

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS  
2017 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply: Date 2/11/17  
**Original**     **Amendment**    \_\_\_\_\_ **Bill No:** HB114  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Sponsor:** Rep. Monica Youngblood    **Agency Code:** 924  
**Short Title:** READING IMPROVEMENT PLANS & INTERVENTIONS    **Person Writing:** Christopher Ruskowski  
**Title:** \_\_\_\_\_    **Phone:** \_\_\_\_\_    **Email:** \_\_\_\_\_

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

### **SECTION III: NARRATIVE**

#### **BILL SUMMARY**

##### Synopsis:

HB 114 repeals Section 22-2C-6 and replaces it with new language.

The purpose of HB 114 is to ensure that students who experience difficulties learning to read are provided multiple opportunities for early intervention and remediation from kindergarten through third grade and beyond.

HB 114 provides for the screening of early reading skills of all New Mexico students in grades K-3 on the same screening assessment tool. The tool is to be approved and provided by PED. Under HB 114, after a K-3 student is screened and is found to be showing deficiencies in their early reading skill, the student assistance team (SAT) shall develop a reading improvement plan (RIP) aligned to a student's needs. The bill also specifies that parents are to be notified regarding the results of the assessment at the end of the first grading period for students in grades K-3. If the student is struggling, parents are provided with strategies to support their child at home.

Beginning with the 2017-2018 school year, HB 114 provides several options for the end of grade 3:

1. The student is proficient in reading and promoted to the next highest grade;
2. The student is not proficient in reading and shall participate in the required level of reeducation. Upon certification by the school district that the student is proficient in reading, the student shall enter next highest grade;
3. The student is not proficient in reading after reeducation and shall be retained in the same grade with a reading improvement plan that is different from their prior plan. There are several good cause exemptions included that are detailed in the Bill Summary below.

HB 114 also provides for the continuation of current statute in relation to intervention, remediation and academic proficiency plans for students in grades 4-8 in alignment with school district approved screening assessments in grades 4-8.

##### Synopsis:

1. Academic proficiency plan means a written document developed by the SAT that describes the specific academic standards required for a certain grade level that a student has not achieved and that prescribes specific intensive targeted instruction, intervention and remediation methods that have demonstrated effectiveness.
2. Reading proficiency or proficient in reading means a score on the statewide standards-based assessment or the screening assessment that is higher than the lowest level established by the department.

3. School districts will use the statewide standards-based assessments in grades three through eight to evaluate a student's growth in reading.
4. PED will approve and provide a screening assessment for use in districts with all K-3 students to assess reading skills, including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension. The screening assessment will be available in the student's first and second language for English language learners.
5. All students in kindergarten will be assessed on the common screening tool during the first nine weeks and students in grades 1-3 will be assessed on the common screening tool at the beginning of the school year. If the screening assessment results that a student is not proficient in reading, the SAT will develop a reading improvement plan for the student that clearly delineates the students' reading deficiencies, outlines intensive targeted instruction, interventions and reeducation, and provides specific strategies for a parent to use in helping the student achieve reading proficiency.
6. If a parent refuses to allow the student to participate in any prescribed intervention, the school district shall provide an appropriate form to be signed by the parent indicating refusal of the prescribed intervention.
7. A parent will be notified in writing no later than the end of the first grading period (for students in grades K-3) or no later than the end of second grading period (for students in grades 4-8) of each year that a student is not proficient in reading. Parents are to be provided with strategies they can use at home to support their student.
8. Districts will utilize data from the 2016-2017 school year to establish baseline data on students reading performance in grades K-3. The screening assessment tool shall be used to establish levels of performance to determine if a student to be provided with a reading improvement plan.
9. Beginning with the 2017-2018 school year, school districts shall provide reading improvement plans to students in grades K-3 who are not proficient in reading. Reading improvement plans and promotion policies shall be aligned with the screening assessment results and aligned with state standards. The screening assessment, if appropriate, shall be given in the student's first and second languages for English language learners.
10. Beginning with the 2018-2019 school year, there are three options available at the end of grade 3:
  - a. The student is proficient in reading and promoted to the next highest grade;
  - b. The student is not proficient in reading and shall participate in the required level of reeducation. Upon certification by the school district that the student is proficient in reading, the student shall enter next highest grade;
  - c. The student is not proficient in reading after reeducation and will be retained in the same grade with a reading improvement plan that is different from their prior plan.
  - d. The student is not proficient in reading and is exempt if:
    - i. Scores at least at the fiftieth percentile on a department-approved, norm-referenced assessment;
    - ii. Is an English language learner is proficient in reading a language other than English or who has had less than two years of instruction in English;
    - iii. Is a student with a disability who shall be assessed, promoted or retained in accordance with the provisions of the student's individualized education program;
    - iv. Is a student who has already been retained once in kindergarten or first or second grade.
11. At the end of grades 4-8, grade promotion decisions for each student shall be based upon determination that the student is:
  - a. academically proficient and promoted to the next higher grade; or
  - b. not academically proficient and shall participate in required reeducation;

- i. for students in grades 4-8 who are not promoted because of academic deficiencies, academic proficiency plans shall be developed by the SAT.
  - ii. students who have received an academic proficiency plan that is different from the previous year's plan but fail to become academically proficient at the end of that year as measured by grades, performance on the screening assessment and other measures identified by the school district shall be provided with an alternative program that shall be implemented immediately. Alternative program plans shall be filed with the department.
12. Maintains the provision that the cost of rededication programs in grades 9-12 are to be borne by the parent. However, in cases in which parents are determined to be indigent according to guidelines established by the department, the school district shall bear those costs.
13. HB 114 maintains current law; in grades 4-8, academic proficiency plans and promotion policies shall be aligned with school-district approved, valid and reliable assessment results and be aligned with state standards.
14. The school district must include the percentages of academically proficient students listed by school on their accountability report required in Section 22-2C-11 NMSA 1978.

