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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
57th Legislature, 2nd Session, 2026

Bill Number	<u>SB37/aHEC</u>	Sponsor	<u>Stewart/Garratt</u>
Tracking Number	<u>.232640.4</u>	Committee Referrals	<u>SEC/SFC;HGEIC/HEC</u>
Short Title	<u>High Quality Literacy Instruction Act</u>		
Analyst	<u>Andrews</u>	Original Date	<u>1/22/2026</u>
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FOR THE LEGISLATIVE EDUCATION STUDY COMMITTEE

BILL SUMMARY

Synopsis of HEC Amendment

The House Education Committee amendment to SB37 (SB37/aHEC) adds additional language requiring the use of evidence-based practice for biliteracy for English language learners and students in bilingual and dual language programs. SB37/aHEC also requires review of educator preparation programs (EPPs) to include requirements for supporting English language learners and biliteracy instruction. SB37/aHEC also emphasizes the use of high-quality instructional materials (HQIM) that are culturally and linguistically relevant for all grade levels, and requires instructional materials in bilingual or dual language programs to support biliteracy. Finally, SB37/aHEC reduces monthly written student progress reports to parents to four reports every school year.

Synopsis of Original Bill

Senate Bill 37 (SB37) creates the High-Quality Literacy Instruction Act to expand evidence-based reading supports for public school students. SB37 is accompanied by Senate Executive Message No. 5.

SB37 requires all literacy instruction for kindergarten through third grade students and literacy interventions for kindergarten through 12th grade (K-12) students to use high-quality instructional materials (HQIM) from the Public Education Department's (PED's) multiple list (a ranked list of HQIM reviewed through an evaluation process) of approved materials aligned with content standards and benchmarks.

SB37 would also amend existing law to ensure educator preparation programs (EPPs) teach preservice educators to teach reading in alignment with the High-Quality Literacy Instruction Act, including evidence-based approaches for biliteracy, such as bilingual and dual language instructional models that develop literacy in English and students' home languages.

SB37 also requires PED to adopt a reading assessment system for kindergarten through third grade to measure student progress and identify supports for students whose results indicate a reading difficulty. The literacy assessment system would begin in the 2027-2028 school year (SY28). PED would be required to adopt a reading assessment system that can be administered with minimal impact on instructional time that provides for timely reporting of assessment results and can be integrated with instructional support for teachers and students. If a student is identified as having a reading difficulty, parents must be notified within 30 days, and the notice must include a customized reading plan to help families to address specific skill deficits with students at home, as well as a description of supports the student will receive at school, among other information.

SB37 also requires administrators and teachers who teach reading be trained on the provisions of the proposed High-Quality Literacy Instruction Act. Training would include how to provide differentiated core instruction and other interventions for students with a reading difficulty, and how to use evidence-based practice for English learners, biliteracy, differentiation, culturally and linguistically responsive instruction, and instructional leadership for bilingual and dual language programs.

Finally, SB37 requires PED to assign a literacy instructional coach to elementary schools that have an average reading proficiency in the bottom quartile of results statewide, beginning in SY28. PED must assign literacy instructional coaches to work with schools for three consecutive school years, regardless of the school's improvements in reading proficiency, and have the primary duty of supporting teachers with literacy instruction. PED may place literacy instructional coaches full-time at one elementary school or split their time between multiple elementary schools.

The effective date of the SB37 would be July 1, 2026.

FISCAL IMPACT

SB37/aHEC does not contain an appropriation. However, the bill would have a fiscal impact on PED as the department would need to provide a literacy coach to elementary schools testing in the bottom quartile of reading proficiency. The exact costs are indeterminate, as SB37/aHEC provides PED the flexibility to provide literacy instructional coaches full-time to designated elementary schools or split their time between schools, subject to the availability of funding. The executive public school support budget request included \$14.5 million for literacy coaches. The Senate Finance Committee amendment to the House Appropriations and Finance Committee Substitute for House Bills 2 and 3 (HB2/HAFCS/aSFC) for FY27 appropriates \$14.6 million to PED for literacy coaches at schools in the lowest quartile of reading scores, consistent with SB37's provisions. HB2/HAFCS/aSFC also includes an additional \$2 million special appropriation to PED for literacy coaches more broadly.

