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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/19

SPONSOR Stewart LAST UPDATED 3/10/19 HB 398/aSPAC/aSEC/aSFI#1/a

SHORT TITLE Dyslexic Student Early Interventions SB HEC

ANALYST Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Indeterminate But Minimal	Indeterminate But Minimal	Indeterminate But Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Public Education Department (PED)

Regional Educational Cooperatives Association (REC)

### SUMMARY

#### Synopsis of HEC Amendment

The House Education Committee amendment strikes certain amendments previously adopted:

- 1) Senate Education Committee amendments that made the requirement that all first-grade students be tested for dyslexia during the 2020 and 2021 school years and then school districts would establish rules for , replacing those time-based amendments with the original “every” in both cases. The amendment would also remove the SEC amendment specifying that the plan would be implemented each school year.
- 2) The Senate Floor amendments noted just below.

Thus the original language in the bill, specifying that all first graders will be tested, and every school district will make plans for implementing the act would be restored, but then changed by the third to fifth sections of this amendment, which state that

- 1) All first grade students will be tested for dyslexia in the 2019-2020, 2020-2021 and all subsequent years, that
- 2) Every school district will develop and implement a literacy plan during the 2019-2020 and 2020-2021 school years, which will be implemented each school year and updated as needed.

#### Synopsis of SFI #1 Amendment

The Senate Floor Amendment #1 to Senate Bill 398 removes the provisions of the SEC

amendments listed just below as (1) and (2). It also specifies that each first grader will be screened for dyslexia at some point during the 2020-2021 and subsequent school years, and that school districts will have made a plan for working with children identified as having dyslexia during the same year, implemented and amended in each subsequent year.

#### Synopsis of SEC Amendment

The Senate Education Committee amendment makes three changes:

- 1) It inserts words indicating that school districts will test each first grade child for dyslexia and that school districts will have a literacy development plan in place “within the 2020 and 2021 school years.”
- 2) It specifies that the literacy development plan will be implemented in each school year.
- 3) It makes the bill effective only if an appropriation for the purpose is made during the current session of the legislature.

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment to Senate Bill 398 reinstates a subsection, 22-13-32C NMSA 1978, which had previously been struck in the original bill. The reinstated subsection gives a parent of a student referred to the student assistance team the right to request an initial special education evaluation at any point during implementation of the student assistance team’s recommendations, that evaluation to occur within 60 days of the request. Schools unwilling to perform such an evaluation must provide written notice to the parent, to include parent appeal procedures.

#### Synopsis of Original Bill

Senate Bill 398 makes changes to the Public School Code section dealing with special education (Section 22-13 NMSA 1978) to emphasize the importance of screening for and intervening to ameliorate dyslexia in young children.

It specifies that dyslexia is a neurobiological disorder resulting in difficulty reading and other difficulties with language use “often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction” and mandates that all first grade students must be screened for dyslexia. Further, it specifies that all children whose dyslexia screening reveals problems in that area should receive appropriate evidence-based classroom interventions. The original bill removed language relating to interactions between school and parent where there is disagreement over a need for special education, but that segment of the statute has been reinstated, as noted above.

The bill mandates a professional development plan that would educate all elementary teachers, reading interventionists and special education teachers in working with children diagnosed or appearing to have dyslexia. The bill mandates the use of “structured literacy training” for students diagnosed as having dyslexia and eligible for special education services.

#### **FISCAL IMPLICATIONS**

No fiscal implications are identified, although adoption of regulations and use of screening tests

will have costs. On the other hand, early identification and intervention with children diagnosed as being dyslexic may save on later costs, such as school failure, dropping out of school (and the resultant decreased career implications), and incarceration. (In numerous studies, a large proportion of inmates have severe reading difficulties).

## SIGNIFICANT ISSUES

Dyslexia is a highly significant problem, because reading remains critical to learning in almost all spheres of education. Children who cannot read fluently have difficulty accessing information that would otherwise be available either on paper or through electronic means. Workarounds exist in some areas, such as recorded books and even textbooks, but their use is time-consuming and inefficient. Early intervention may in some cases result in marked improvement in ability to use letters, words, and texts; in other situations, early intervention allows for the employment of workaround measures. See Attachment 1, from the International Dyslexia Association.

PED points out the following:

- Dyslexia is a problem for older students as well, and they are not addressed in the current bill.
- The bill does not specify what screening test is to be used (see Attachment 2 for a list of screening tests at various ages, from the Southern Regional Education Board)
- Page 5, lines 5-6 specifies use of a “credentialed teacher preparation provider,” but the term is not defined and PED does not know of any such category of credentialed personnel
- The term “structured literacy training” (line 22, page 5) is not defined.
- The definition of “dyslexia” in SB 398 differs from that in the special education section of New Mexico Administrative Code, Section 6.31.2.7. There the definition is as follows: ““Dyslexia” means a condition of neurological origin that is characterized by difficulty with accurate or fluent word recognition and by poor spelling and decoding abilities, which characteristics typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction and may result in problems in reading comprehension and reduced reading experience that may impede the growth of vocabulary and background knowledge.”

Students to receive services must have both

- 1) Been identified as having dyslexia, and
- 2) Been found to be eligible for special education services.

It is not certain that both criteria are necessary.

LAC/sb/al