

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2018 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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 2/1/18
Original **Amendment** _____
Correction _____ **Substitute** _____
Bill No: HB210

Sponsor: Rep. Monica Youngblood **Agency Code:** 924
SCHOOL ACADEMIC & **Person Writing** Debbie Rael
Short READING IMPROVEMENT 505-827-
Title: PLANS **Phone:** 8070 **Email:** Debbiem.rael@state.nm.us

SECTION II: FISCAL IMPACT

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

House bill 210 provides for school districts to administer a diagnostic assessment to each student in the district in grades kindergarten through three within the first three weeks of each school year or, for such a student who enters the district after that period, within the first three weeks of the student's enrollment in a school in the district. For English language learners, the diagnostic assessment shall be in the student's first and second languages.

By the end of the grading period, for each student who the diagnostic indicates is not proficient

in reading in English or another language, the district shall notify the parent in writing of the student's diagnostic results. This notification will also explain the student's specific reading deficiencies and the intensive targeted intervention to address those deficiencies, through sequenced intervention and remediation methods. The district shall ensure that the student assistance team develops a reading improvement plan and implements the plan immediately.

Beginning with the 2018-2019 school year, at the end of grades four through eight, grade promotion decisions for each student shall be based on the determination that the student is:

- (1) academically proficient and shall enter the next highest grade;
- (2) not academically proficient and shall participate in required remediation. If, before the beginning of the next school year, the student reaches academic proficiency, as measured by department-approved assessments, the student shall enter the next highest grade; or
- (3) not academically proficient after remediation, and the parent shall be offered the opportunity for the student to receive an additional year of instruction in the same grade with an academic proficiency plan that is different from the prior year's plan so the student may become academically proficient. If the parent does not wish for the student to receive the additional year of instruction, the parent must waive this option in writing.

Academic proficiency is defined as grade level proficiency as measured by a department-approved assessment in the subject-matter knowledge and skills specified in state academic content and performance standards. For each student in the district who is not academically proficient for two successive school years, a school district shall refer the student to a student assistance team for placement in an alternative program that the district shall design and file with the department.

A school district shall include in the annual report required of it by Section 22-2C-11 NMSA 1978 the percentage of academically proficient students in each school in the district."

The grade promotion criteria do not apply to a student who:

- (1) scores at the fiftieth percentile or higher on a department-approved, norm-referenced assessment;
- (2) is an English language learner and is proficient in reading in a language other than English for speakers of other languages; or
- (3) has a disability, who instead shall be assessed, promoted and offered additional instruction as indicated in the student's IEP.

FISCAL IMPLICATIONS

The costs associated with this bill will be fulfilled by districts and charter schools. Both districts and charter schools are recipients of federal funds that can be reprioritized for reading initiatives to support this bill. Title I and II fund can be utilized to support professional development above the state equalization guarantee (SEG) distribution to districts and charters. Districts and charter schools should use existing resources for strategies that are evidence-based and have proven success to increase reading achievement. PED will bear the cost of training districts to ensure that remediation programs are implemented with fidelity and that metrics are recorded and

reported correctly.

The bill requires cost of remediation programs in grades 9-12 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.

SIGNIFICANT ISSUES

The provisions in this bill provide districts and charter schools support and guidance as related to New Mexico's Literacy Framework to provide coordinated and systematic opportunities for students to access curriculum and be successful in school.

From kindergarten to grade three, children learn to read. From fourth grade on, children read to learn. The goal for all students to acquire critically-needed early literacy skills by the end of third grade is paramount to reaching long-term academic goals for all New Mexico students. A 2011 report by the Annie E. Casey Foundation found that students who were not proficient readers by the end of grade three were four times more likely to drop out before graduation. Additional findings of the 2011 report by the Annie E. Casey Foundation included:

- About 16 percent of children who are not reading proficiently by the end of third grade do not graduate from high school on time; a rate four times greater than that for proficient readers.
- For children who are poor for at least a year and are not reading proficiently in third grade, the proportion of students who don't graduate rises to 26 percent. That's more than six times the rate for all proficient readers.
- Graduation rates for Black and Hispanic students who are not proficient readers in third grade lag far behind those for White students with the same reading skills.

