-poverty schools, where 85 percent or more of the students are eligible for free or reduced lunch, to apply.

In 2007, LESC-endorsed legislation was enacted to create K-3 Plus, a six-year pilot project that extends the school year in kindergarten through third grade by at least 25 instructional days in high-poverty schools, starting up to two months earlier than other classes.

In 2012, LESC-endorsed legislation was enacted to convert K-3 Plus from a pilot project to an established program in PED.

Pre-Kindergarten Act

Endorsed by the LESC and enacted in 2005, the *Pre-Kindergarten Act*:

- established a voluntary program of pre-kindergarten services for four-year-old children offered by public schools, tribes or pueblos, Head Start centers, and licensed private providers;
- is administered jointly by the Children, Youth and Families Department and PED; and
- requires that Pre-K services include a curriculum that addresses the total developmental needs of the child – physical, cognitive, social, and emotional – and that includes aspects of healthcare, nutrition, safety, the needs of the family, and multicultural and linguistic sensitivity, in coordination with other resources for families.

Current Law

Public School Reading Proficiency Fund

Current provisions of this fund require that the fund be administered by PED and that money in the fund be distributed to public middle, junior and senior high schools that implement innovative, scientifically based reading programs.

Other provisions require:

- PED to develop procedures and rules for the application and award of money from the fund, including criteria upon which to evaluate innovative, scientifically based reading programs; and
- public schools receiving funds to show evidence that they are using quality, scientifically based reading research to improve reading proficiency and proficiency standards.

Committee Referrals:

HEC/HAFC

Related Bills:

HB 3 *Education Appropriation Act*

HB 259 *Early Literacy Act* (Similar)

SB 255 *Early Childhood Reading Literacy Program*