

S.204 Side by Side
As Introduced vs. draft 1.1 of amendment
02.06.24
Beth St. James, Legislative Counsel

<u>S.204 As Introduced</u>	<u>S.204 amendment draft 1.1</u>
<p>Sec. 1. 16 V.S.A. § 2907 is added to read:</p> <p style="text-align: center;"><u>§ 2907. READING ASSESSMENT AND INTERVENTION</u></p> <p style="text-align: center;">(a) As used in this section:</p> <p style="text-align: center;">(1) “Dysgraphia” means the difficulties with putting thoughts on paper, including difficulties with spelling, grammar, punctuation, and handwriting.</p> <p style="text-align: center;">(2) “Dyslexia” means deficits in reading and spelling words combined with inadequate response to evidence-based instruction and secondary consequences such as reading comprehension problems and reduced reading experience that can impede growth of vocabulary and background knowledge.</p>	<p>Sec. 1. 16 V.S.A. § 2907 is added to read:</p> <p style="text-align: center;"><u>§ 2907. READING ASSESSMENT AND INTERVENTION</u></p> <p style="text-align: center;">(a) As used in this section:</p> <p style="text-align: center;">(1) “Dysgraphia” means a disorder of writing ability at any stage, including problems with letter formation and legibility, letter spacing, spelling, fine motor coordination, rate of writing, grammar, and composition.</p> <p style="text-align: center;">(2) “Dyslexia” means a specific learning disability that is neurobiological in origin and characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities and can have secondary consequences such as reading comprehension problems and reduced reading experience that can impede growth of vocabulary and background knowledge.</p>
<p style="text-align: center;">(b)(1) The Agency of Education shall identify and publish a list of approved universal reading screeners for local district use on or before June 1, 2025. The screeners shall be made available by the Agency at no cost to school districts and approved independent schools.</p>	<p style="text-align: center;">(b)(1) Annually, the Agency of Education shall include a list of reviewed universal reading screeners and assessments used in the identification of dyslexia characteristics in the guidance and technical assistance it issues related to Local Comprehensive Assessment Systems, for use by supervisory unions and approved independent schools.</p>

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<p>(2) <u>The universal screeners and screeners for dyslexia characteristics shall measure skills based on grade-level predictive measures, including:</u></p> <ul style="list-style-type: none"><u>(A) letter sound and naming fluency;</u><u>(B) phonemic awareness;</u><u>(C) decoding accuracy of real and nonwords;</u><u>(D) decoding fluency of real and nonwords;</u><u>(E) oral reading fluency;</u><u>(F) handwriting; and</u><u>(G) spelling inventory.</u> <p>(3) <u>The reading assessments shall:</u></p> <ul style="list-style-type: none"><u>(A) be brief;</u><u>(B) assist in identifying students at risk for or currently experiencing reading deficiency; and</u><u>(C) produce data that:</u><ul style="list-style-type: none"><u>(i) inform teachers' classroom instruction based on students' performance and gaps in reading; and</u><u>(ii) inform the groupings of students based on instructional needs for both in-class differentiated instruction and small-group and individual intervention.</u> <p>(4) <u>The dyslexia screener shall measure:</u></p> <ul style="list-style-type: none"><u>(A) rapid automatized naming (RAN); and</u>	<p>(2) <u>The Agency's guidance shall include a review of the evidence base of the universal screeners and assessments for reading and dyslexia characteristics and shall include guidance on measuring skills based on grade-level predictive measures, including:</u></p> <ul style="list-style-type: none"><u>(A) phonemic awareness;</u><u>(B) letter naming;</u><u>(C) letter sound correspondence;</u><u>(D) real- and non word reading;</u><u>(E) oral text reading accuracy and rate;</u><u>(F) comprehension;</u><u>(G) handwriting; and</u><u>(H) spelling inventory.</u> <p>(3) <u>The screeners shall align with assessment guidance from the Agency, including that they shall, at a minimum:</u></p> <ul style="list-style-type: none"><u>(A) be brief;</u><u>(B) assist in identifying students at risk for or currently experiencing reading deficits; and</u><u>(C) produce data that inform decisions related to the need for additional, targeted assessments and necessary layered supports, accommodations, interventions, or services for students, in accordance with existing federal and State law.</u> <p>(4) <u>The universal dyslexia screeners shall assess for dyslexia characteristics as appropriate to grade level and age, in accordance with the Agency's assessment</u></p>