HB2/HAFCS/aSFC also appropriates \$14 million in early literacy and reading support that could be used to provide literacy coaches to elementary schools. However, these funds have traditionally been used to support Language Essentials for Teachers of Reading and Spelling (LETRS) professional development for elementary educators that focuses on the science of reading. HB2/HAFCS/aSFC also appropriates \$29 million to support structured literacy implementation through the Summer Literacy Institute. School districts and charter schools also receive funding for instructional materials through the state equalization guarantee (SEG), the state's public school funding formula, which could be used for HQIM as specified in SB37. For FY26, the SEG included \$55 million for school districts and charter schools to purchase culturally and linguistically

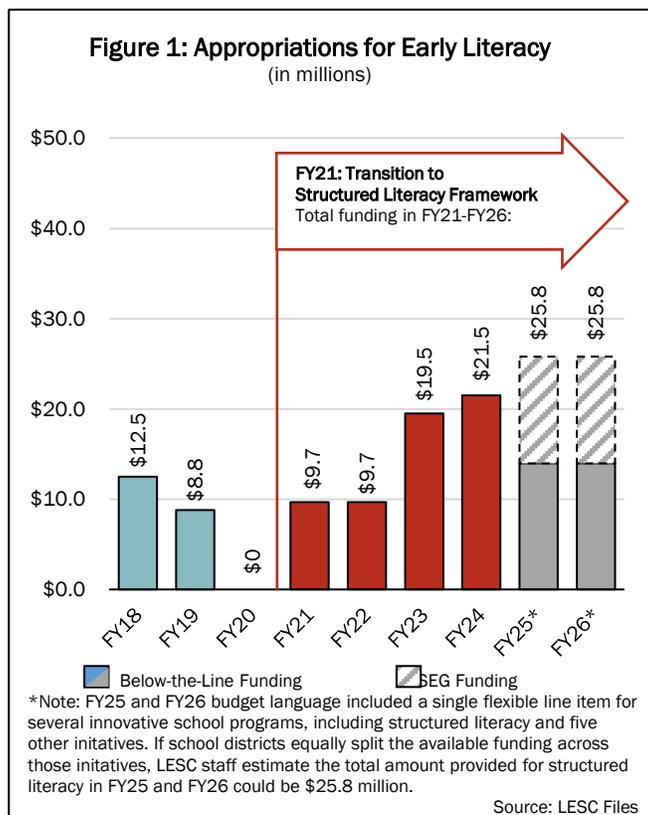
appropriate instructional materials. HB2/HAFCS/aSFC includes \$55 million for instructional materials through the SEG distribution.

Past Funding for Structured Literacy. Since the transition to the Structured Literacy New Mexico Initiative in 2019, the Legislature has allocated funding for structured literacy through both below-the-line program support appropriations and through SEG distributions directly to school districts and charter schools. As shown in **Figure 1: Appropriations for Early Literacy**, since the transition to the structured literacy framework in FY21, the Legislature has allocated \$112 million for early literacy. In FY25 and FY26, the Legislature also appropriated \$30 million for summer reading intervention through the structured literacy institute.

SUBSTANTIVE ISSUES

Structured Literacy in New Mexico. As noted in PED’s [Statewide Literacy Framework](#), New Mexico is on a strategic path to ensure all literacy instruction is evidence-based, beginning with the passage of [Laws 2019, Chapter 256 \(SB398\)](#) which required:

- Universal dyslexia screening for first grade students;
- Early interventions for students displaying characteristics of dyslexia; and
- School districts to develop and implement a literacy professional development plan to implement structured literacy training for all elementary school teachers.



SB37/aHEC relates to the pedagogical approach known as structured literacy, and to the professional development program LETRS, both of which [PED supports extensively](#). Through the Structured Literacy New Mexico initiative PED provides general literacy supports such as LETRS professional learning for all elementary educators, and additional supports to schools selected as “model” and “support” schools.

