

1 S.114

2 Introduced by Committee on Education

3 Date: March 10, 2021

4 Subject: Education; literacy; teacher training

5 Statement of purpose of bill as introduced: This bill proposes to continue the  
6 ongoing work to improve literacy for all students in the State, while  
7 recognizing that achieving this goal will require a multiyear and  
8 multidimensional effort requiring continued focus by the General Assembly,  
9 the Administration, and school leaders.

10 An act relating to improving prekindergarten through grade 12 literacy  
11 within the State

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

13 Sec. 1. FINDINGS

14 (a) Addressing literacy outcomes is a key strategy for the successful  
15 implementation of 2018 Acts and Resolves No. 173. The following findings  
16 from the report entitled “Expanding and Strengthening Best-Practice Supports  
17 for Students who Struggle” issued by the District Management Group in  
18 November 2017, which informed the development of Act 173, support the  
19 urgency to improve Vermont’s literacy outcomes relative to special education  
20 reform:

1           (1) “Investing in the effectiveness of core reading instruction is critical  
2           for students in general education and students with disabilities.”

3           (2) “Students with mild-to-moderate disabilities who struggle with  
4           reading may not be supported by teachers skilled in the teaching of reading.”

5           (3) “While some special education teachers across the supervisory  
6           unions had a strong background in the teaching of reading, others indicated  
7           that they did not have the training or background to be effective supporting  
8           students struggling in reading.”

9           (b) The data indicate Vermont needs to improve its literacy outcomes at the  
10          early grades:

11          (1) Smarter Balanced Assessment Consortium results from 2016 to 2018  
12          indicate that only about 50 percent of students in grade 3 were proficient in  
13          English Language Arts in each of these years.

14          (2) From 2015 to 2019, Vermont’s average scale in grade 4 reading on  
15          the National Assessment of Educational Progress dropped every year from a  
16          high of 230 to a low score of 222.

17          (c) The COVID-19 emergency has adversely affected student academic and  
18          developmental progress. Failure to address literacy outcomes now could  
19          significantly impact student development for many years to come, since  
20          literacy is foundational to the success of each student.

1 Sec. 2. PURPOSE

2 The purpose of this act is to continue the ongoing work to improve literacy  
3 for all students in the State, while recognizing that achieving this goal will  
4 require a multiyear and multidimensional effort requiring continued focus by  
5 the General Assembly, the Administration, and school leaders.

6 ~~Sec. 3. LITERACY GRANT FUNDING; APPROPRIATION~~

7 ~~The sum of \$3,000,000.00 is appropriated from [federal funds] for fiscal~~  
8 ~~year 2022 to the Agency of Education. The Agency shall use this~~  
9 ~~appropriation to provide grants to supervisory districts and supervisory unions,~~  
10 ~~on behalf of their member school districts, to provide professional~~  
11 ~~development for teachers in methods of teaching literacy. The Agency shall~~  
12 ~~administer the grant program and determine which supervisory districts and~~  
13 ~~supervisory unions are eligible and the amount to be granted to each applicant~~  
14 ~~based on its assessment of the relative need for this funding, taking into~~  
15 ~~account the following factors across applicants.~~

16 ~~(1) literacy assessments of students;~~

17 ~~(2) the number of literacy instructors per enrolled students;~~

18 ~~(3) the percentage of students eligible for free or reduced priced meals;~~

19 ~~(4) the percentage of students who are English language learners;~~

20 ~~(5) discrepancies in outcome data on literacy for students from~~

21 ~~historically underserved populations, including, to the extent that data is~~

1 ~~available in compliance with privacy laws, students who are Black,~~

2 Indigenous, and People of Color and students on individualized education

3 programs; and

4 (6) the extent to which teacher professional development is integrated

5 with a multitiered system of supports.

