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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
54th Legislature, 1st Session, 2019

Bill

Number SB398/aSPAC/aSEC/aSFI/aHEC **Sponsor** Stewart

Tracking Number .212718.2 **Committee Referrals** SPAC/SEC;HEC

Short Title Dyslexic Student Early Interventions

Analyst Stiles **Original Date** 2/20/19
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BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee Amendment to SB398 (SB398/aSPAC/aSEC/aSFI/aHEC) as three times amended strikes through all of the Senate Floor amendments, as well as three of the Senate Education Committee (SEC) amendments, replacing them with language that would phase in the provisions of SB398/aSPAC/aSEC/aSFI/aHEC over the course of the 2019-2020 and 2020-2021 school years and requires all first grade students to be screened for dyslexia in each subsequent school year. The amendment would also require school districts to implement the literacy professional development plan yearly, and allows school districts to update the plan as necessary.

Synopsis of Senate Floor Amendment 1

The Senate Floor Amendment 1 to SB398 (SB398/aSPAC/aSEC/aSFI) strikes through three of the SEC amendments, replacing them with language that would phase in the provisions of SB398/aSPAC/aSEC/aSFI over the course of the 2020-2021 and 2021-2022 school years and requires all first grade students to be screened for dyslexia in each subsequent school year. The amendment would also require school districts to implement the literacy professional development plan yearly, and allows school districts to update the plan as necessary.

Synopsis of SEC Amendment

The Senate Education Committee Amendment to SB398 (SB398/aSPAC/aSEC) would create a phase in during the 2020-2021 school year for the provisions if SB398/aSPAC/aSEC. The provisions of SB398/aSPAC/aSEC would be required to be followed in subsequent years. SB398/aSPAC/aSEC also adds a section to the bill with a contingent effective date; the provisions of the act would only become effective if SB536, HB548, or similar legislation of the first session of the 54th Legislature that contains an appropriation for early screening and intervention for students displaying characteristics of dyslexia becomes law.

Synopsis of SPAC Amendment

The Senate Public Affairs Committee Amendment to SB398 (SB398/aSPAC) preserves subsection 22-13-32 NMSA 1978 paragraph C, which required a student assistance team to inform a parent of a referred student of the parent’s right to require an initial special education evaluation at any time during the school district’s or charter school’s implementation of the interventions prescribed by the student attendance team. The language further requires the student assistant team to refer the child for an evaluation if the district school or charter school agrees the student may have a disability. The evaluation would be required to take place within 60 days of receiving the parental consent for an initial evaluation, unless the school provides written notice of the refusal to the parent including notice of the parent’s right to challenge the school district’s or charter school’s decision. SB398/aSPAC corrects a technical issue so all provisions of the bill refer to district schools and charter schools.

Synopsis of Original Bill

Senate Bill 398 (SB398) requires universal dyslexia screening for first-grade students, and early interventions for students who are displaying characteristics of dyslexia. SB398 additionally requires all school districts to develop and implement a literacy professional development plan to implement a structured literacy training for all elementary school teachers. The bill would require school districts to develop a framework for training reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia in evidence-based reading interventions.

FISCAL IMPACT

SB398/aSPAC/aSEC/aSFI/aHEC does not contain an appropriation; however, it does contain a contingency clause in which the provisions of the act only become effective if SB536, HB548, or similar legislation of the first session of the 54th Legislature that contains an appropriation for early screening and intervention for students displaying characteristics of dyslexia becomes law.

SUBSTANTIVE ISSUES

SB398/aSPAC/aSEC/aSFI/aHEC would amend the Public School Code to align the definition of “children with disabilities” with the federal Individuals with Disabilities Education Act. The bill would also update the definition of “dyslexia” as a specific learning disability that is neurobiological in nature, rather than a condition of neurological origin.

SB398/aSPAC/aSEC/aSFI/aHEC would require universal dyslexia screening to be phased in for first grade students during the 2019-2020 and 2020-2021 school years, and then require all first grade students in first grade to be screened for dyslexia in subsequent years. The bill would require any student whose dyslexia screening demonstrates characteristics of dyslexia and who is having difficulty learning to read, write, spell, understand spoken language, or express thoughts clearly, to receive appropriate classroom interventions or be referred to a student assistance team.

