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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

Bill Number	<u>HB481</u>	Sponsor	<u>Lane</u>
Tracking Number	<u>.225219.2</u>	Committee Referrals	<u>HEC/H AFC</u>
Short Title	<u>Align School Reading Materials</u>		
Analyst	<u>Andrews</u>	Original Date	<u>2/22/2023</u>
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BILL SUMMARY

Synopsis of Bill

House Bill 481 (HB481) amends the reading materials fund in the Instructional Materials Law to specify that money in the fund must be used for elementary structured literacy core, intervention, or supplementary instructional materials.

HB481 adds language to specify that a school district may apply for funding from the reading materials fund if the requested materials are on the advisory list of instructional programming created by the Colorado Department of Education, and the school district has an established literacy professional development plan that includes a detailed framework for structured literacy training; existing law also requires that a school district must select no more than two comprehensive published core reading programs to be eligible.

FISCAL IMPACT

The bill appropriates \$35 million from the public education reform fund to the reading materials fund for expenditure in FY24 and subsequent fiscal years to carry out the purposes of the reading materials fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the public education reform fund.

The House Appropriations and Finance Committee substitute for House Bills 2 and 3 (HB2/HAFCS) includes \$11.5 million and \$2 million from the public education reform fund for early literacy and reading support for FY24. The Public Education Department (PED) notes the general fund appropriation to the state equalization guarantee (SEG) distribution includes \$10 million for school districts and charter schools to provide evidence-based structured literacy interventions and develop literacy collaborative models that lead to improved reading and writing achievement of students in kindergarten through fifth grade. PED notes these funds may be used to [support structured literacy interventions and teacher training](#).

State Funding for Literacy. At the beginning of the 2020-2021 school year, the PED launched a statewide literacy initiative: Structured Literacy New Mexico. Since the transition to this

initiative for literacy instruction, the Legislature has allocated \$38.9 million in funding to support structured literacy in FY21 to FY23. During the 2022 legislative session, the Legislature allocated \$19.5 million for school districts and charter schools to provide structured literacy interventions and develop literacy collaborative models to support students in kindergarten through fifth grade. PED also identified the 2021-2022 school year as the “Year of Literacy” and requested the entirety of the FY23 appropriation of \$19.5 million be allocated to provide educators in grades kindergarten through grade five with Language Essentials for Teachers of Reading and Spelling (LETRS) professional development, which focuses on the science of reading.

The 2022 GAA allocated \$8 million from the general fund and \$3.5 million from the public education reform fund to PED. The remaining \$8 million for FY23 was allocated from the general fund directly to districts and charter schools through the SEG funding formula. Because these allocations are through the SEG, the funds directly to school districts and charter schools do not necessarily have to be spent in alignment with enabling legislation that established criteria for structured literacy initiatives in the state.

SUBSTANTIVE ISSUES

Structured Literacy and the Science of Reading. As noted in PED’s [Statewide Literacy Framework](#), New Mexico is on a strategic path to ensure all literacy instruction is evidence-based that began 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. According to PED, HB481 relates to the pedagogical approach known as structured literacy and to the professional development program known as LETRS, both of which [PED supports extensively](#).

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. The language in HB481 that requires elementary literacy materials from the reading materials fund to be “aligned with explicit, systematic, diagnostic, cumulative instruction in phonological and phonemic awareness, phonics, syllable types, morphology, semantics and syntax” means these materials must be aligned with structured literacy and the science of reading. 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 and progress 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](#)).

