

1 S.224

2 Introduced by Senators Ingram and Hooker

3 Referred to Committee on Education

4 Date: January 7, 2020

5 Subject: Education; evidence-based structured literacy instruction;

6 kindergarten–grade 3; dyslexia

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 kindergarten–grade 3 students and students with dyslexia in public schools
9 receive evidence-based structured literacy instruction and that the Vermont
10 Standards Board of Professional Educators evaluate teacher preparation
11 programs to determine whether teachers are receiving appropriate training in
12 literacy instruction.

13 ~~An act relating to evidence-based structured literacy instruction for students~~
14 ~~in kindergarten–grade 3 and students with dyslexia and to teacher~~
15 ~~preparation programs.~~

An act relating to making miscellaneous changes to education laws

16 It is hereby enacted by the General Assembly of the State of Vermont:

17 ~~Sec. 1, 16 V.S.A., chapter 1, subchapter 10 is added to read:~~

18 Subchapter 10. Evidence-Based Structured Literacy Instruction

19 § 141. EVIDENCE-BASED STRUCTURED LITERACY INSTRUCTION;

20 KINDERGARTEN–GRADE 3

21 ~~(a) Definitions. As used in this section.~~

1 ~~(1) “Dyslexia” means a specific learning disability that is neurological~~
2 ~~in origin, that is characterized by difficulties with accurate or fluent word~~
3 ~~recognition and by poor spelling and decoding abilities, that typically results~~
4 ~~from a deficit in the phonological component of language, and that is often~~
5 ~~unexpected in relation to other cognitive abilities. Secondary consequences~~
6 ~~may include problems in reading comprehension and reduced reading~~
7 ~~experience that can impede growth of vocabulary and background knowledge.~~

8 ~~(2) “Evidence-based structured literacy instruction” means evidence-~~
9 ~~based, specialized reading, writing, and spelling instruction that is~~
10 ~~multisensory in nature, equipping students to simultaneously use multiple~~
11 ~~senses, including vision, hearing, touch, and movement, to teach word~~
12 ~~identification and decoding strategies. Evidence-based methods of instruction~~
13 ~~employ direct instruction of systematic and cumulative objectives, with the~~
14 ~~sequence beginning with the student’s easiest and most basic elements and~~
15 ~~progressing methodically to more difficult material, as indicated by systematic~~
16 ~~progress monitoring. Each step is built on those steps previously learned.~~
17 ~~Components of evidence-based methods of instruction include instruction~~
18 ~~targeting phonological awareness, sound-symbol association, syllable~~
19 ~~structure, morphology, syntax, and semantics.~~

20 ~~(b) Evidence-based structured literacy instruction. Evidence-based~~
21 ~~structured literacy instruction shall be used as the primary literacy instructional~~

1 ~~method for public school students in kindergarten, grade 2, and for students~~
2 ~~with dyslexia.~~

3 (c) Early screening for dyslexia.

4 (1) Students enrolled in public schools in Vermont shall be screened for
5 dyslexia:

6 (A) during the fall semester of kindergarten; and

7 (B) during the spring semester of kindergarten, first grade, and
8 second grade if a student does not meet the expected literacy standards for
9 those grades.

10 (2) In addition to these screening times, a student shall be screened for
11 dyslexia upon the request of the student's parent, guardian, teacher, counselor,
12 or school psychologist to determine if the student qualifies for the school's
13 multi-tiered system of supports or response to intervention services.

14 (d) Students identified with dyslexia. If a student is identified as having
15 dyslexia by the school, the school shall:

16 (1) notify the student's parent or guardian;

17 (2) provide the student's parent or guardian with information and
18 resource material about dyslexia;

19 (3) provide the student with appropriate evidence-based structured
20 literacy instruction; and

21 (4) monitor the student's progress.

~~Sec. 2. EVALUATION OF TEACHER PREPARATION PROGRAMS,~~

~~KINDERGARTEN–GRADE 3~~

~~The Vermont Standards Board of Professional Educators shall evaluate the syllabi and course work of teacher preparation programs to determine the effectiveness of teacher training to provide reading instruction for all students, including the use of evidence-based structured literacy instruction for students in kindergarten–grade 3 and students with dyslexia. The evaluation shall include any recommendations for changes to teacher licensure requirements.~~

~~On or before December 1, 2020, the Vermont Standards Board of Professional Educators shall report its findings and recommendations to the House and Senate Committees on Education.~~

Sec. 3. EFFECTIVE DATES

~~Sec. 2 and this section shall take effect on passage. Sec. 1 shall take effect on July 1, 2021.~~

**** Postsecondary Educational Institutions; Closing ****

Sec. 1. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each covered college, which are its member colleges and each college that was a member of AVIC within the prior year, under which each covered college agrees to:

(A) upon the request of AVIC, properly administer the student academic records of a covered college that fails to comply with the requirements of this subsection; and

(B) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another covered college or other

entity selected by AVIC, maintaining the records of a covered college that fails to comply with the requirements of this subsection.

(2)(A) If an institution of higher education is placed on probation by its accrediting agency, the institution shall:

(i) not later than five business days after learning that it has been placed on probation, inform the Secretary of Education of its status, and

(ii) not later than 60 days after being placed on probation, submit an academic record plan for students to the Secretary for approval.

(B) The academic record plan shall include an agreement with an institution of higher education or other entity to act as a repository for the institution's records, with funds set aside, if necessary, for the permanent maintenance of the academic records.

(C) If the Secretary does not approve the plan, the State may take action under subsections (d) and (e) of this section.

