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FISCAL IMPACT REPORT

ORIGINAL DATE 02/03/10

SPONSOR Chavez, Eleanor **LAST UPDATED** _____ **HB** 142

SHORT TITLE Student Supplemental Services & Tutoring **SB** _____

ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act
 Relates to Appropriation in the General Appropriation Act

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance and Administration (DFA)

Public Education Department (PED)

SUMMARY

Synopsis of Bill

House Bill 142 amends 22-2C-7 NMSA 1978 to require that certain supplemental educational services (referred to as tutoring services in the amendment) funded through federal Title I shall

- use a standards-based curriculum aligned with the school district's approved curriculum,
- require all tutors be appropriately trained to teach the curriculum, and
- requires tutoring service providers provide a minimum of 25 hours of instruction to all eligible students.

FISCAL IMPLICATIONS

The PED reports that there are no fiscal implications for the department or public schools.

SIGNIFICANT ISSUES

The PED has identified the following as significant to House Bill 142.

The additional requirements to Section 22-2C7 NMSA 1978 (being Laws 2003, Chapter 153, Section 16, as amended), page 4, lines 14-16 are already required under NMAC 6.19.6.8 REQUIREMENTS, under E. (4) and (5) as follows:

Alignment with the School District's Approved Curriculum

(4) Each supplemental educational services provider must ensure that the academic services provided to each student are consistent with the individual school district curriculum and state performance standards.

(5) Each student who is enrolled in supplemental educational services must have a student improvement plan, with goals relating to academic improvement based on state standards in place and approved by parents or guardians, appropriate school personnel and chosen supplemental educational services provider before any invoice for services rendered may be paid.

In addition, the New Mexico PED Title I Supplemental Educational Services (SES) Provider Application states that providers must ensure that the instruction provided and the content used by the provider are consistent with the instruction provided and content used by the LEA and state, and are aligned with state student academic achievement standards (New Mexico Standards for Excellence 6.30.2 NMAC).

The additional requirements to Section 22-2C7 NMSA 1978 (being Laws 2003, Chapter 153, Section 16, as amended), page 4, lines 16-17 are already required under the New Mexico PED Title I Supplemental Educational Services (SES) Provider Application. As stated below from the SES provider application, providers must do the following:

Tutor Training

The provider will ensure that all employees/tutors will undergo appropriate training related to the researched based delivery of Supplemental Educational Services, including but not limited to delivery of the approved model/program, correctly filling out student progress reports and other required documents by the LEA, NMPED and/ or its contractor. All trainings must be documented.

The DFA provided the following comment on the minimum requirement.

“House Bill 142 would require that tutoring service providers provide a minimum of 25 hours of instruction to all eligible students. The language does not specify whether this amount of time is over a semester or the entire school year. There is no specific identified research that indicates whether 25 hours of tutoring is sufficient to achieve positive academic outcomes; however,

research does suggest that the more time spent receiving tutoring the higher likelihood of positive outcomes, such as passing a class. (Anna Allen and Nancy Feyl Chavkin, *New Evidence that Tutoring with Community Volunteers Can Help Middle School Students Improve Their Academic Achievement*, *School Community Journal*, v14 n2 p7-18 Fall-Win 2004).

In some instances, it may be reasonable to require fewer or more hours than 25 to help a student gain competency in a particular curricular area. The number of hours provided through tutoring, in and of themselves, are likely not sufficient to determine the efficacy of a particular approach. NMAC 6.19.6.8.E (3) addresses the issue of length already: “The length of any supplemental educational services session must be developmentally appropriate considering the age of the student participating in supplemental educational services.

While time is an important component of tutoring, it is one of many variables that determine efficacy. As stated by Allen and Chavkin, “reviews of effective reading tutoring programs identified a number of features that are critical to a successful program (Wasik, 1998; Moss, Swatz, Obeidallah, Stewart, & Greene, 2001):

- intensity of tutoring—frequency, session length, and individualized;
- structured sessions;
- close coordination with teacher and classroom;
- extensive tutor training—before and during course of tutoring; and
- careful monitoring of the effectiveness of tutoring services.” (Allen and Chavkin, 2004)

It is reasonable to believe that what is said about reading can also be extended to apply to tutoring for math or science as well as other fields.”

ADMINISTRATIVE IMPLICATIONS

The DFA notes that NMAC 6.19.6 TITLE I SUPPLEMENTAL EDUCATIONAL SERVICES provides the rule guidelines for the provision of supplemental educational services and will likely need to be revised should House Bill 142 be enacted.

CH/svb