

AN ACT

RELATING TO EDUCATION; PROVIDING FOR AN EARLY LITERACY PROGRAM IN FIRST THROUGH THIRD GRADE; REQUIRING ACCOUNTABILITY.

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:

"EARLY LITERACY PROGRAM.--

A. The department of education, upon approval of an early literacy program for students from first through third grade, shall distribute money to those school districts that address program elements established by the department of education, including:

(1) intensive literacy programs through third grade for students not reading at grade level; and

(2) literacy programs before or after school or on weekends.

B. A school district's application to the department of education for an early literacy program distribution shall include a family involvement component that is based on family support principles for each of the program elements."

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

"PROGRAM APPROVAL.--

A. An approved early literacy program shall support the educational and developmental needs of students in first through third grade, address cultural diversity and provide family support.

B. In addition to programs already offered pursuant to Section 22-2-8.3 NMSA 1978, an approved early literacy program shall consist of a minimum of one hundred eighty hours of instruction per academic year for students in first, second and third grades.

C. An approved early literacy program shall demonstrate the following components:

(1) abundant literacy materials appropriate to the age of the students;

(2) effective instructional techniques that incorporate the most recent research in the teaching of reading;

(3) thorough integration of reading and writing activities;

(4) training for teachers and parents; and

(5) annual pre- and post-program assessments for students that clearly reveal student outcomes.

D. School districts that receive funding shall evaluate and document the results of the early literacy

program in terms of the number of students and families served, the services provided and the gains achieved by the students and report those results to the department of education."

Section 3. A new section of the Public School Code is enacted to read:

"DUTIES OF THE DEPARTMENT OF EDUCATION.--

A. By July 1, 2000, the department of education shall develop guidelines for the approval process for early literacy programs and disseminate those guidelines to all school districts. The department shall provide technical assistance in developing proposals and shall define approval criteria, establish content standards and benchmarks that ensure students' progress and provide accountability to the public.

B. The department of education shall monitor early literacy programs and ensure that they serve the children most in need based upon age-appropriate assessments. If the department determines that a program is not meeting the benchmarks necessary to ensure the progress of students in the program, the department shall notify the school district that failure of the program to meet the benchmarks within sixty days will result in the cessation of funding for the program. The department shall compile the program results submitted by the school districts and make

an annual report to the legislative education study committee."

Section 4. Section 22-8-18 NMSA 1978 (being Laws 1974, Chapter 8, Section 8, as amended) is amended to read:

"22-8-18. PROGRAM COST CALCULATION--LOCAL SCHOOL BOARD RESPONSIBILITY.--

A. The total program units for the purpose of computing the program cost shall be calculated by multiplying the sum of the program units itemized as Paragraphs (1) through (5) in this subsection by the instructional staff training and experience index and adding the program units itemized as Paragraphs (6) through (9) in this subsection. The itemized program units are as follows:

(1) early childhood education;
(2) early literacy;
(3) basic education;
(4) special education, adjusted by subtracting the units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers;

(5) bilingual multicultural education;
(6) size adjustment;
(7) at-risk program;
(8) enrollment growth or new district adjustment; and

(9) special education units derived from membership in class D special education programs in private, nonsectarian, nonprofit training centers.

B. The total program cost calculated as prescribed in Subsection A of this section includes the cost of early childhood, special, bilingual, multicultural and vocational education and other remedial or enrichment programs. It is the responsibility of the local school board to determine its priorities in terms of the needs of the community served by that board. Funds generated under the Public School Finance Act are discretionary to local school boards; provided that the special program needs as enumerated in this section are met."

Section 5. Section 22-8-19 NMSA 1978 (being Laws 1974, Chapter 8, Section 9, as amended) is amended to read:

"22-8-19. EARLY CHILDHOOD EDUCATION AND EARLY LITERACY PROGRAM UNITS.--

A. The number of early childhood education program units is determined by multiplying the early childhood education MEM by the cost differential factor 1.44. No early childhood education student shall be counted for more than 0.5 early childhood education MEM.

B. For the purpose of calculating early childhood education program units, developmentally disabled three- and four-year-old students shall be counted in early

