

H.101

An act relating to the implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes

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

Sec. 1. PURPOSE

The purpose of this act is to provide assistance to supervisory unions in their implementation of 2018 Acts and Resolves No. 173 by providing grant funding to build systems-driven, sustainable literacy support for all students with measurable outcomes.

Sec. 2. FINDINGS

(a) In 2016 Acts and Resolves No. 148, the General Assembly directed the Agency of Education to contract with a consulting firm to review current practices and recommend best practices for the delivery of special education services in school districts. The Agency of Education contracted with the District Management Group, which issued in November 2017 its report entitled “Expanding and Strengthening Best-Practice Supports for Students who Struggle” (Report).

(b) This Report made the following five recommendations on best practices for the delivery of special education services:

(1) ensure core instruction meets most needs of most students;

(2) provide additional instructional time outside core subjects to students who struggle rather than providing interventions instead of core instruction;

(3) ensure students who struggle receive all instruction from highly skilled teachers;

(4) create or strengthen a systems-wide approach to supporting positive student behaviors based on expert support; and

(5) provide specialized instruction from skilled and trained experts to students with more intensive needs.

(c) In enacting 2018 Acts and Resolves No. 173, the General Assembly's goal was to enhance the effectiveness, availability, and equity of services provided to all students who require additional support in Vermont's school districts, recognizing that changing the models for delivery of services and funding for students who require additional support is a significant change for school systems and their constituencies and that they will require time and assistance in making necessary accommodations.

(d) In Act 173, the General Assembly provided additional staff and resources to the Agency of Education to support its work with supervisory unions and schools that are transitioning to the best practices recommended in the Report.

(e) Further support for supervisory unions and schools that are transitioning to the best practices recommended in the Report are necessary, particularly in

the area of teaching literacy to students in prekindergarten through grade 3, given that proficiency in reading is an essential foundational skill for educational success.

(f) According to the 2019 assessment of reading proficiency by the National Assessment of Educational Progress, only 37 percent of Vermont students in fourth grade were proficient in reading, and that percentage has declined from 2002 (39 percent) and 2017 (43 percent).

(g) Ensuring that students in prekindergarten through grade 3 learn to read at a proficient level advances the best practices recommended in the Report, in particular ensuring core instruction meets most needs of most students and ensuring that students who struggle receive all instruction from highly skilled teachers.

Sec. 3. LITERACY GRANT PROGRAM

(a) Definitions. As used in this section:

(1) “Eligible applicant” means a supervisory union, or, if multiple supervisory unions choose to collaborate in applying together for the grant funding, those supervisory unions.

(2) “Grant” means a grant provided under this section.

(3) “Participating supervisory union” means each supervisory union that applies for the grant funding under the same application.

(4) “Participating supervisory union leadership team” means the superintendent or designee of each participating supervisory union and two representatives of schools within each participating supervisory union appointed by its superintendent.

(5) “Program” means the Literacy Grant Program created by this section.

(b) Program creation and grant authorization.

(1) The Literacy Grant Program is created to enable supervisory unions to adopt best practices in teaching literacy instruction to students in prekindergarten through grade 3.

(A) In recognition that literacy proficiency is a foundational learning skill, this Program is designed to assist supervisory unions implement 2018 Acts and Resolves No. 173 by providing students with the literacy skills necessary to ensure that core instruction meets most needs of most students and that students who struggle receive all instruction from highly skilled teachers.

(B) Supervisory unions are encouraged to work together in a sustained and targeted manner to improve literacy outcomes by applying together for the grant funding or otherwise working collaboratively in a manner that uses resources in an effective and efficient manner.

(C) Subject to the terms of the Program, grants shall be awarded to eligible applicants for three consecutive years.

(2)(A) The Agency of Education shall inform supervisory unions of the availability of grants under this act and provide technical assistance to eligible applicants in applying for these funds.

