

House Calendar

Thursday, April 22, 2021

107th DAY OF THE BIENNIAL SESSION

House Convenes at 1:15 P.M

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ACTION CALENDAR

Third Reading

S. 45

An act relating to earned discharge from probation

Favorable with Amendment

H. 265

An act relating to the Office of the Child Advocate

Rep. Noyes of Wolcott, for the Committee on Human Services, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 33 V.S.A. chapter 32 is added to read:

CHAPTER 32. OFFICE OF THE CHILD, YOUTH, AND FAMILY
ADVOCATE

§ 3201. DEFINITIONS

As used in this chapter:

(1) “Child, Youth, and Family Advocate” or “Advocate” means an individual who leads the Office of the Child, Youth, and Family Advocate.

(2) “Department” means the Department for Children and Families.

(3) “Office” means the Office of the Child, Youth, and Family Advocate.

(4) “State agency” means any office, department, board, bureau, division, agency, or instrumentality of the State.

§ 3202. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE

(a) There is established the Office of the Child, Youth, and Family Advocate for the purpose of advancing the interests and welfare of Vermont’s children and youths receiving services from the Department in a manner that addresses racial and social equity, including providing transparent and impartial oversight of the child protection and juvenile justice systems and promoting reforms necessary to better serve Vermont’s children, youths, and families. The Office shall act independently of any State agency in the performance of its duties.

(b) The Office shall:

(1) work in collaboration with relevant parties to strengthen the Department's services for children, youths, and families;

(2) analyze and monitor the development and implementation of federal, State, and local laws, regulations, and policies relating to child, youth, and family welfare and recommend changes when appropriate;

(3) review systemic issues in the Department's provision of services to children and youths that may exist and complaints concerning the actions of the Department and of any entity that provides services to children, youths, and families through funds provided by the Department; make appropriate referrals; and investigate those complaints where the Advocate determines that a child, youth, or family may be in need of assistance from the Office;

(4) support children, youths, and families by providing information about recipients' rights and responsibilities related to Departmental services;

(5) review current systems to determine to what extent children and youths placed in the custody of the Department or who are receiving services under the supervision of the Department receive humane and dignified treatment at all times, including consideration by the Advocate as to what extent the system protects and enhances the child's or youth's personal dignity, right to privacy, and right to appropriate health care and education in accordance with State and federal law;

(6) provide systemic information concerning child, youth, and family welfare to the public; the Governor; State agencies, legislators; and others, as necessary;

(7) notwithstanding 2 V.S.A. § 20(d), submit to the General Assembly and the Governor on or before December 1 of each year a report addressing services provided by the Department, including:

(A) the quality of services provided to children, youths, and families;

(B) the conditions of placements for Vermont's children and youths;

(C) systemic findings related to services for and assistance to children, youths, and families within the child protection and juvenile justice systems;

(D) recommendations related to improving services for children, youths, and families; and

(E) data disaggregated by race, ethnicity, gender, geographic location, disability status, and any other categories that the Advocate deems necessary; and

(8) address any challenges accessing information or records that are necessary for carrying out the provisions of this chapter.

§ 3203. CHILD, YOUTH, AND FAMILY ADVOCATE

(a) The Office shall be directed by the Child, Youth, and Family Advocate, an individual who shall be qualified by reason of education, expertise, and experience and who may have a professional degree in law, social work, public health, or a related field. The Child, Youth, and Family Advocate shall serve on a full-time basis and shall be exempt from classified service.

(b)(1) The Oversight Commission on Children, Youths, and Families established pursuant to section 3210 of this chapter shall recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration. Subject to confirmation by the Senate, the Governor shall appoint an Advocate from among those applicants recommended by the Oversight Commission for a term of four years. The appointment for Advocate shall be made without regard to political affiliation and on the basis of integrity and demonstrated ability. The Advocate shall hold office until reappointed or until a successor is appointed.

(2) The Governor, upon a majority vote of Oversight Commission, may remove the Child, Youth, and Family Advocate for cause, which includes only neglect of duty, gross misconduct, conviction of a crime, or inability to perform the responsibilities of the Office. The Governor's reason for removing the Advocate shall be published electronically on the website of the Office of the Child, Youth, and Family Advocate, and the Speaker of the House and President Pro Tempore shall simultaneously receive notification. Any vacancy shall be filled by the appointment process set forth in subdivision (1) of this subsection for the remainder of the unexpired term.

(c) The Child, Youth, and Family Advocate shall appoint a Deputy Child, Youth, and Family Advocate, whose duties shall be performed at the direction of the Advocate.

