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## TESTIMONY

**Testimony To:** Senate Committee on Education  
**Respectfully Submitted by:** Jess DeCarolis, Director, Student Pathways Division  
**Subject:** S.204  
**Date:** January 19, 2024

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- "Investing in the effectiveness of core reading instruction is critical for students in general education and students with disabilities."
- "Students with mild-to-moderate disabilities who struggle with reading may not be supported by teachers skilled in the teaching of reading."
- "While some special education teachers across the SU/SDs had a strong background in the teaching of reading, others indicated that they did not have the training or background to be effective supporting students struggling in reading."

### Introduction and Background

Thank you for the opportunity to testify on S. 204, your ongoing dedication and commitment to advance literacy learning, and the opportunity for the Agency to continue its work made possible through Act 28 of 2021, has made a tremendous impact on our efforts to realize the goals of Act 173 of 2018.

#### S.204 This bill proposes to require

- 1) the Agency of Education to approve universal reading screeners for use by public school districts and approved independent schools;
- 2) school districts and approved independent schools to screen students in kindergarten through grade three using the universal reading screeners;
- 3) school districts and approved independent schools to provide reading interventions for students who exhibit substantial deficiencies in reading;
- 4) school districts and approved independent schools to provide families with notification of identified reading deficiencies; and
- 5) school districts and approved independent schools to report certain reading performance data to the Agency.

We would like to provide a summary overview to start and then provide some specific observations and suggestions.

#### AOE Response to S.204: General Observations

First, we want to thank you for your clear commitment to ensuring that all students, wherever they attend school, are provided evidence-based literacy instruction and assessment. This bill is unequivocal in its commitment to the goals of Act 173 to enhance the effectiveness, availability and equity of services provided to students who require additional support, notably by ensuring that core assessment and instructional strategies are in place...in every school. Research is clear that effective literacy instruction improves academic and life outcomes. *Extensive evidence exists that [...] early intervention is critical. Struggling readers who do not receive early intervention tend to fall further behind their peers (Stanovich, 1986).*

In much of what is outlined in this bill, current law, rule, and policy provide us with the necessary tools to meet the intent and goals articulated in S.204. Our aim today is to identify areas of alignment that can support the vision of this bill while ensuring we continue the substantial progress in literacy teaching and learning we have made and avoid unintended conflicts with other existing federal and state landmark legislation such as Act 173.

A summary of existing policy levers from the [Education Quality Standards](#) that can and are being leveraged right now include the following with relevant abbreviated excerpts for reference. We have provided a handout that has lengthier excerpts for your reference.

- EQS 2120.4. Personalized Learning Plans. [...] ***shall describe the scope and rigor of learning opportunities and support services necessary***
- EQS 2120.5. Curriculum Content. [...] ***shall enable students to engage annually in rigorous, relevant and comprehensive learning opportunities that allows them to demonstrate proficiency in a literacy (including critical thinking, language, reading, speaking and listening, and writing); [...] As required in 16 V.S.A. §2902, each public school shall provide support for students who require additional assistance in order to succeed or be challenged in the general education environment.***
- EQS 2120.6. Curriculum Coordination. [...] ***each school implements the supervisory union's written and delivered curriculum, which shall be [...] d. informed by ongoing review of new research, [...] e. designed to enable all students to achieve the graduation requirements; [...]***
- EQS 2121.2. Staff. ***Schools with over 300 students shall have at least one full-time library media specialist and sufficient staff to implement a program that supports literacy, [...]***
- EQS 2121.3. Needs Based Professional Learning. ***The school's professional learning system shall be aligned with its staff evaluation and supervision policies, Continuous Improvement Plan, supervisory union and district goals, and shall provide new staff members with appropriate opportunities for professional learning.***
- EQS 2121.5. Tiered System of Support. [...] ***each school shall ensure that a tiered system of academic and behavioral supports is in place to assist all students in working toward attainment of the standards.***
- EQS 2123.2. Development and Implementation of Local Comprehensive Assessment System. ***Each supervisory union shall develop, and each school shall implement, a local comprehensive assessment system that [...] b. employs a balance of assessment types, [...] d. enables decisions to be made about student progression and graduation,***

*including measuring proficiency-based learning; e. informs the development of Personalized Learning Plans and student support; f. provides data that informs decisions regarding instruction, professional learning, and educational resources and curriculum; and g. reflects strategies and goals outlined in the district's Continuous Improvement Plan.*