## **FISCAL IMPLICATIONS**

## **SIGNIFICANT ISSUES**

- 75.1% of New Mexico third graders are not reading proficiently (Spring 2015 NM PARCC Results)
- According to the 2015 National Assessment for Educational Progress (NAEP) reading results for New Mexico, the percentage of fourth grade students in New Mexico who performed below the NAEP proficient level was 77%.
- All New Mexico students in grades K-3 will be screened on a universal assessment tool approved and provided by PED. Utilizing a statewide tool is important as New Mexico students are often mobile and ensuring consistency across districts will be necessary to support young readers. If the screening tool varies district to district, there is risk that intervention support could “start” and “stop” as a student moves across districts as the identification of students may vary significantly.
- The SAT shall immediately develop a RIP for any student in grades K-3 who is not reading on grade level as identified by the screening assessment tool. Each RIP must be specific to a student's area of struggle as identified on the screening assessment and include intensive targeted instruction, intervention and remediation methods that have demonstrated effectiveness.
- Parents of students in grades K-3 will be notified by the end of the first grading period that their student is not proficient in reading. Intervention will begin immediately in school, and parents will be provided with strategies they can use at home to support their students.
- Parents of students in grades 4-8 will be notified no later than the end of the second grading period that their student is not academically proficient, and a conference with the SAT shall be held to discuss strategies, including intensive targeted instruction, interventions and remediation to be included in the student's written academic proficiency plan.
- In *An Evaluation of Florida's Program to End Social Promotion*, researchers sought to assess the initial effects of Florida's policy requiring students to reach a minimum threshold on the reading portion of the Florida Comprehensive Assessment Test (FCAT) to be promoted to the fourth grade. Researchers found:
  - Low-performing students who were actually retained made gains in reading greater than those of similar students who were promoted by 4.10 percentile points on the

FCAT and 3.45 percentile points on the Stanford-9, a nationally respected standardized test that is administered to all Florida students, with no stakes tied to the results.

- After one year, researchers found that retained students outperformed their non-retained peers by about 0.05 standard deviations. The reading benefit of retention after two years was an economically substantial 0.40 standard deviations.
- A report by the Fordham Foundation, *Shifting Trends in Special Education*, found ([http://www.edexcellencemedia.net/publications/2011/20110525\\_ShiftingTrendsInSpecialEducation/ShiftingTrendsInSpecialEducation.pdf](http://www.edexcellencemedia.net/publications/2011/20110525_ShiftingTrendsInSpecialEducation/ShiftingTrendsInSpecialEducation.pdf)):
  - The number of students identified as having “specific learning disabilities (SLD),” the most common of all disability types, declined through the decade, falling from 2.86 million to 2.43 million students, or from 6.1% to 4.9 % of all students; and
  - The more sophisticated Response to Intervention (RTI) process being used by districts and schools to screen and intervene with struggling students had an impact on the decrease in the number of students identified with a SLD.
- A report by the Annie E Casey Foundation found that students who are not reading proficiently by the end of third grade are four times more likely to drop out of high school. <http://www.aecf.org/resources/early-warning-why-reading-by-the-end-of-third-grade-matters/>
- An Albuquerque Journal poll, conducted in 2014, found that 74% of those polled support ending the practice of social promotion.
- A February 2013 study from Harvard researchers Schwerdt and West ([http://www.hks.harvard.edu/pepg/PDF/Papers/PEPG12-09\\_West.pdf](http://www.hks.harvard.edu/pepg/PDF/Papers/PEPG12-09_West.pdf)) found that Florida’s third grade retention policy caused positive effects on student achievement and a reduced probability of retention in retained students’ subsequent years.

## **PERFORMANCE IMPLICATIONS**

The provisions in HB 114 align to PED’s Strategic Lever #3 Ready for Success Initiative to increase the percentage of students in grades K–3 demonstrating growth in reading proficiency.

- Providing multiple opportunities for intervention in early years will decrease the number of retained students annually. It appears that by providing early and targeted intervention, the number of students identified as needing special education may decrease. Additionally, increases in graduation rates can be expected.
- Retaining third graders with the purpose of improving literacy scores will have a positive impact on the percent of third and fourth grade students who achieve proficiency or above on standard-based assessments in reading and improve their chances for long-term college and career access and success.
- Students who are not proficient readers at the end of grade 3 are four times more likely to drop out of high schools. Further, high school drop-outs make \$10,000 less annually than their peers who exit high school with a diploma.

## **ADMINISTRATIVE IMPLICATIONS**

- PED will continue to provide statewide training on use of the universal screening assessment tool to districts and schools across New Mexico. Training will focus on:
  - How to administer the screening assessment; and
  - How to interpret the data to drive instructional practice.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

New Mexico has a large number of students in grades 3-12 who are unable to read well enough to succeed at the next level of study. In 2015, 75% of third graders were unable to read. Without the supports described in this bill, nearly three quarters of New Mexico students are at risk of dropping

out of high school or not being prepared for college or career.

## **AMENDMENTS**

## **FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

## **SIGNIFICANT ISSUES**

## **PERFORMANCE IMPLICATIONS**

## **ADMINISTRATIVE IMPLICATIONS**

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

## **TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

## **AMENDMENTS**