(B) The Agency, in providing information and technical assistance, shall focus on eligible applicants that have a relative higher percentage of:

(i) students who have over recent years scored lower on literacy assessments;

(ii) students who come from families eligible for free or reduced-priced lunch; or

(iii) discrepancies in outcome data on literacy for students from historically underserved populations, including, to the extent that data is available in compliance with privacy laws, students who are Black, Indigenous, and People of Color; students who are English language learners; and students on individualized education programs.

(C) The Agency of Education shall also advise supervisory unions of other sources of funding that may be available to advance the purpose of this act.

(c) Application for, and approval of, grant funding.

(1) On or before July 15, 2021, the Agency of Education shall develop the application for the grant program and post the application on the Agency's website.

(2) The application for the grant shall include:

(A) the members of the participating supervisory union leadership team and a description of its governance structure;

(B) the person or persons who will disperse the grant funds among the participating supervisory unions, a description of the fiscal controls to ensure proper accounting of these funds, and the eligible applicant's Program budget;

(C) the literacy indicators and outcomes the eligible applicant seeks to improve, which shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and may include any other areas of current best practices in teaching literacy;

(D) the priority problems of practice in teaching and improving literacy outcomes, including shared problems of practice across the participating supervisory unions;

(E) the eligible applicant's plan for improving literacy teaching and outcomes, including how the proposed plan will strengthen the applicant's process towards ensuring that:

(i) core literacy instruction meets most needs of most students;

and

(ii) students who struggle with literacy proficiency receive all instruction from highly skilled teachers;

(F) how the eligible applicant will implement its plan for literacy teaching and outcomes and a description of how it will achieve the purpose of this act;

(G) how literacy results and outcomes will be measured and reported;

(H) how the eligible applicant will improve its Tier 1 education under 16 V.S.A. § 2902 through this process; and

(I) how systems and processes developed through the grant funding will be sustained.

(3) The Agency shall develop application scoring criteria that incorporate the factors under subdivision (b)(2)(B) of this section and are consistent with subdivisions (2)(A)–(I) of this subsection (c). On or before July 31, 2021, the Agency shall send a copy of the grant application and scoring criteria, review process, and selection criteria to the House and Senate Committees on Education.

(4) Eligible applicants shall submit applications for grant funding to the Agency of Education, which shall review those applications. Following the application review process, the Agency shall recommend applications to the

Secretary for funding based on the review scores, funding dollars available, and the Agency's view of the applicant's need for literacy instructional support as compared with other applicants. The Secretary shall make the final grant funding determination.

(5) Based on the Secretary's determination, the Agency of Education shall, on or before September 1, 2021, award the first year of grant funding, up to \$100,000.00 per application, to successful applicants. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the applicant's need for literacy instructional support as compared with other applicants. If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(6) The Agency of Education shall, on or before each of September 1, 2022 and 2023, award the second year and third year of grant funding, respectively, of up to \$100,000.00 per eligible applicant per year. The amount of this funding shall be based on the applicant's proposed budget, total availability of funds, and the Secretary's assessment of the eligible applicant's progress towards implementing its action plan to improve literacy teaching and outcomes under subdivision (2)(F) of this subsection. The Secretary may deny or reduce second- or third-year grant funding if the Secretary finds that the applicant has made insufficient progress towards implementing its action plan.

If the amount appropriated for this purpose is insufficient to fully fund the grants under that section, then the grant amounts that are awarded shall be prorated.

(d) Use of grant funds.

(1) Grant funds shall be used to:

(A) establish the participating supervisory union leadership team and its governance structure;

(B) implement the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section; and

(C) measure the literacy results and outcomes under subdivision (c)(2)(G) of this section.