## **Terminology**

- The use of the term “deficiency” may run the risk of unintentionally describing the student versus the skill area, even if it is a commonly used term of art. The adjective “substantial” is sufficient to reflect severity (if that is the intent) in areas of the bill. We wonder if consideration might be given to using the phrasing “at risk of developing or currently experiencing a reading deficit” and/or “exhibits a substantial reading deficit,” as appropriate to the grammatical context, throughout the bill. At the local level, and following practices guided by policy, rule and law related to MTSS, Section 504 of the Rehabilitation Act of 1973 and IDEA, determinations as to “disorders” or “disabilities” do not need to be spelled out in this bill.
- Sec 1. (a) (1) modify the definition of dysgraphia to align with the National institutes of Health, International Dyslexia Association, IDEA, and DSM-5 definition of dysgraphia (*Dysgraphia is a specific learning disorder that results in written expression, including programs with letter formation/ legibility, letter spacing, spelling, fine motor coordination, rate of writing, grammar, and composition*).
- Sec 1. (a) (2) modify definition of dyslexia to align with [IDEA](#) and the [International Dyslexia Association's definition of dyslexia](#) (*Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties 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. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.*)
- Any mention of “parent” or “family” should be replaced with “caregiver” or “guardian.”

## **Fiscal and Programmatic Impact**

- We have observed that there is no recommendation to support the continuation of the Literacy Project Manager position and no funding identified to support “universal screeners at no cost,” “periodic workshops” in “evidence-based reading instructional programming,” and new data collection from educator prep programs, etc. The work that the AOE has been engaged in, and the Student Pathways Division specifically, has been far-reaching in scope, in addition to documented major job responsibilities, and entirely reliant on federal funding that is fast-approaching expiration. There currently is no state appropriation, nor has there been for the AOE prior to ARP-ESSER investments, to support this level of

state work totaling approximately \$6M in professional learning, coaching and grants for SU/SDs. While we are not requesting this level of investment from the State, it is important for the Committee to understand that due consideration needs to be given to the practicability of the ability to provide assessments, technical assistance, maintain the Learning Management System, or provide professional learning with fewer staff and no funds.

- This also adds another annual report which we support but with modifications and that will require overall data collection and analysis and preparation which will require additional development and training and demand on the field. Coordinating across current collections, many of which have strict federal guidelines, will take some time.
- We are concerned that we have heard testimony on this bill and there has been general agreement that there is a need for professional learning at the state level to advance our literacy learning goals and outcomes. We are concerned that there does not appear to be an investment or focus on increasing “teachers skilled in reading instruction” who are currently in practice.

We would also note that the Agency of Education is not identified in 16 V.S.A. §2903(b) as being a responsible partnering entity for advancing literacy learning.

## **AOE Response to S.204: Goal-Specific Review**

### **The Agency of Education to approve universal reading screeners for use by public school districts and approved independent schools. (Sec.1(b)-(c))**

#### **Observations and Considerations**

We appreciate alignment with what is outlined in the AOE’s [The Strengthening and Streamlining Local Comprehensive Assessment Systems](#) Guidelines for system leaders which describes, among other things, essential components of a Local Comprehensive Assessment System (LCAS). An LCAS utilizes multiple measures of learning across all content areas, for various purposes, and data are used to inform instructional and programmatic decisions. The type and purpose of the assessment dictate the frequency of its administration. “Done well and thoughtfully, assessments are tools for learning and promoting equity... Done poorly, in excess, or without a clear purpose, they take valuable time away from teaching and learning...” (U.S. Department of Education, [Testing Action Plan: State and District Profiles](#)).

Universal Assessments, including screeners, are used with all students. Universal screening is conducted to identify or predict students who may need additional supports. Universal screening assessments are typically brief, conducted with all students at a grade level, and followed by additional testing or short-term progress monitoring to corroborate students’ risk status. Current guidelines and supports available related to universal screening and ELA/literacy assessments include:

- Table 1 on page 10 of the AOE’s [the Strengthening and Streamlining Local Comprehensive Assessment Systems](#) Guidelines

- Page 3 in [Elementary Assessments: Universal Screening, Diagnostic, and Progress Monitoring](#) for Universal Screeners for Reading

AOE's [ELA and Literacy Local Assessment Summary](#) Consistent use of universal screeners will improve universal (Tier 1) instruction, therefore improving outcomes for all students and decreasing the need for intensive intervention.

Universal screening should be happening as part of robust LCAS and multi-tiered system of supports (MTSS) at the SU/SD level, per Education Quality Rules and consistent with Act 173 and [federal guidance including policy guidance specific to dyslexia](#); it's imperative that universal reading screeners complement existing work in SU/SDs.