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<p><u>(B) a battery of phonological awareness tasks, including phoneme segmentation, blending, substitution, elision, and onset-time tasks and syllabication.</u></p>	<p><u>guidance. This may include assessing for some combination of the skills contained in subdivision (b)(2) of this section.</u></p>
<p><u>(c) All public schools and approved independent schools shall screen all students in kindergarten through grade three using a universal reading screener made available by the Agency. The universal screener shall be given in the first 30 days after the start of the school year and repeated at midyear and at the end of the school year to determine student progression in reading. Screening for dyslexia characteristics shall be administered for students attending kindergarten or first grade in public schools and approved independent schools, and at appropriate times thereafter, specifically when students show deficits in reading and spelling words despite receiving evidence-based instruction.</u></p>	<p><u>(c) All public schools and approved independent schools shall screen all students in kindergarten through grade three using age and grade-level appropriate universal reading screeners. The universal screeners shall be given in accordance with best practices and the technical specifications of the specific screener used. Screening for dyslexia characteristics shall be administered for students attending kindergarten or first grade in public schools and approved independent schools. The Agency shall include in its guidance instances where public and approved independent schools can leverage assessments that meet overlapping requirements and guidelines to maximize the use of assessments that provide the necessary data to understand student needs while minimizing the number of assessments used and the disruption to instructional time.</u></p>
<p><u>(d) Each student who exhibits a substantial deficiency in reading at any time, as demonstrated through performance on an approved reading screener, through locally determined assessments and teacher observations conducted in kindergarten and grades one through three, or through statewide end-of-year assessments, shall be given intensive general education reading intervention</u></p>	<p><u>(d) Additional diagnostic assessment, and evidence-based curriculum and instruction for students demonstrating a substantial deficit in reading or dyslexia characteristics, shall be determined by data-informed decision-making within existing processes in accordance with required federal and State law. Public and approved independent schools shall follow Agency guidance</u></p>

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<p><u>immediately following the identification of the reading deficiency. The progress of such students will be monitored and evaluated more regularly to ensure interventions are working and the student is progressing at an accelerated rate. The intensive reading instruction and intervention shall be documented for each student in an individual reading plan, which includes, at a minimum, the following:</u></p> <p style="padding-left: 40px;">(1) <u>the student’s specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data;</u></p> <p style="padding-left: 40px;">(2) <u>the goals and benchmarks for growth;</u></p> <p style="padding-left: 40px;">(3) <u>the type of additional instructional services and interventions the student will receive;</u></p> <p style="padding-left: 40px;">(4) <u>the evidence-based reading instructional programming the teacher will use to provide reading instruction, addressing the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension;</u></p> <p style="padding-left: 40px;">(5) <u>the strategies the student’s parent is encouraged to use in assisting the student to achieve reading competency; and</u></p>	<p><u>related to multitiered system of supports and education support teams, Section 504 of the Rehabilitation Act of 1973, 29 U.S.C., § 794, and the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; Agency of Education, Education Quality Standards (CVR 22-000-003); and Local Literacy Plans aligned to the State Literacy Plan. Specific instructional content, programs, strategies, interventions, and other identified supports for individual students shall be documented in the most appropriate plan informed by assessment and other data, and as determined through team-based decision-making. These plans may include an education support team (EST) Plan, 504 plan, individualized education plan, and, if appropriate, a personalized learning plan. These plans may include the following:</u></p> <p style="padding-left: 40px;">(1) <u>the student’s specific reading deficit as determined or identified by diagnostic assessment data;</u></p> <p style="padding-left: 40px;">(2) <u>the goals and benchmarks for growth;</u></p> <p style="padding-left: 40px;">(3) <u>the type of evidence-based instruction and supports the student will receive; and</u></p> <p style="padding-left: 40px;">(4) <u>the strategies and supports available to the student’s parent or legal guardian to support the student to achieve reading proficiency.</u></p>

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<p><u>(6) any additional services the teacher deems available and appropriate to accelerate the student’s reading skill development.</u></p>	
<p><u>(e) The reading instructional and intervention programs identified pursuant to subsection (d) of this section shall not include those that employ the three-cueing system model of reading, visual memory as the primary basis for teaching word recognition, or the three-cueing system model of reading based on meaning, structure and syntax, and visual cues.</u></p>	<p><u>(e) Public and independent schools shall not use reading instructional practices, programs, or interventions pursuant to subsection (d) of this section that do not have an evidence base consistent with federal and State guidance that address the foundational concepts of literacy proficiency, including phonemic awareness, phonics, fluency, vocabulary, and comprehension.</u></p>
<p><u>(f) The parent of any kindergarten through grade three student who exhibits a deficiency in reading at any time during the school year must be notified in writing not later than 15 days after the identification of the reading deficiency, and the written notification must include the following:</u></p> <p><u>(1) that the parent’s child has been identified as having a deficiency in reading, and a reading improvement plan will be developed by the teacher, principal, other pertinent school personnel, and the parent or parents;</u></p> <p><u>(2) the importance of reading proficiency at the end of the third grade;</u></p> <p><u>(3) a description of the current services that are provided to the child;</u></p>	<p><u>(f) The parent of any kindergarten through grade-three student who exhibits a reading deficit at any time during the school year must be notified in writing not later than 30 days after the identification of the reading deficit. Written notification shall contain information consistent with the documentation requirements contained in subsection (d) of this section. Parental notification of student progress shall correspond with the goals and benchmarks for student growth outlined in the student’s support plan pursuant to subsection (d) of this section. Parental notification may also occur through a school’s progress reporting mechanism.</u></p>