6 Sec. 4. AGENCY OF EDUCATION; STAFFING

7 The following position is created in the Agency of Education: one full-

8 time, director level, classified position to serve as the Statewide Literacy

9 Coordinator in the Office of the Secretary. The person hired as the Statewide

10 Literacy Coordinator shall hold a masters' level degree, or have equivalent

11 expertise based on work experience, in the field of evidenced-based literacy

12 instruction. There is appropriated to the Agency of Education from the

13 General Fund for fiscal year 2022 the amount of \$150,000.00 for salary,

14 benefits, and operating expenses for this position.

15 Sec. ~~5~~ 3. 16 V.S.A. § 2903 is amended to read:

16 § 2903. PREVENTING EARLY SCHOOL FAILURE; ~~READING~~

17 LITERACY INSTRUCTION

18 (a) Statement of policy. ~~The ability to read~~ Literacy proficiency is critical

19 to success in learning. Children who fail to read attain age-appropriate literacy

20 proficiency by the end of the first grade will likely fall further behind in

21 school. The personal and economic costs of reading literacy proficiency

1 failure are enormous both while the student remains in school and long  
2 afterward. All students need to receive systematic ~~reading~~ literacy instruction  
3 in the early grades from a teacher who is skilled in teaching ~~reading~~ literacy  
4 through a variety of instructional strategies that take into account the different  
5 learning styles and language backgrounds of the students. Some students may  
6 require intensive supplemental instruction tailored to the unique difficulties  
7 encountered.

8 (b) Foundation for literacy. The State Board of Education, in collaboration  
9 with the Agency of Human Services, higher education, literacy organizations,  
10 and others, shall develop a plan for establishing a comprehensive system of  
11 services for early education in ~~the first three grades~~ prekindergarten through  
12 grade three to ensure that all students ~~learn to read~~ attain literacy proficiency  
13 by the end of the third grade. The plan shall be updated at least once every  
14 five years following its initial submission in 1998.

15 (c) ~~Reading~~ Literacy instruction. A public school that offers instruction in  
16 ~~grades one, two, or three~~ any of prekindergarten through grade three shall  
17 provide highly effective, ~~research-based reading~~ evidence-based literacy  
18 instruction to all students. In addition, a school shall provide:

19 (1) supplemental ~~reading~~ literacy instruction to any enrolled student in  
20 grade four whose ~~reading~~ literacy proficiency falls below third grade ~~reading~~  
21 literacy expectations, as defined under subdivision 164(9) of this title;

1           (2) supplemental reading literacy instruction to any enrolled student in  
2           grades 5-12 whose reading literacy proficiency creates a barrier to the  
3           student's success in school; and

4           (3) support and information to parents and legal guardians.

5           (d) Evidence-based literacy instruction. As used in this section, "evidence-  
6           based literacy instruction" means reading, writing, and spelling instruction that  
7           is supported by high-quality research that meets rigorous standards and is  
8           proven to translate effectively to classroom practices.

9           Sec. ~~6~~ 4. 16 V.S.A. § 2903a is added to read:

10          § 2903a. ADVISORY COUNCIL ON LITERACY

11          (a) Creation. There is created the Advisory Council on Literacy. The  
12          Council shall advise the Agency of Education, the State Board of Education,  
13          and the General Assembly on how to improve proficiency outcomes in literacy  
14          for students in prekindergarten through grade 12 and how to sustain those  
15          outcomes.

16          (b) Membership. The Council shall be composed of the following 18  
17          members:

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

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

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

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

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

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

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

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

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

16           (2) 10 members who shall serve two-year terms:

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

19           (B) four teachers appointed by the Vermont-National Education  
20           Association who teach literacy, one of whom shall be a special education

1 literacy teacher and at least two of whom shall teach literacy to students in  
2 prekindergarten through grade three;

3 (C) two family members, guardians, or education surrogates of  
4 students who struggle or have struggled with literacy proficiency, appointed by  
5 the Vermont Family Network;

6 (D) two high school students or recent high school graduates who  
7 struggle or have struggled with literacy proficiency, appointed by the Agency  
8 of Education; and

9 (E) one member appointed by the Vermont Legal Aid Disability Law  
10 Project.