(2) Grant funds may be used to:

(A) build literacy instructional leadership capacity to lead the improvement of the quality of literacy teaching and for the improvement of student learning;

(B) implement an instructional coaching model, as described in the guidelines for implementing effective coaching systems issued by the Agency of Education in March 2016 (Coaching Guidelines);

(C) implement a systems' coaching model, as described in the Coaching Guidelines;

(D) support educators in using collaborative data systems to promote continuous improvement of literacy teaching and outcomes;

(E) provide focused training on the literacy indicators and outcomes the eligible applicant seeks to improve, which, if offered, shall include each of phonemic awareness, phonics, reading fluency, vocabulary, and comprehension, and any other areas of focus in teaching literacy;

(F) employ universal design for literacy learning, which is a framework to improve teaching and learning for all students based on scientific research on how people learn;

(G) employ evidence-based structured literacy instruction, including for students at risk for dyslexia or diagnosed with dyslexia; and

(H) employ any other proven method that builds sustainable systemwide improvement in literacy delivery and outcomes.

(3) Required activities shall not be duplicative of existing programs and activities.

(4) Grant funds may be used for hiring additional staff, providing additional compensation to existing staff, or contracting with another entity or entities to aid in the implementation activities under subdivision (1) of this subsection.

(e) Evaluation and reporting.

(1) Not later than 30 calendar days after the one-year anniversary of receiving a grant award under this section, the eligible applicant shall submit to the Agency of Education a report that describes progress and concerns with the implementation of the eligible applicant's action plan to improve literacy teaching and outcomes under subdivision (c)(2)(F) of this section.

(2) On or before January 15, 2025, the Agency of Education shall report to the General Assembly and the Governor on the impact of the grant program. The report shall be made publicly available on the Agency of Education's website.

Sec. 4. APPROPRIATION OF FUNDS

(a) The sum of \$3,090,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the Agency of Education for fiscal year 2022 for the literacy grants to be funded on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this act.

(b) The Agency of Education may set aside:

(1) not more than one percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for informational and technical assistance for eligible applicants as defined under Sec. 3(a)(2) of this act; and

(2) not more than two percent of the funds appropriated under subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for the evaluations required under Sec. 3(e)(1) of this act.

Sec. 5. AGENCY OF EDUCATION; STAFFING

(a) The following position is created in the Agency of Education: one full-time, director level, classified position to serve as the Statewide Literacy Coordinator in the Office of the Secretary. The person hired as the Statewide Literacy Coordinator shall hold a masters' level degree, or have equivalent expertise based on work experience, in the field of evidenced-based literacy instruction.

(b) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 for fiscal year 2022 the amount of \$450,000.00 for salary, benefits, and operating expenses for fiscal years 2022, 2023, and 2024 for this position.

Sec. 6. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

(a) Creation. There is created the Advisory Council on Literacy. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy

for students in prekindergarten through grade 12 and how to sustain those outcomes.

(b) Membership. The Council shall be composed of the following 15 members:

(1) eight members who shall serve as ex officio members:

(A) the Statewide Literacy Coordinator at the Agency of Education;

(B) a member of the Standards Board for Professional Educators who is knowledgeable in licensing requirements for teaching literacy, appointed by the Standards Board;

(C) the Executive Director of the Vermont Superintendents Association or designee;

(D) the Executive Director of the Vermont School Boards Association or designee;

(E) the Executive Director of the Vermont Council of Special Education Administrators or designee;

(F) the Executive Director of the Vermont Principals' Association or designee;

(G) the Executive Director of the Vermont Independent Schools Association or designee; and

(H) the Executive Director of the Vermont-National Education Association or designee; and

(2) seven members who shall serve two-year terms:

(A) a representative appointed by the Vermont Curriculum Leaders Association;

(B) three teachers appointed by the Vermont-National Education Association who teach literacy, one of whom shall be a special education literacy teacher and two of whom shall teach literacy to students in prekindergarten through grade three;

(C) two community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, appointed by the Agency of Education in consultation with the Vermont Family Network; and

(D) one member appointed by the Agency of Education who has expertise in working with students with dyslexia.

(c) Members with two-year terms.