### **Concerns and Recommendations**

1. The specificity of some of the language may be constraining and/or not stay evergreen as educational research evolves. For instance, RAN and phonological awareness tasks are accepted as predictors of dyslexia but it's unclear from the bill if one may also assume that verbal working memory and rhythmic pattern discrimination tests are also included. Additionally, while non-word repetition tasks are accepted to be a measure of phonological working memory capacity these tasks also implicate other language processes, including speech perception, phonological encoding, phonological memory, phonological assembly and articulation. To what degree would the current language specified in the bill address how educators would discriminate between identification of dyslexia and specific learning impairment (SLI)? Furthermore, specificity about what must be included in a screener could unintentionally constrain the selection of screeners, including combining multiple screeners that are evidence-based but designed to assess different skills. We would recommend leaving this level of specificity for policy, guidance, and technical assistance.
2. The Vermont AOE agrees with the International Dyslexia Association (IDA) (<https://dyslexiaida.org/universal-screening-k-2-reading-2/>). There is no **one** assessment or screener that measures all the skills named in the above section. Consideration should be made to the costs of providing multiple assessments or screeners to districts and private schools and the amount of time that would be spent on assessment by classroom teachers when having to pull from multiple assessments to cover all areas listed above. Universal screening assessments are designed to be a brief measure of the student's skill level. **Consider focusing on using data from universal screeners to identify students with characteristics of dyslexia with significant reading deficits in need of targeted and intensive intervention that is evidence-based, direct, systematic and explicit.**
3. Universal reading screeners that do screen for the characteristics of dyslexia are sufficient; additional assessments run the risk of over-identification and assessment fatigue for both teachers and students. (Sec. 1 (b) (4))
4. Universal screeners for educational contexts are not free, and no one universal screener can be used to address what is listed in the bill.
5. Commercially available dyslexia screeners do not measure RAN at each grade level.

- a. Without an appropriation, there is no existing funding to support the AOE in providing universal and dyslexia screeners to all districts and private schools free of charge. However, through processes such as Continuous Improvement Plans, Local Literacy Plans and our Comprehensive and Equity School supports, guidance can be provided to SU/SDs in how state and federal dollars at the local level can be invested.

### **Suggested Edits and Proposed Language**

(b)(1) The Agency of Education shall provide regularly updated Local Comprehensive Assessment System policy guidance that includes information about universal reading and dyslexia screeners ~~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 for use by supervisory unions/districts~~ and approved independent schools.

(ii) inform decisions related to instruction, educational resources and curriculum, and professional learning to support universal and differentiated practices. ~~the groupings of students based on instructional needs for both in-class differentiated instruction and small group and individual intervention.~~

(4) ~~The dyslexia screener shall measure: (A) rapid automatized naming (RAN); and (B) a battery of phonological awareness tasks, including phoneme segmentation, blending, substitution, elision, and onset-time tasks and syllabication~~

- Consider replacing with language that focuses on using data from universal screeners to identify students with characteristics of dyslexia with significant reading deficiencies in need of targeted and intensive intervention that is evidence-based, direct, systematic and explicit.

### **School districts and approved independent schools to screen students in kindergarten through grade three using the universal screeners.**

### **Observations and Considerations**

The AOE appreciates alignment of this section with EQS 2123.2. Development and Implementation of Local Comprehensive Assessment System and EQS 2121.5. Tiered System of Support (MTSS) as mentioned above. Both Local Comprehensive Assessment Systems (LCAS) and MTSS (and Education Support Teams) are two of our policy levers to support systems in realizing the goals of Act 173.

### **Concerns and Recommendations**

1. Ensure that the timeline for administration of universal reading screeners outlined is consistent with AOE guidance and aligned with current empirical evidence base and is practicable for SU/SD administration.
2. Consider making more explicit in the bill language that students who have already demonstrated mastery of specific skills should be assessed based on current levels.

### **Suggested Edits and Proposed Language**

- Strike Sec 1. (b)(4) as it is unnecessary if MTSS system is in place and universal screeners are utilized as noted in (b)(1)(2)(3). An additional dyslexia screener would not provide information not obtained in the universal screener and could result in additional burdens to students and educators.
- Strike Sec 1. (c) page 4 lines 2-6 as an additional dyslexia screener is not necessary to identify students who need interventions.

**School districts and approved independent schools to provide reading interventions for students who exhibit substantial deficiencies in reading. (Sec. 1(d)-(f))**

**Observations and Considerations**

Vermont’s Multi-Tiered System of Supports (MTSS) outlined in EQS 2121.5 and [AOE guidance](#) and including [AOE special education guidance](#). What is reflected in part (d) of this bill is also reflected in [policy guidance](#) from U.S. Department of Education’s Office of Special Education and Rehabilitation (OSER):