(d) Upon any vacancy in the position of the Advocate, and until such time as a replacement is appointed and confirmed, the Deputy Child, Youth, and Family Advocate shall serve as the acting Child, Youth, and Family Advocate. The acting Child, Youth, and Family Advocate shall have the full responsibilities of the Advocate shall be and entitled to the same compensation as the outgoing Child, Youth, and Family Advocate.

§ 3204. CHILD, YOUTH, AND FAMILY ADVISORY COUNCIL

(a) Purpose and membership. The Child, Youth, and Family Advocate shall appoint and convene an Advisory Council composed of nine stakeholders who have been impacted by child welfare services provided by the Department for Children and Families. The Advisory Council's membership shall reflect the growing diversity of Vermont's children and families, including individuals who are Black, Indigenous, and Persons of Color, as well as with regard to socioeconomic status, geographic location, gender, sexual identity, and disability status. Members shall provide advice and guidance to the Office of the Child, Youth, and Family Advocate regarding the routine administration and operation of the Office, including providing advice and guidance to the Advocate upon request.

(b) Meetings.

(1) The Advocate shall call the first meeting of the Advisory Committee to occur on or before March 15, 2022.

(2) The Advisory Committee shall select a chair from among its members at the first meeting.

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

(4) The Advisory Committee shall cease to exist on July 1, 2028.

(c) Confidentiality. In seeking the advice and guidance of the Advisory Council, the Child, Youth, and Family Advocate shall not disclose to the Advisory Council, or any member thereof, individually identifiable information about a child or youth unless the information is already known to the public.

(d) Compensation. Members of the Advisory Council shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than 12 meetings annually. These payments shall be made from monies appropriated to the Office.

§ 3205. INCIDENTS AND FATALITIES

(a) The Department shall provide the Office with a copy of all reports related to actual physical injury to children or youths in the custody of the Commissioner or a significant risk of such harm.

(b) The Department shall provide the Office with a written report within 48 hours of:

(1) any fatality of a child or youth in its custody; and

(2) the restraint or seclusion of any child or youth in its custody.

§ 3206. ACCESS TO INFORMATION AND FACILITIES

(a) Notwithstanding any other provision of law, the Child, Youth, and Family Advocate and the Deputy Advocate shall, upon request, have timely access, including the right to inspect and copy, to any records necessary to carry out the provisions of this chapter, including relevant records produced and held by State entities and third parties.

(b) The Child, Youth, and Family Advocate and Deputy Advocate may communicate privately and visit with any child or youth who is in the custody of the Department. The Advocate or Deputy Advocate shall obtain the consent of a parent or guardian prior to communicating or visiting with a child or youth who is not in the custody of the Department.

(c) Facilities and providers delivering services to children and youths shall permit the Child, Youth, and Family Advocate or the Deputy Advocate to access their facilities and to communicate privately and visit with children and youths for whom they provide services.

§ 3207. COOPERATION OF STATE AGENCIES

All State agencies shall comply with reasonable requests of the Child, Youth, and Family Advocate and Deputy Advocate for information and assistance.

§ 3208. CONFIDENTIALITY

(a) The Office shall maintain the confidentiality of all case records, third-party records, and court records, as well as any information gathered in the course of investigations and systems monitoring duties. These records are exempt from public inspection and copying under the Public Records Act and shall be kept confidential except as provided in subsections (b) and (c) of this section.

(b) In the course of carrying out the provisions of this chapter, if the Child, Youth, and Family Advocate or Deputy Advocate reasonably believes that the health, safety, or welfare of a child or youth is at imminent risk, the Advocate or Deputy Advocate may disclose relevant documents or information to any of the individuals or entities listed in subdivision 4921(e)(1) of this title. Determinations of relevancy shall be made by the Advocate.

(c) Notwithstanding subsection (a) of this section, the Child, Youth, and Family Advocate or Deputy Advocate may publicly disclose any patterns of conduct or repeated incidents identified by the Advocate or Deputy Advocate in carrying out the provisions of this chapter if the Advocate or Deputy Advocate reasonably believes that public disclosure is likely to mitigate a risk posed to the health, safety, and welfare of a child or youth, except the

Advocate or Deputy Advocate shall not publicly disclose either of the following:

(1) individually identifiable information about a child or youth unless the information is already known to the public; and

(2) investigation findings where there is a pending law enforcement investigation or prosecution.

§ 3209. CONFLICT OF INTEREST

The Child, Youth, and Family Advocate, the Advocate's employees, contractors, and members of the Oversight Commission on Children, Youths, and Families shall not have any conflict of interest with the Department or with any entity that provides services to children, youths, and families through funds provided by the Department relating to the performance of their responsibilities under this chapter. For the purposes of this section, a conflict of interest exists whenever the Child, Youth, and Family Advocate or the Advocate's employees or contractors:

(1) has direct involvement in the licensing, certification, or accreditation of a provider or facility delivering services to children, youths, and families;

(2) has a direct ownership interest in a provider or facility delivering services to children, youths, and families;

(3) is employed by or participates in the management of a provider or facility delivering services to children, youths, and families; or

(4) receives or has the right to receive, directly or indirectly, remuneration under a compensation arrangement with a provider or facility delivering services to children, youths, and families.