(1) A member with a term limit shall serve a term of two years and until a successor is appointed. A term shall begin on January 1 of the year of appointment and run through December 31 of the last year of the term. Terms of these members shall be staggered so that not all terms expire at the same time.

(2) A vacancy created before the expiration of a term shall be filled in the same manner as the original appointment for the unexpired portion of the term.

(3) A member with a term limit shall not serve more than two consecutive terms. A member appointed to fill a vacancy created before the expiration of a term shall not be deemed to have served a term for the purpose of this subdivision.

(d) Powers and duties. The Council shall advise the Agency of Education, the State Board of Education, and the General Assembly on how to improve proficiency outcomes in literacy for students in prekindergarten through grade 12 and how to sustain those outcomes and shall:

(1) advise the State Board of Education on how to update section 2903 of this title and the statewide literacy plan required by that section and how to maintain that plan;

(2) advise the Agency of Education on what services the Agency should provide to school districts to support implementation of the plan and on staffing levels and resources needed at the Agency to support the Statewide Literacy Coordinator;

(3) develop a plan for collecting literacy-related data that informs:

(A) literacy instructional practices;

(B) teacher professional development in the field of literacy;

(C) what proficiencies and other skills should be measured through literacy assessments and how those literacy assessments are incorporated into local assessment plans; and

(D) how to identify school progress in achieving literacy outcomes, including closing literacy gaps for students from historically underserved populations;

(4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and

(5) review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.

(e) Report. Notwithstanding 2 V.S.A. § 20(d), annually on or before December 15, the Council shall submit a written report to the House and Senate Committees on Education with its findings, any recommendations for legislative action, and progress toward outcomes identified in this section. The report shall contain an executive summary, which shall not exceed two pages.

(f) Meetings.

(1) The Secretary of Education shall call the first meeting of the Council to occur on or before August 1, 2021.

(2) The Statewide Literacy Coordinator at the Agency of Education shall chair the Council, provided that until that position is filled, the Council shall select a chair from among its members.

(3) A majority of the membership shall constitute a quorum.

(4) The Council shall meet not more than eight times per year.

(g) Assistance. The Council shall have the administrative, technical, and legal assistance of the Agency of Education.

(h) Compensation and reimbursement. Members of the Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than eight meetings of the Council per year.

Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$21,000.00 is appropriated from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy for fiscal years 2022, 2023 and 2024 created under Sec. 6 of this act.

Sec. 8. REPEAL; ADVISORY COUNCIL ON LITERACY

16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is repealed on June 30, 2024.

Sec. 9. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 6 of this act, is established on August 1, 2021.

(b) Members of the Council shall be appointed on or before August 1, 2021 and, for members with a term limit, their service on the Council from the date of appointment through December 31, 2021 shall not be counted toward their term limit.

(c)(1) In order to stagger the terms of the members of the Council, the initial terms of the following members shall be for one year:

(A) two of the teachers appointed under subdivision (b)(2)(B) of this section; and

(B) the two community members appointed under subdivision (b)(2)(C) of this section.

(2) After the expiration of the initial term set forth in subdivision (1) of this subsection, Council member terms shall be as set forth in 16 V.S.A. § 2903a(c) in Sec. 6 of this act.

Sec. 10. AGENCY OF EDUCATION; LITERACY PLAN

Notwithstanding 16 V.S.A. § 2903(b), on or before December 1, 2021, the Agency of Education shall, in collaboration with the Advisory Council on

Literacy created by Sec. 6 of this act, update the statewide literacy plan required under 16 V.S.A. § 2903(b).

Sec. 11. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before December 1, 2021, the Agency of Education in collaboration with the Standards Board for Professional Educators shall review:

(1) teacher preparation programs to assess to what extent these programs prepare teacher candidates to use “evidence-based literacy instruction”; and

(2) licensing and re-licensing criteria as it pertains to literacy instruction.

(b) “Evidence-based literacy instruction” means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.