*For those students who may need additional academic and behavioral supports to succeed in a general education environment, schools may choose to implement a multi-tiered system of supports (MTSS), such as response to intervention (RTI) or positive behavioral interventions and supports (PBIS). MTSS is a schoolwide approach that addresses the needs of all students, including struggling learners and students with disabilities, and integrates assessment and intervention within a multi-level instructional and behavioral system to maximize student achievement and reduce problem behaviors. MTSS, which includes scientific, research-based interventions, also may be used to identify children suspected of having a specific learning disability. With a multi-tiered instructional framework, schools identify students at risk for poor learning outcomes, including those who may have dyslexia, dyscalculia, or dysgraphia; monitor their progress; provide evidence-based interventions; and adjust the intensity and nature of those interventions depending on a student’s responsiveness. Children who do not, or minimally, respond to interventions must be referred for an evaluation to determine if they are eligible for special education and related services (34 CFR §300.309(c)(1)); and those children who simply need intense short-term interventions may continue to receive those interventions.*

**Concerns and Recommendations**

Generally, our concern or recommendation would be that we as much as possible reflect existing law, rule and policy that is in place that governs layered systems of supports.

**Suggested Edits and Proposed Language**

- Sec 1. (d) remove language about individual reading plans and perhaps use “appropriate plan” generally. Through existing processes like PLPs, ESTs, 504

plans, and IEPs there are existing structures where this information can be maintained to monitor student learning and progress over time.

- Strike Sec 1. (e) as evidence-based practices are already recommended.

### **School districts and approved independent schools to provide families with notification of identified reading deficiencies.**

#### **Observations and Considerations**

We support parent notification generally, and we understand the urgency of identifying students in need of additional support, coming up with a plan of action, and keeping parents aware of what is going on.

#### **Concerns and Recommendations**

- Having this level of specificity in the law when it already exists in federal and state law, rule and policy could create confusion in the field and suggest another layer of supports, beyond or within those that are already in place (whether they are implemented with fidelity or expertise). This confusion could also interfere with compliance with existing requirements delineated under Child Find and outlined in IDEA.
- Depending on need, resourcing and numbers of students who may be identified, etc. it could be a big task for a school to get all letters out, with what is required to be in them, within a 15-day window.

#### **Suggested Edits and Proposed Language**

- "School districts and approved independent schools to provide families with notification of identified substantial reading deficits."
- Consider a 30-day notification window for coherence, consistency, and practicability.

### **School districts and approved independent schools to report certain reading performance data to the Agency. ((g)-(j))**

#### **Observations and Considerations**

This desire to expand what and how we collect student performance data is consistent with substantial grant investments and professional learning we have been providing to the field as described in previous testimony. As part of our strategic plan to diversify and modernize our Vermont Comprehensive Assessment Program we have been working with our REL-NEI research partners to review all assessment data we currently collect and how we might develop further insight from collecting local assessment data (e.g., benchmark, performance assessments, etc. that report in common measures).

Additionally, the roll-out of our first iteration of Local Literacy Plan template and Playbook for Systems Literacy aligned to nationally recognized literacy policy levers and our State Literacy Plan will be an effective tool for capturing how systems conduct needs and asset mapping, engage stakeholders, develop literacy learning goals and assess literacy learning progress, etc.

#### **Concerns and Recommendations**



- This is a substantial undertaking we have already begun, including substantial investment, and SU/SDs have made considerable investments as well.
- We have launched a Literacy Collaborative Learning Group with our Region 1 Comprehensive Center and VT Curriculum Leaders Association to develop LLPs and associated resources.
- We should be integrating this type of reporting and collection mechanism into quality assurance processes identified in the DQS for efficiency.
- We would recommend a reporting cadence of every two years.

### **Suggested Edits and Proposed Language**

- Generally, we would recommend that the AOE is provided the on-ramp and opportunity to roll out the Local Literacy Plan template (and make modifications if necessary) that would allow for the collection of some of these data in a manner that leverages existing infrastructure (e.g., GMS) and/or processes (e.g., CIP)
- Sec 1. (h) amend (2) to read: the number and type of universal screeners performed and the number of pupils screened.
- Sec 1. (i) add (4) to report on proficiency data outlined in Sec 1. (a)(2) as requested by the AOE. This would provide the AOE with data on reading proficiency from local comprehensive assessment systems.
- Sec 1. (h) Please strike or amend to reflect the AOE’s role in providing oversight, leadership and support to SU/SDs, schools and educators only. The Agency does not have the staffing pattern, resources or regulatory authority to take on professional learning for families.
- Sec 1. (j)(4) the AOE is unclear on what is meant by “reading instructional programs” in the report related to EPP’s. Greater specificity or taking testimony from the AOE staff who oversee ROPA and EPP approval process would be helpful in getting specifics and understanding what may already be in place and how that might align with the intent of this language.

### **16 V.S.A. §2903(a)**

- Please strike “reading specialist” from last line.