

STATE OF NEW MEXICO
LEGISLATIVE EDUCATION STUDY COMMITTEE

REPRESENTATIVES

Rick Miera, Vice Chair
Roberto "Bobby" J. Gonzales
Jimmie C. Hall
Dennis J. Roch
Mimi Stewart
Jack E. Thomas

State Capitol North, 325 Don Gaspar, Suite 200
Santa Fe, New Mexico 87501
Phone: (505) 986-4591 Fax: (505) 986-4338
<http://lesc.nmlegis.gov>

SENATORS

Cynthia Nava, Chair
Mary Jane M. García
Gay G. Kernan
Lynda M. Lovejoy

ADVISORY

Andrew J. Barreras
Ray Begaye
Eleanor Chávez
Nathan P. Cote
Nora Espinoza
Mary Helen Garcia
Karen E. Giannini
John A. Heaton
Sheryl M. Williams Stapleton
Shirley A. Tyler



ADVISORY

Vernon D. Asbill
Stephen H. Fischmann
Howie C. Morales
John Pinto
Sander Rue
William E. Sharer

Frances Ramirez-Maestas, Director
David Harrell, PhD, Deputy Director

November 16, 2009

MEMORANDUM

TO: Legislative Education Study Committee

FR: Pamela Herman

RE: STAFF REPORT: STATUS OF HJM 43a, *INCLUDE DYSLEXIA IN DISABILITIES*

In 2009, the Legislature passed HJM 43a, *Include Dyslexia in Disabilities* (see Attachment 1). The memorial requests that the Secretary of Public Education take the following actions:

- adopt a specific definition of dyslexia, to identify dyslexia as a specific disability for purposes of New Mexico's interpretation of the federal *Individuals with Disabilities Education Improvement Act* (IDEA) and to provide technical assistance to school districts on developing effective interventions and specialized public school education programs for students that address this specific learning disability;
- begin to establish certification criteria for specialists to carry out public school education programs to assist students with dyslexia; and
- report findings and make recommendations to the Legislative Education Study Committee (LESC) by August, 2009.

In June, 2009, Public Education Department (PED) staff informed LESC staff that:

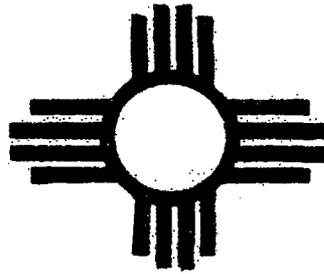
- in response to the memorial, in order to determine the number of students in the state with dyslexia, the Special Education Bureau (SEB) had added dyslexia to the data

component of PED's Student Teacher Accountability Reporting System (STARS) as a specific learning disability;

- the first date for data collection for special education is the 40th school day in September or October;
- the SEB planned to convene an agency work group to look at that data after it became available; and
- therefore, PED wished to present its report to the LESC at the December 2009 or January 2010 meeting.

The LESC included an item on its October 2009 agenda to provide PED with an opportunity to give the committee an update on its progress in implementing the requests in the memorial, and to provide interested stakeholders an opportunity to comment (see Attachment 2). However, because of the timing of the 1st Special Session of the 49th Legislature, the October LESC meeting was cancelled, and this item was placed on the November agenda.

The final report from PED in response to HJM 43a is scheduled to be delivered at the December 2009 LESC meeting.



The Legislature
of the
State of New Mexico

49th Legislature, 1st Session

LAWS 2009

CHAPTER _____

HOUSE JOINT MEMORIAL 43, as amended

Introduced by

REPRESENTATIVE BEN LUJAN

REPRESENTATIVE RICK MIERA
REPRESENTATIVE ANTONIO LUJAN
REPRESENTATIVE ERNEST H. CHAVEZ



1 requested to adopt a specific definition of dyslexia, to
2 identify dyslexia as a specific disability for purposes of New
3 Mexico's interpretation of the federal Individuals with
4 Disabilities Education Act and to provide technical assistance
5 to school districts on developing effective interventions and
6 specialized public school education programs for students that
7 address this specific learning disability; and

8 BE IT FURTHER RESOLVED that the secretary of public
9 education begin to establish certification criteria for
10 specialists to carry out public school education programs to
11 assist students with dyslexia; and

12 BE IT FURTHER RESOLVED that the secretary of public
13 education report findings and make recommendations to the
14 legislative education study committee by August 2009; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the director of the legislative education study
17 committee, the secretary of public education and the
18 superintendents of all public school districts.