PED notes that a [2021 study published by the Institute for Educational Statistics](#) summarized 20 years of literacy instruction research examining 74,000 studies and identifying 132 interventions causing significant improvement in student performance in six language and literacy domains: language, phonological awareness, print knowledge, decoding, early writing, and general literacy. Interventions that focused on phonological awareness, for example, improved phonological awareness performance, resulting in a significant weighted effect size of 0.32 on phonological awareness outcomes, equivalent to a 13 percentile point increase in performance. Providing phonological awareness instruction in intervention groups for students who need it, as part of the multi-layered system of supports (MLSS) structure documented in a school’s literacy plan, is likely to make the most significant impact for young students and others at the earliest stages of reading

development. According to PED, by adding to the conditions for access to reading materials funds that schools' literacy plans include instruction in phonological awareness, HB481 incentivizes the use of interventions likely to improve the reading skills of all young students, but particularly English learners and students with dyslexia and other disabilities. The bill aligns well with PED strategic plans to address what the *Martinez/Yazzie* court ruling determined to be funding shortfalls for research-based reading programs.

Structured Literacy Instructional Materials. HB481 requires a school district to request materials on the advisory list of instructional programming created by the Colorado Department of Education to apply for funding from the reading materials fund. It is important to note that the New Mexico PED's Instructional Materials Bureau created a supplemental instructional materials list for kindergarten through second grade structured literacy; the adopted supplementary materials can be found by clicking on the appropriate tab in the [Adopted Multiple List-All Subjects](#) and approved publishers can be found [on this list](#). PED notes they do not review supplementary and intervention materials but do provide a list of available supplemental materials and the [Structured Literacy Instructional Material Review Rubric](#) tool for LEAs to use as they review and select supplemental materials in alignment with the state's focus on structured literacy.

Conflict with Requirements for Core Materials. According to PED, by requiring core English language arts purchases from the reading materials fund to be selected from Colorado's advisory list, the bill may generate confusion, incoherence, and problems due to the materials not being aligned with New Mexico academic standards or relevant culturally and linguistically to students in New Mexico. Colorado's review of materials is designed to specifically ensure reading content is aligned to the science of reading, but it does not consider alignment with all the Common Core State Standards for language arts (speaking, listening, writing) or the New-Mexico-specific standards for language arts. PED recommends requiring the purchase of core instructional materials from the New Mexico adopted multiple list, and for supplementary and intervention reading materials on the Colorado list and/or those that meet criteria of the NM [Structured Literacy Instructional Material Review Rubric](#), which aligns with NM's structured literacy initiative.

ADMINISTRATIVE IMPLICATIONS

PED notes Section 22-12-32 NMSA 1978 requires school districts and charter schools submit a literacy plan. PED has condensed the literacy plan to align with New Mexico School Dashboard (NM Dash) for public reporting and the MLSS requirements. PED's Literacy and Humanities Bureau reviews literacy plans to see that they incorporate phonological awareness pedagogy into core reading instruction in kindergarten through fifth grade as well as in MLSS layers two and three interventions to ensure that all students are placed appropriately, progress is monitored regularly, and appropriate levels of intervention are provided. Since reporting about structured literacy is accommodated in existing templates, provisions of HB481 do not present additional administrative implications for the Literacy and Humanities Bureau of PED.

PED also notes the Legislature has not made an appropriation to the reading materials fund in at least 10 years. Making appropriations to the reading materials fund may create some complications, restrictions, and administrative responsibility to schools' monitoring and reporting on those expenditures as part of the instructional material annual report that districts and charter schools submit to the Instructional Material Bureau of PED. However, additional funds to specifically support instructional materials for explicit (structured literacy-based) reading instruction would benefit literacy achievement across the state and would allow for flexibility in the purchase of materials that support all the language arts standards (reading, listening, speaking,

and writing) *and* the explicit teaching of reading through a structured literacy approach based in the science of reading. This would allow school districts and charter schools to best customize their reading instruction at the local level.

RELATED BILLS

Relates to SB3, Family Income Index Distributions Flexibility, which removes one-third spending limitations for schools that receive \$40 thousand or more in family income index funding: at least one-third of funding for evidence-based structured literacy interventions, at least one-third for evidence-based mathematics instruction and interventions, and no more than one-third for other interventions.

SOURCES OF INFORMATION

- LESC Files
- Higher Education Department
- Public Education Department

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