§ 3210. OVERSIGHT COMMISSION ON CHILDREN, YOUTHS, AND

FAMILIES

(a) Creation. There is created the Oversight Commission on Children, Youths, and Families to provide guidance and recommendations to the Office of the Child, Youth, and Family Advocate.

(b) Membership. The Commission shall be composed of the following members who shall not have a conflict of interest with the Department for Children and Families:

(1) one current member of the House of Representatives who serves on the House Committee on Human Services, who shall be appointed by the Speaker of the House;

(2) one current member of the Senate who serves on the Senate Committee on Health and Welfare, who shall be appointed by the Committee on Committees;

(3) a member with professional expertise in childhood trauma, adverse childhood experiences, or child welfare, who shall be appointed by the Governor;

(4) the Executive Director of Racial Equity established pursuant to 3 V.S.A. § 5001 or designee;

(5) one member of a child advocacy group, board, or commission, who shall be appointed by the Speaker of the House;

(6) one member of a child advocacy group, board, or commission, who shall be appointed by the Committee on Committees;

(7) one member of a child advocacy group, board, or commission, who shall be appointed by the Governor;

(8) an adult who was in the custody of the Department for Children and Families within the past five years, who shall be appointed by the Vermont Foster and Adoptive Family Association; and

(9) the relative caregiver of a child or youth involved in the child protection system, who shall be appointed by Vermont Kin as Parents.

(c) Powers and duties. The Commission shall:

(1) recommend qualified applicants for the position of the Child, Youth, and Family Advocate to the Governor for consideration pursuant to section 3203 of this chapter; and

(2) provide oversight of the Office in its efforts to support an equitable, comprehensive, and coordinated system of services and programs for children, youths, and families.

(d) Assistance. The Commission shall have the administrative assistance of the Agency of Administration.

(e) Meetings.

(1) The member representing the House Committee on Human Services shall call the first meeting of the Commission to occur on or before August 1, 2021.

(2) The Commission shall select a chair from among its members at the first meeting.

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

(f) Compensation and reimbursement.

(1) For attendance at meetings during adjournment of the General Assembly, a legislative member of the Commission serving in the member's capacity as a legislator shall be entitled to per diem compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than four meetings annually.

(2) Other members of the Commission shall be entitled to per diem compensation and reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more than four meetings annually. These payments shall be made from monies appropriated to the Office of the Child, Youth, and Family Advocate.

Sec. 2. 33 V.S.A. § 4913 is amended to read:

§ 4913. REPORTING CHILD ABUSE AND NEGLECT; REMEDIAL ACTION

(a) A mandated reporter is any:

* * *

(11) camp counselor; ~~or~~

(12) member of the clergy; or

(13) employee of the Office of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32.

* * *

Sec. 3. 33 V.S.A. § 4921 is amended to read:

§ 4921. DEPARTMENT'S RECORDS OF ABUSE AND NEGLECT

* * *

(d) Upon request, Department records created under this subchapter shall be disclosed to:

* * *

(4) law enforcement officers engaged in a joint investigation with the Department, an Assistant Attorney General, or a State's Attorney; ~~and~~

(5) other State agencies conducting related inquiries or proceedings; and

(6) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

* * *

Sec. 4. 33 V.S.A. § 5117 is amended to read:

§ 5117. RECORDS OF JUVENILE JUDICIAL PROCEEDINGS

* * *

(b)(1) Notwithstanding the foregoing, inspection of such records and files by the following is not prohibited:

* * *

(H) the Office of the Child, Youth, Family Advocate for the purpose of carrying out the provisions in chapter 32 of this title.

* * *

Sec. 5. OFFICE OF THE CHILD, YOUTH, AND FAMILY ADVOCATE;
DUTIES; TEMPORARY LIMITATION

Notwithstanding 33 V.S.A. § 3202(b), the Office of the Child, Youth, and Family Advocate shall only assume responsibility for the duties listed in subdivisions (1) and (2) of subsection (b) through June 30, 2022. The Office of the Child, Youth, and Family Advocate shall assume full responsibility of all duties listed in 33 V.S.A. § 3202(b) beginning on July 1, 2022.

Sec. 6. TRANSITION

The initial term of the Child, Youth, and Family Advocate established pursuant to 33 V.S.A. chapter 32 shall begin on or before January 1, 2022.