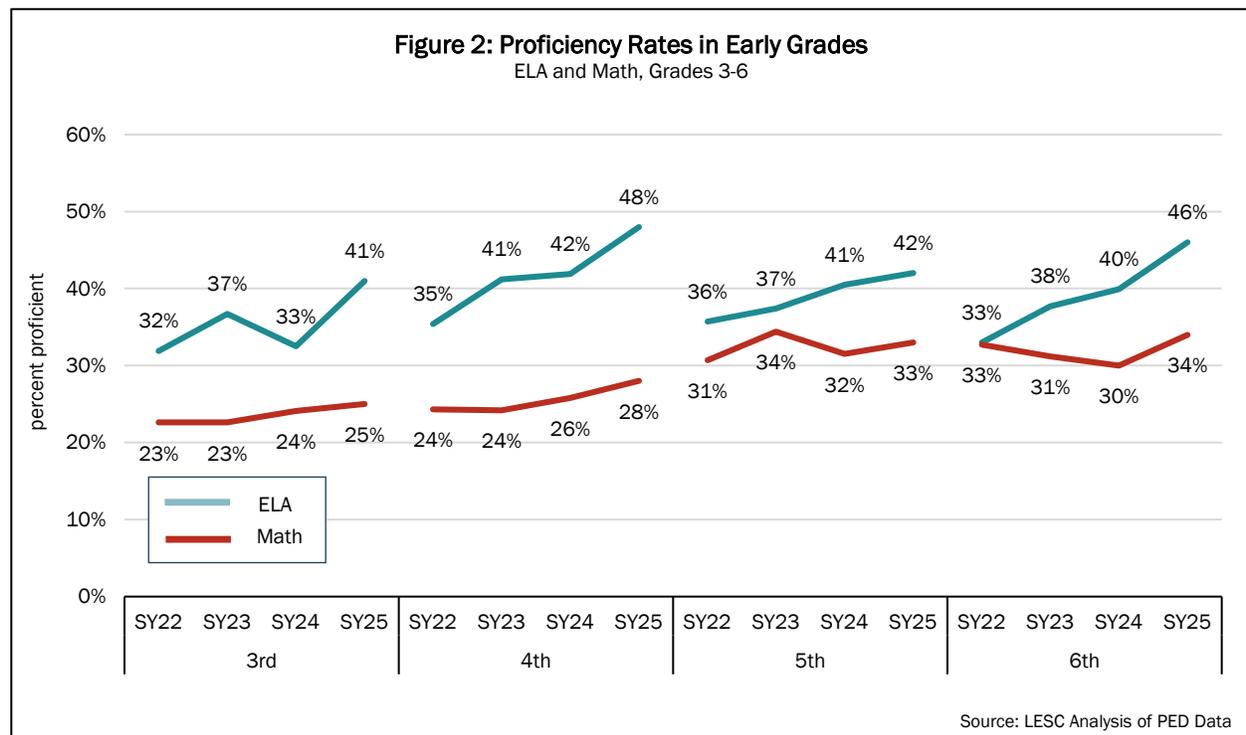
The science of reading is an interdisciplinary body of research that explains how individuals learn to read and the best practices for reading instruction, and structured literacy is research-based practices within the classroom. Structured literacy is an umbrella term coined by the International Dyslexia Association in 2016 to describe a science-based, explicit, systematic, cumulative approach to reading and writing instruction. Structured literacy is an approach to reading instruction where teachers carefully structure important literacy skills, concepts, and the sequence of instruction to facilitate children’s literacy learning as much as possible. This approach is helpful for all students and can be beneficial not only for students with reading disabilities, but also for other at-risk students including English learners and struggling adolescents ([IDA, 2019](#)).

As outlined in LESC’s June 2025 [Comprehensive Approach to Literacy Policy and Practice](#) policy brief, New Mexico has made considerable progress in elementary reading proficiency through its structured literacy initiative. Further, early positive results among model and support schools also

show promise. Despite this progress, implementation varies across the state and increased coordination of efforts to address implementation gaps could be beneficial.

LESC staff recently [examined](#) how the state provides guidance and support for school districts and charter schools in adopting components of its literacy reform, with insights from national early literacy initiatives, to achieve sustained reading outcomes. In June 2025, LESL staff reported New Mexico’s literacy policy components show strong alignment with other states’ emphases on strategic literacy training and instruction, but differ in state guidance and monitoring, as well as instructional supports via coaches, to help uniform implementation. The proposed bill could address these gaps by mirroring policy levers implemented by other states—such as the use of literacy coaches—that have successfully transitioned to a structured literacy approach, including [Alabama](#) and [Mississippi](#).