The Yale Center for Dyslexia and Creativity notes a screening for dyslexia can be accomplished early and reliably by kindergarten or first grade. The International Dyslexia Association notes all children in a school, beginning in kindergarten, should be screened to locate those students who are “at risk” for reading difficulty and preventative intervention should begin immediately if dyslexia is suspected. The International Dyslexia Association further notes, the child’s response

to supplementary instruction will help determine if special education services are justified and necessary.

The Public Education Department (PED) notes federal law does not require children to test for dyslexia unless it is determined a child needs to be tested to determine eligibility for special education services; however, early intervention may lead to improved student success. PED further notes in spring of 2018 only 28.5 percent of third grade students were proficient on the summative assessment aligned to New Mexico common core state standards. PED notes the use of early identification for students exhibiting characteristics of dyslexia aligns with PED's commitment to improving the academic achievement of students with disabilities.

SB398/aSPAC/aSEC/aSFI/aHEC strikes through language requiring dyslexia interventions only for students in the secondary tier of response to intervention, instead requiring earlier evidence-based interventions prescribed by a student assistance team.

SB398/aSPAC/aSEC/aSFI/aHEC would require, within the course of the 2019-2020 and 2020-2021 school year, every school district and charter school to develop and implement a literacy professional development plan for all elementary school teachers that includes a detailed framework for structured literacy training by a licensed and accredited or credentialed teacher preparation provider for all elementary school teachers. SB398/aSPAC/aSEC/aSFI/aHEC further requires school districts to continue to implement the plan each school year, updating it as necessary. This requirement is consistent with recommendations by the International Dyslexia Association. A structured literacy approach is marked by several elements including phonology, sound-symbol association, syllable instruction, morphology, syntax, and semantics. Additionally, structured literacy is distinctive in the principles that guide how critical elements are taught.

Research shows the highly explicit teaching characteristic of the structured literacy approach could benefit many students, not just those with disabilities; however, more classroom time may need to be devoted to reading and writing. In the primary grades structured learning practices involving phonemic awareness, phonics, spelling, and accurate oral reading of texts are important to preventing literacy difficulties because the skills form an essential foundation for reading comprehension.

SB398/aSPAC/aSEC/aSFI/aHEC would require training in evidence-based reading intervention for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia or diagnosed with dyslexia. The bill would also require school districts and charter schools to train school administrators and teachers who teach reading to implement appropriate evidence-based reading interventions and strikes language requiring such reading interventions to be used prior to referring the student for a special education evaluation.

ADMINISTRATIVE IMPLICATIONS

SB398/aSPAC/aSEC/aSFI/aHEC would require schools to screen all first-grade students for dyslexia, as well as require school districts and charter schools to develop and implement a literacy professional development plan to train all elementary school teachers in structured literacy. The bill would also require additional training for reading interventionists and special education teachers working with students demonstrating characteristics of dyslexia.

OTHER SIGNIFICANT ISSUES

Several states have passed legislation regarding early screening for dyslexia, and dyslexia interventions. Oregon passed legislation in 2017 requiring schools conduct universal screening for risk factors of dyslexia in kindergarten using an assessment identified by the Oregon Department of education, and ensuring at least one kindergarten through fifth-grade teacher in each school completed dyslexia-related training by July 1, 2018. Wyoming requires universal screening for dyslexia in kindergarten through third-grade and appropriate intervention curriculum in a multi-tiered framework. Arkansas requires dyslexia screening for every student in kindergarten through second-grade and for students in third-grade or higher experiencing difficulty, as noted by a classroom teacher.

RELATED BILLS

SB1, HB5 and HB171 propose legislation to expand the number of professional development days for teachers.

SB398/aSPAC/aSEC/aSFI/aHEC contains a contingency clause which would not allow the bill to be enacted unless funding is made available by the adoption of SB536 or HB 548 or similar legislation of the first session of the 54th Legislature that contains an appropriation for early screening and intervention for students displaying characteristics of dyslexia becomes law.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- Legislative Finance Committee (LFC)

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