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<p><u>(4) a description of the proposed evidence-based reading interventions and supplemental instructional services and supports that will be provided to the child that are designed to remedy the identified areas of reading deficiency;</u></p> <p><u>(5) notification that the parent will be informed in writing of the child’s progress towards grade-level reading at least every 10 weeks; and</u></p> <p><u>(6) strategies and programs for parents to use at home to help their child succeed in reading.</u></p>	
<p><u>(g) Each local school district shall engage local stakeholders to discuss the importance of reading and solicit stakeholder suggestions for improving literacy and district plans to increase reading proficiency.</u></p>	<p><u>(g) Each local school district and approved independent school shall engage local stakeholders through the needs assessment and asset mapping processes when developing a Local Literacy Plan to improve reading proficiency.</u></p>
<p><u>(h) The Agency shall provide periodic workshops for educators and parents in evidence-based reading instructional programming addressing the areas of phonemic awareness, phonics, fluency, and vocabulary and comprehension.</u></p>	<p><u>(h) The Agency shall provide professional learning opportunities for educators in evidence-based reading instructional practices that address the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension.</u></p>
<p><u>(i) Each school board and approved independent school shall annually report, in writing, to the Agency on or before September 1 of each year the following information on the prior school year, by grade, school, and town, or approved independent school:</u></p>	<p><u>(i) In accordance with the State’s continuous improvement plan timeline, each supervisory union board and approved independent school shall annually report, in writing, to the Agency the following Local Literacy Plan information and prior year performance by school:</u></p>

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<p>(1) <u>the number and percentage of students in kindergarten through grade three performing below grade level on local or statewide reading assessments;</u></p> <p>(2) <u>the number of universal reading screeners performed and the number of pupils screened; and</u></p> <p>(3) <u>the number and percentage identified with a potential reading deficiency.</u></p>	<p>(1) <u>the number and percentage of students in kindergarten through grade three performing below proficiency on local and statewide reading assessments, as applicable;</u></p> <p>(2) <u>the universal reading screeners utilized; and</u></p> <p>(3) <u>the number and percentage of students identified with a potential reading deficit.</u></p>
<p>(j) <u>On or before December 1 of each year, the Agency shall issue a written report to the Governor and the Senate and House Committees on Education on the status of reading interventions and outcomes, including:</u></p> <p>(1) <u>State progress on improving reading literacy;</u></p> <p>(2) <u>third grade reading assessment results by district and approved independent school;</u></p> <p>(3) <u>percentages of pupils identified with a potential reading deficiency by district and approved independent school; and</u></p> <p>(4) <u>the Vermont educator preparation programs' implementation of reading instructional programs.</u></p>	<p>(j) On or before <u>January 15</u> of each year, the Agency shall issue a written report to the Governor and the Senate and House Committees on Education on the status of <u>State progress to improve literacy learning. The report shall include the information required pursuant to subsection (i) of this section.</u></p>
<p>(k) <u>Students who do not make meaningful gains to lessen a reading deficiency after a general education intervention program shall be referred for special education evaluation, or sooner if an educational disability is suspected.</u></p>	<p>No similar provision</p>

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<p>Sec. 2. 16 V.S.A. § 2903(a) is amended to read:</p> <p>(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fall further behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All students need to receive systematic, explicit, direct, sequential, and cumulative reading instruction in the early grades from a teacher who is skilled in teaching the foundational components of reading through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students, phonemic awareness, phonics, fluency, vocabulary, and comprehension. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered, which a school reading specialist shall provide.</p>	<p>Sec. 2. 16 V.S.A. § 2903 is amended to read:</p> <p>(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fall further behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All students need to receive systematic and explicit evidence-based reading instruction in the early grades from a teacher who is skilled in teaching the foundational components of reading through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. Some students may Students who require intensive supplemental instruction tailored to the unique difficulties encountered shall be provided those additional supports by an appropriately licensed and trained education professional.</p> <p>(b) Foundation for literacy. The State Board Agency of Education, in collaboration with the State Board of Education, the Agency of Human Services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in the first three grades prekindergarten through third grade to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.</p>

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	<p>(c) Reading instruction. A public school that offers instruction in grades <u>prekindergarten, kindergarten</u>, one, two, or three shall provide highly effective, research-based <u>systemic and explicit evidence-based</u> reading instruction to all students. In addition, a school shall provide:</p> <p style="padding-left: 40px;">(1) supplemental reading instruction to any enrolled student <u>in grade four</u> whose reading proficiency falls below third grade reading expectations <u>proficiency standards for the student's grade level or whose reading proficiency prevents success in school, as identified using the tiered system of supports</u>, as defined under <u>subdivision 164(9) section 2902</u> of this title;</p> <p style="padding-left: 40px;">(2) supplemental reading instruction to any enrolled student <u>in grades 5-12</u> whose reading proficiency creates a barrier to the student's success in school; and</p> <p style="padding-left: 40px;">(3) support and information to parents and legal guardians.</p>
<p>Sec. 3. EFFECTIVE DATE</p> <p style="text-align: center;"><u>This act shall take effect on July 1, 2024.</u></p>	<p>Sec. 3. EFFECTIVE DATE</p> <p style="text-align: center;"><u>This act shall take effect on July 1, 2024.</u></p>