Sociologist Donald Hernandez found that children who do not read proficiently by the end of third grade are four times more likely to leave school without a diploma than proficient readers. Black and Hispanic children who are not reading proficiently in third grade are twice as likely as similar white children not to graduate from high school (about 25 vs. 13 percent). Hernandez found that 22 percent of children who have lived in poverty do not graduate from high school, a figure about three times greater than the rate for children with no family poverty experience.

The *National Assessment of Educational Progress (NAEP)* is the largest nationally representative and continuing assessment of America's academic achievement. Every two years, grade four and grade eight students across the U.S. take the *NAEP* reading assessment, which provides an opportunity to examine how well New Mexico students perform when compared to other students across the nation. On the *NAEP*, student scores are divided into four categories: Below Basic, Basic, Proficient and Advanced.

The 2015 NAEP reading results indicate that only 27% of New Mexico fourth grade students scored at or above proficient in reading. Similarly, only 21% of New Mexico eighth grade students scored at or above proficient in reading. In 2015, the average score of fourth-grade students in New Mexico was 207, which is not significantly different from their average score in 2013 (206) and in 1998 (205). The score of 207 earned by New Mexico students (NAEP 2015) was lower than the average score of 221 for public school students in the nation.

This bill addresses significant issues to close the achievement gap for students struggling in reading. Some of the requirements will serve to provide districts and charter schools with tools and methods to remedy these gaps, such as:

- **Use of a diagnostic assessment** for all districts to assess K-3 students' reading skills, including, but not limited to, phonological awareness, phonics, spelling, reading fluency, vocabulary, and comprehension.
- **Use of a screening assessment** available in the student's first and second language for English Language Learners. Most assessments, including the PED's adopted reading tool for kindergarten through grade three, are available only in English and Spanish. Districts and charters will utilize prior year data to establish baseline data on students reading performance in Kindergarten thru third grade. The screening assessment tool shall be used to establish levels of performance to determine if a student will be provided with a reading improvement plan.

The bill defines "academic proficiency" as grade-level proficiency, as measured by department-approved assessments, in the subject-matter knowledge and skills specified in the state academic content and performance standards. For students in grades ninth through twelfth grade, situations may occur in which a student is not academically proficient in one or more content areas, but is academically proficient in other subjects.

- **Parent notification procedures** that require districts and charter schools to notify parents of fourth through eighth grade students' if their child is not academically proficient. This shall occur no later than the end of the first grading period. Districts and charter schools additionally will report to the PED promotion/retention data and provide the PED documentation of all parent notification practices and letters to parents.
- **Remediation practices and tools** that enlist evidence based practices to individualize support for students and provide opportunities for districts and charter schools to use tools that inform best practices and serve to organize for reporting.

PERFORMANCE IMPLICATIONS

Provisions of this bill may affect performance measures pertaining to proficiency rates of third, fourth, and eighth graders on the standards-based assessment. Additionally, the passage and implementation of this bill may improve graduation rates, juvenile delinquency rates, and college remediation rates in future years.

ADMINISTRATIVE IMPLICATIONS

PED will coordinate the current screening and diagnostic tools to meet the provisions of the bill. PED will continue to provide statewide training on use of the universal screening assessment tool to districts and schools. Training will focus on how to administer the assessment and how to interpret the data to drive instructional practice. Training on parent notification procedures will be provided by PED to districts and charter schools on reporting requirements and tools to use to complete this process.

While school districts are already required to identify and provide remediation to first through eighth grade students who are not proficient, districts and charter schools will be required to develop remediation plans and tools for kindergarten students. PED will coordinate and provide guidance on remediation practices and reading improvement plans. PED will monitor reporting required of districts and charters to assure the bill is enacted as intended.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

Current law requires school boards to approve district-developed remediation and academic improvement programs to provide special instructional assistance to students in first through eighth grade who do not demonstrate academic proficiency. Despite this statutory requirement, a large percentage of students fail to achieve proficiency on the state's standards-based assessment each year. During the 2016-2017 school year, only 25 percent of third graders scored proficient or above on the English language arts assessment for the PARCC test. Research indicates that passing students on to the next grade when they are unprepared neither increases student achievement nor properly prepares students for college and future employment. At the same time, research also shows that students repeating a grade without changing instructional strategies may be ineffective. An additional year of instruction must be accompanied by effective programmatic intervention in order to provide long-term benefits for low-performing students, as articulated in this bill.

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Students in districts and charter schools that are not provided with coordinated intensive interventions and support to become proficient readers will continue to struggle in reading.

AMENDMENTS

None as of 1/29 /2018