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HOUSE BILL 295

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO PUBLIC EDUCATION; ENACTING THE EARLY LITERACY ACT TO PROVIDE SUPPORT AND FUNDING FOR EARLY LITERACY INTERVENTION, INSTRUCTION AND REMEDIATION TO STUDENTS IN KINDERGARTEN THROUGH THIRD GRADE; 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] SHORT TITLE.--This act may be cited as the "Early Literacy Act"."

**SECTION 2.** A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] PURPOSE.--The purpose of the Early Literacy Act is to provide support to school districts and charter schools that deliver multiple opportunities for early

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1 acquisition of literacy skills, early literacy intervention,  
2 targeted intensive instruction and focused remediation to  
3 students who experience difficulties learning language in  
4 kindergarten through third grade."

5 SECTION 3. A new section of the Public School Code is  
6 enacted to read:

7 "[NEW MATERIAL] DEFINITIONS.--As used in the Early  
8 Literacy Act:

9 A. "charter school" means a locally chartered  
10 charter school or a state-chartered charter school;

11 B. "deficient in reading" means a score on a  
12 screening assessment as determined by the department;

13 C. "early literacy program" includes programs of  
14 education through which students receive language and early  
15 literacy skills intervention, targeted intensive instruction or  
16 remediation from kindergarten through third grade;

17 D. "intensive targeted instruction" means extra  
18 instruction in small groups or as individuals provided by a  
19 certified school instructor as identified in the school  
20 district early literacy program;

21 E. "intervention" means targeted instructional  
22 practice for students as a response to intervention, as defined  
23 in Section 22-13-6 NMSA 1978;

24 F. "reading improvement plan" means a written  
25 document developed by the student assistance team that

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1 describes the specific reading standards required for a certain  
2 grade level that a student has not achieved and that prescribes  
3 specific intervention, intensive targeted instruction or  
4 remediation, including specific strategies the parent can use  
5 in helping the student achieve reading proficiency that have  
6 demonstrated effectiveness and can be implemented during the  
7 school day or outside of the school day pursuant to a school  
8 district early literacy program;

9 G. "screening assessment" means a valid and  
10 reliable assessment that measures a student's proficiency in  
11 language and literacy skills, including phonological awareness,  
12 phonics, reading fluency, vocabulary and comprehension; and

13 H. "student assistance team" means a collaborative  
14 group consisting of a student's:

- 15 (1) teacher;  
16 (2) school counselor;  
17 (3) school administrator;  
18 (4) parent; and  
19 (5) if a student or parent wishes, a student  
20 advocate chosen by the parent."

21 SECTION 4. A new section of the Public School Code is  
22 enacted to read:

23 "[NEW MATERIAL] DEPARTMENT--POWERS AND DUTIES.--The  
24 department shall issue guidelines for the development and  
25 implementation of early literacy programs pursuant to the Early

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1 Literacy Act and:

2 A. administer and reinforce the provisions of that  
3 act; and

4 B. assist school districts and charter schools in  
5 developing and evaluating early literacy programs."

6 SECTION 5. A new section of the Public School Code is  
7 enacted to read:

8 "[NEW MATERIAL] PROGRAM PLAN AND EVALUATION.--

9 A. A school district or charter school may annually  
10 prepare and submit to the department an early literacy program  
11 plan in accordance with guidelines issued by the department.

12 B. At a minimum, the plan shall include:

13 (1) a three-year plan for implementation of  
14 early literacy programs;

15 (2) the educational plan for student success  
16 for each school in the school district with a focus on reading  
17 improvement plans for elementary schools;

18 (3) the screening assessment used to identify  
19 students who are deficient in reading and an assurance the  
20 screening assessment will be administered no later than the end  
21 of the first nine weeks of the school year in kindergarten  
22 through third grade;

23 (4) the process the school district or charter  
24 school will use to notify parents, in a language appropriate  
25 for the parent, that a student is deficient in reading upon

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1 receiving results that identify the student as such;

2 (5) the process the school district or charter  
3 school will use with a student assistance team to create a  
4 reading improvement plan for a student who is deficient in  
5 reading;

6 (6) the early literacy programs offered to  
7 students who are deficient in reading in kindergarten through  
8 third grade;

9 (7) the process a school district or charter  
10 school will use if a parent refuses to allow the student to  
11 participate in the prescribed early literacy programs;

12 (8) the process a school district or charter  
13 school will use when a student is deficient in reading two or  
14 more consecutive years; and

15 (9) a plan for professional development in the  
16 science of teaching reading for certified school instructors  
17 participating in instruction aligned to the early literacy  
18 program.

19 C. By August 1, 2015 and by August 1 of each  
20 subsequent year, a participating local school board or  
21 governing body of a charter school shall review the early  
22 literacy program, created by the superintendent or school  
23 leader of a charter school in collaboration with a parent  
24 advisory committee, offered to students who are deficient in  
25 reading in kindergarten through third grade in order to review

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1 the goals, priorities and progress of the implementation of the  
2 program and make appropriate recommendations to improve the  
3 early literacy program to improve the reading proficiency of  
4 students in kindergarten through third grade.

5 D. By August 1, 2015 and by August 1 of each  
6 subsequent year, the secretary shall review early literacy  
7 programs and provide recommendations for improvement to  
8 programs."

9 SECTION 6. A new section of the Public School Code is  
10 enacted to read:

11 "[NEW MATERIAL] EARLY LITERACY PROGRAMS--ELIGIBILITY FOR  
12 FUNDING.--To be eligible for state funding, an early literacy  
13 program shall:

14 A. provide for the educational needs of students  
15 deficient in language and early literacy skills to refine those  
16 skills, including phonological awareness, phonics, fluency,  
17 vocabulary and comprehension, pursuant to an educational plan  
18 for student success;

19 B. integrate early literacy intervention into the  
20 curriculum;

21 C. use certified school instructors who receive  
22 annual professional development in the science of teaching  
23 reading; and

24 D. require background checks for instructors in  
25 accordance with Section 22-10A-5 NMSA 1978."

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