(3) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation period, the institution shall:

~~(1)(A)~~ promptly inform the ~~State Board~~ Secretary;

~~(2)(B)~~ prepare the academic record of each current and former student in a form satisfactory to the ~~State Board~~ Secretary and including interpretive information required by the ~~Board~~ Secretary; and

~~(3)(C)~~ deliver the records to a person designated by the ~~State Board~~ Secretary to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

(b) Persons acting as a repository may microfilm records received under this section.

(c) Students and former students of the discontinuing institution shall be entitled to verified copies of their academic records upon payment of a reasonable fee.

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the ~~State Board~~ Secretary shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the ~~State Board Secretary~~ may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

(f) The State Board shall adopt rules under this section for its proper administration. The rules may include provisions for preparing and maintaining transferred records. Persons acting as a repository of records are bound only by maintenance provisions to which they agreed before receiving transferred records.

~~(g) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:~~

~~(1) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and~~

~~(2) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section.~~

Sec. 2. TRANSITION

On or before August 1, 2020, the Association of Vermont Independent Colleges (AVIC) shall amend its memorandum of understanding with its member colleges under 16 V.S.A. § 175 to require that each member college that terminates its membership with AVIC continue to comply with the terms of the memorandum for a period of one year after the date of termination.

** * * Oath; Repeal * * **

Sec. 3. 16 V.S.A. § 12 is amended to read:

§ 12. OATH

~~A superintendent, a principal or teacher in a public school of the State, a professor, instructor, or teacher who will be employed by a university or college in the State that is supported in whole or in part by public funds, or a headmaster or teacher who will be employed by an independent school or~~

other educational institution accepted by the Agency as furnishing equivalent education, before entering upon the discharge of his or her duties, shall subscribe to an oath or affirmation to support the U.S. Constitution, the Vermont Constitution, and all State and federal laws; provided, however, that an oath shall not be required of any person who is a citizen of a foreign country. [Repealed.]

** * * Small School Support * * **

Sec. 4. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) ~~In~~ As used in this section:

** * **

(2) “Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.

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** * * Electoral Functions; Union School Districts * * **

*Sec. 5. ELECTORAL FUNCTIONS; UNION SCHOOL DISTRICT;
MEMBER DISTRICT THAT IS ALSO A UNION SCHOOL
DISTRICT*

(a) If a union elementary or union high school district has a member district that is also a union school district, then the legislative body or appropriate officer of each city, town, or incorporated village within the member union school district shall perform electoral functions on behalf of the union elementary or union high school district, including accepting nominations, warning meetings, and conducting elections and the voting process on other matters, when those functions are ordinarily performed by and in member town districts on behalf of a union school district.

(b) This section is repealed on July 1, 2021.

** * * Gender Balance; UVM and VSC Boards * * **

~~*Sec. 6. GENDER BALANCE, UNIVERSITY OF VERMONT AND
VERMONT STATE COLLEGES BOARDS*~~

~~*(a) The Board of Trustees of the University of Vermont (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women. The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.*~~

~~(b) The State goal is to have the UVM Board achieve gender balance by 2025 and maintain it thereafter and the VSC Board maintain gender balance. Gender balance means, for the UVM Board, that the 25 member Board is composed of 12 or 13 members who identify as women and for the VSC Board, that the 15 member Board is composed of seven or eight members who identify as women. The UVM self-perpetuating Board members have an obligation to address the Board's gender imbalance in their election of trustees.~~

~~(c) Given that the UVM and VSC Boards have four categories of trustees, which include those appointed by the Governor; those elected by the General Assembly, and those elected by the self-perpetuating trustees, as well as student trustees, it is also incumbent on the Legislative and Executive Branches to undertake efforts to further the State goal in achieving and maintaining gender balance on these Boards.~~

~~(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees. This information shall include the appointing entity, initial appointment date, and length of service and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.~~

Sec. 6. GENDER BALANCE; UNIVERSITY OF VERMONT AND VERMONT STATE COLLEGES BOARDS

~~(a) The Board of Trustees of the University of Vermont (UVM) currently is composed of an overwhelming majority of men, with 20 men and five women. The Board of Trustees of the Vermont State Colleges (VSC) currently has gender balance on its Board.~~

~~(b) The State goal is to have balanced representation on Vermont public bodies that ensures equity and the opportunity for all members of society to participate based on merit, regardless of their gender or gender identity, race, creed, national origin, marital status, sexual orientation, disability status, or any other personal descriptor. Given the gender imbalance on the UVM Board, it is not clear that this goal is being met by the appointers and electing authorities of Board members.~~

~~(c) Given that the UVM and VSC Boards have four categories of trustees, which include those appointed by the Governor; those elected by the General Assembly, and those elected by the self-perpetuating trustees, as well as student trustees, it is incumbent on the appointing and electing authorities to use their best efforts to further the State goal of ensuring that the Boards reflect the balance and composition of students, faculty, and the general~~

population that they represent, recognizing that their efforts will be monitored by the General Assembly and the public.

(d) On or before January 31, 2021 and annually thereafter, as part of their annual budget presentations to the General Assembly, UVM and VSC shall provide, at a minimum, the most recent five years of information on the gender composition of their respective Boards of Trustees, as well any other information the Boards have available on their diversity. This information shall include the appointing or electing authority, initial appointment date, and length of service and shall summarize recruitment and replacement strategies employed for recently expired and imminently expiring Trustee positions.

** * * Effective Date * * **

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.