Student Achievement in Literacy in New Mexico. In recent years, New Mexico has made considerable progress in early literacy proficiency. Substantial investments for comprehensive literacy training, the use of HQIM in model and support schools, and targeted school support for students are building the foundation for early literacy achievement. Recent longitudinal data from PED capture NM-MSSA English language arts (ELA) assessment results from 2022 through 2025 and show strong and sustained growth in year-to-year proficiency rates for grades three through sixth; but more importantly, early literacy proficiency rates in New Mexico have also experienced the largest post-pandemic gains for grades three through eight as shown in **Figure 2: Proficiency Rates in Early Grades**. Third-grade students saw a 9 percent increase in literacy proficiency since 2022, while fourth-grade students experienced a 12 percent increase, fifth-grade students experienced a 6 percent increase, and sixth-grade students saw a 13 percent increase in literacy proficiency. These results may indicate several components of the structured literacy initiative—including literacy training and instruction—is contributing to student growth, but ongoing evaluation is needed to ensure uniform implementation across the state.



HQIM. PED’s Instructional Materials Bureau reviews and approves ELA core instructional materials on the [multiple list](#) through a rigorous summer review process. According to [PED’s Instructional Materials Bureau](#), 54 percent of New Mexico districts have purchased HQIM for K-12 ELA. Research shows HQIM matters for students and teachers and can dramatically improve student outcomes.

Fostering Bilingualism and Supporting English Learners. Research and evidence shows that the science of reading is effective for English literacy for all students, including English learners, as reported in [The Science of Reading for English Learners in New Mexico: A Review for the New Mexico Public Education Department](#). Research shows instruction for multilingual learners must be linguistically and culturally responsive and should build upon their linguistic assets to help these students gain proficiency in both English and their heritage or home language.

SB37/aHEC would require teachers who teach reading and site administrators to be trained in how to use evidence-based practices for English learners, biliteracy, differentiation, and culturally and linguistically responsive instruction. SB37/aHEC also would require that HQIM for literacy instruction for kindergarten through third grade and K-12 literacy interventions are culturally and linguistically relevant for all students. SB37/aHEC also ensures preservice educators are taught evidence-based practices for literacy instruction for English learners, including instructional models that develop literacy in English and students’ home languages. SB37/aHEC also expands evidence-based practices for biliteracy to apply to students in bilingual or dual language programs, requires teacher preparation program approval to include a review of requirements for supporting English language learners and for biliteracy instruction, emphasizes the use of high-quality instructional materials that are culturally and linguistically relevant for interventions in all grade levels, and requires instructional materials in bilingual or dual language programs to support biliteracy.

ADMINISTRATIVE IMPLICATIONS

SB37/aHEC would require PED to administer provisions of the High-Quality Literacy Instruction Act, including adopting a grade-specific reading assessment system for kindergarten through third grade and hiring and assigning literacy coaches to elementary schools testing in the bottom quartile of reading proficiency in the state. PED’s Literacy and Humanities Bureau has implemented the Structured Literacy New Mexico initiative since Laws 2019, Chapter 256 (SB398) was enacted. It is not anticipated that SB37/aHEC would require additional FTE at PED as the department has a dedicated bureau focused on this topic, although the bureau would need to absorb additional responsibilities such as hiring and assigning literacy coaches.

OTHER SIGNIFICANT ISSUES

Martinez-Yazzie Lawsuit. In 2019, the 1st Judicial Court issued a final judgement and order on the consolidated *Martinez-Yazzie* education sufficiency lawsuit, finding New Mexico’s public education system failed to provide a constitutionally sufficient and adequate education for at-risk students, defined as English learners, Native American students, students with disabilities, and students from low-income families. The court pointed to high school graduation rates, student test proficiencies, and college remediation rates as indicators of how the state is not meeting its constitutional obligation to ensure all students are college, career, and civics ready. The court’s findings suggested overall public school funding levels, financing methods, and PED oversight were deficient. As such, the court ordered the state to provide sufficient resources, including instructional materials, properly trained staff, and curricular offerings necessary to provide all at-

risk students the opportunity for a sufficient education. Additionally, the court noted the state would need a system of accountability to measure whether the programs and services actually provided the opportunity for a sound, basic education and to assure that local school districts spent funds provided in a way that efficiently and effectively met the needs of at-risk students. However, the court stopped short of prescribing specific remedies and deferred decisions on how to achieve education sufficiency to the legislative and executive branches.

SB37/aHEC relates to *Martinez-Yazzie* because while structured literacy is beneficial for all students, it is particularly helpful for at-risk students, including students with disabilities.

SOURCES OF INFORMATION

- LESC Files

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