19
20
21
22
23
24
25

S/ BEN LUJAN
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ DIANE D. DENISH
DIANE D. DENISH, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

RECEIVED
VIA E-MAIL

NOV 18 2009

Ten in Every Hundred

Legislative Advocacy for Students with Dyslexia

Proposal presented to the Legislative Education Study Committee
Senator Cynthia Nava, Chair

Southwest Branch – International Dyslexia Association

Dyslexia is a specific language-based learning disability. It refers to a variety of characteristics that result in people having difficulty in varying degrees with the language skills of reading, writing, and spelling. They may also have difficulty understanding the language that they hear or expressing themselves clearly. As one student with dyslexia said, "My thinking is okay, but my words aren't."¹

POSITION

- Enact New Mexico statute that identifies dyslexia as a distinct disability;
- Establish a uniform statewide process to ensure that prior to referral for special education services, a student has received appropriate screening and interventions for dyslexia as part of the "response-to-intervention" process; and
- Revise teacher preparation standards to ensure that all accredited elementary and secondary teacher preparation programs provide candidates with the knowledge and skills, including knowledge of evidence-based remediation practices, to work effectively with dyslexic students.

SCOPE

Literacy development is the foundation for all learning and reading is a process of constructing meaning.² Students unable to engage with text in a meaningful context are at-risk academically. The educational system³ must become more adept at providing students with the skills of reading, writing, and spelling at all points in their academic careers.

- Children who have an average or above IQ and are reading 1.5 grades or more below grade level may be dyslexic. This includes students who are gifted and high potential.

¹ Porch, M.A. & Gilroy, M. (2008, Revised). *Ten in every hundred: The what, who, how and where of dyslexia*. Albuquerque, NM: Southwest Branch of the International Dyslexia Association.

² Twenty-two years ago, Texas passed legislation requiring districts to identify and tutor students with dyslexia.

³ Greenburg, J. & Jacobs, S. (2009, September). *Preparing Tomorrow's Teachers: Are New Mexico's education school graduates ready to teach reading and mathematics in elementary classrooms?* National Council on Teacher Quality.

- Research indicates that dyslexia affects about three to six percent of the population; however, it is generally accepted that dyslexia occurs in five to 15 percent of the population (14.5 to 43.5 million), approximately *ten in every hundred*.
- The reason for most children not reading at grade level is ineffective reading instruction.
- The dyslexic child often suffers from having a specific learning disability as well as being exposed to ineffective instruction.

Dyslexia is complex and manifests itself in a variety of ways. In general, children may have dyslexia or a learning disability if they have one or more of the following symptoms:

1. Difficulty knowing the sounds that letters make and sequencing and blending those sounds.
2. Difficulty hearing the syllables in words and the individual sounds in those syllables.

EVALUATION

There is no one test for dyslexia, and individuals can be tested at any age. However, many children with dyslexia are not properly identified for many years. This creates a bigger reading problem and a drop in self-esteem. For these reasons, it is important to recognize dyslexia symptoms early in elementary school, and begin appropriate reading instruction right away.

SUMMARY

It is time for action! New Mexico has made tremendous strides in reforming the public education system to better respond to the complex and differentiated needs of preK-12 learners. House Joint Memorial 9 (2001 Legislative Session) and House Joint Memorial 43 (2009 Legislative Session)⁴ resulted in recommendations but lack the power of law. We are requesting that the Legislative Education Study Committee direct the Legislative Council Services to collaborate with a group of K-12, higher education, Public Education Department, and other appropriate community stakeholders in the development of statutory language and accompanying budgetary impact for consideration during the 2010 Legislative Session.

⁴ *Documentation of Legislative Memorial Process and Handbook*. Southwest Branch – International Dyslexia Association.