11 (c) Members with two-year terms.

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

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

20 (3) A member with a term limit shall not serve more than two  
21 consecutive terms. A member appointed to fill a vacancy created before the



1 expiration of a term shall not be deemed to have served a term for the purpose  
2 of this subdivision.

3 (d) Powers and duties. The Council shall advise the Agency of Education,  
4 the State Board of Education, and the General Assembly on how to improve  
5 proficiency outcomes in literacy for students in prekindergarten through grade  
6 12 and how to sustain those outcomes and shall:

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

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

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

14 (A) literacy instructional practices;

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

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

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

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

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

9           (f) Meetings.

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

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

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

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

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

19           (h) Compensation and reimbursement. Members of the Council shall be  
20           entitled to per diem compensation and reimbursement of expenses as permitted

1 under 32 V.S.A. § 1010 for not more than eight meetings of the Council per  
2 year.

3 Sec. ~~7~~5. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

4 The sum of \$10,000.00 is appropriated from the General Fund in fiscal year  
5 2022 to the Agency of Education for per diem and reimbursement of expenses  
6 for members of the Advisory Council on Literacy created under Sec. ~~6~~4 of  
7 this act.

8 ~~Sec. 8. AGENCY OF EDUCATION; ANNUAL BUDGET REQUEST~~

9 The Agency of Education shall, in its annual budget request to the General  
10 Assembly, include the amount of \$10,000.00 for per diem and reimbursement  
11 of expenses for members of the Advisory Council on Literacy created under  
12 Sec. 6 of this act.

13 Sec. ~~9~~6. IMPLEMENTATION OF THE ADVISORY COUNCIL ON  
14 LITERACY

15 (a) The Advisory Council on Literacy, created in Sec. ~~6~~4 of this act, is  
16 established on August 1, 2021.

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

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

3                   (A) two of the teachers appointed by the Vermont-National Education  
4           Association;

5                   (B) one of the family members, guardians, or education surrogates of  
6           students who struggle or have struggled with literacy proficiency appointed by  
7           the Vermont Family Network;

8                   (C) one of the high school students or recent high school graduates  
9           who struggle or have struggled with literacy proficiency appointed by the  
10           Agency of Education; and

11                   (D) the member appointed by the Vermont Legal Aid Disability Law  
12           Project.

13           (2) After the expiration of the initial term set forth in subdivision (1) of  
14           this subsection, Council member terms shall be as set forth in 16 V.S.A.  
15           § 2903a(c) in Sec. ~~6~~ 4 of this act.

16           Sec. ~~10~~ 7. STATE BOARD OF EDUCATION; LITERACY PLAN

17           On or before December 1, 2021, the State Board of Education shall, in  
18           collaboration with the Advisory Council on Literacy created by Sec. ~~6~~ 4 of this  
19           act, update the statewide literacy plan required under 16 V.S.A. § 2903.

1 Sec. ~~11~~ 8. TEACHER PREPARATION PROGRAMS; REVIEW

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

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

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

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

12 Sec. ~~12~~ 9. AGENCY OF EDUCATION; REPORTS

13 (a) On or before December 15, 2021, the Agency of Education shall report  
14 its findings and recommendation under this act, and its progress in achieving  
15 the purpose of this act, to the General Assembly. The report shall contain an  
16 executive summary, which shall not exceed two pages.

17 (b) On or before each of December 15, 2022 and 2023, the Agency of  
18 Education shall report the statewide progress in achieving the purpose of this  
19 act to the General Assembly. Each report shall contain an executive summary,  
20 which shall not exceed two pages.

21 Sec. ~~13~~ 10. EFFECTIVE DATE

1        This act shall take effect on passage.