Sec. 7. APPROPRIATION

The sum of \$120,000.00 is appropriated to the Office of the Child, Youth, and Family Advocate from the General Fund in fiscal year 2022 for carrying out the purposes of this act.

Sec. 8. REPEAL; JOINT LEGISLATIVE CHILD PROTECTION
OVERSIGHT COMMITTEE

2015 Acts and Resolves No. 60, Sec. 23 as amended by 2018 Acts and Resolves No. 207, Sec. 2 is repealed.

Sec. 9. EFFECTIVE DATE

This act shall take effect on July 1, 2021, except that Secs. 2 (reporting child abuse and neglect; remedial action), 3 (Department's records of abuse and neglect), 4 (records of juvenile judicial proceedings), 5 (Office of the Child, Youth, and Family Advocate; duties; temporary limitation), and 7 (appropriation) shall take effect on January 1, 2022.

and that after passage the title of the bill be amended to read: “An act relating to the Office of the Child, Youth, and Family Advocate”

(Committee Vote: 11-0-0)

Rep. Jessup of Middlesex, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Human Services and when further amended as follows:

First: In Sec. 1, 33 V.S.A. chapter 32, in section 3204 (Child, Youth, and Family Advisory Council), in subsection (b), by striking out “Committee” in the three instances in which it appears and inserting in lieu thereof “Council”

Second: In Sec. 6 (transition), by striking out the words “or before” after the words “begin on”

(Committee Vote: 10-1-0)

H. 449

An act relating to the membership and duties of the Vermont Pension Investment Commission and the creation of the Pension Benefits, Design, and Funding Task Force.

(Rep. Gannon of Wilmington will speak for the Committee on Government Operations.)

Rep. Townsend of South Burlington, for the Committee on Appropriations, recommends the bill ought to pass when amended as follows:

First: In Sec. 3, Vermont Pension Investment Commission; fiscal year 2022 reports”, in subsection (b), in the third sentence, by striking out “House and Senate Committees on Government Operations” and inserting in lieu thereof “House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations”

Second: In Sec. 10, Pension Benefits, Design, and Funding Task Force; State Employees’ Retirement System; State Teachers’ Retirement System; report, in subsection (c), in subdivision (1), in subdivision (H), at the end of the sentence, by striking out “and”; in subdivision (I), at the end of the sentence, by striking out “.” and inserting in lieu thereof “; and”; and by adding a subdivision (J) to read as follows:

(J) modeling and estimating costs for not changing the retirement benefits for members of the State Employees’ Retirement System and the State Teachers’ Retirement System for members who are within five and 10 years of the current retirement age.

and in subdivision (2), before the period, by inserting “or changing the retirement benefits for members of the State Employees’ Retirement System and the State Teachers’ Retirement System who are current retirees or within five years of the current retirement age”

and by striking out subdivision (e)(2) in its entirety and inserting in lieu thereof the following:

(2)(A) The Joint Fiscal Office shall contract for an independent benefits expert and a legal expert, as necessary, to provide advisory services to the Task Force.

(B) The sum of not more than \$200,000.00 is appropriated from general funds to the General Assembly for the purpose described in subdivision (A) of this subdivision (2).

and in subsection (g), in the first sentence, by striking out “September 1, 2021” and inserting in lieu thereof “September 15, 2021” and by striking out “House and Senate Committees on Government Operations” and inserting in lieu thereof “House Committees on Appropriations and on Government Operations and the Senate Committees on Appropriations and on Government Operations”

(Committee Vote 10-1-0)

Favorable

H. 446

An act relating to miscellaneous natural resources and development subjects.

(Rep. Satcowitz of Randolph will speak for the Committee on Natural Resources, Fish, and Wildlife.)

Rep. Durfee of Shaftsbury, for the Committee on Ways and Means, recommends the bill ought to pass.

(Committee Vote: 9-0-2)

Rep. Feltus of Lyndon, for the Committee on Appropriations, recommends the bill ought to pass.

(Committee Vote: 11-0-0)

Action Under Rule 33

J.R.S. 24

Joint resolution relating to amending temporary Joint Rule 22A

(For text see House Journal April 21, 2021)

NOTICE CALENDAR
Favorable with Amendment

S. 114

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

Rep. Webb of Shelburne, for the Committee on Education, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

* * * Purpose * * *

Sec. 1. PURPOSE

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

(b) The State has been awarded Elementary and Secondary School Emergency Relief (ESSER) funding under the American Rescue Plan Act of 2021 Section 2001(f) to carry out, directly or through grants or contracts, activities to address learning loss by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment programs, extended day programs, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on at-risk student populations, students experiencing homelessness, and children and youths in foster care, including by providing additional support to local educational agencies to fully address such impacts.

(c) The purpose of the technical support for supervisory unions under Sec. 3 of this act and the contractor support for the Agency of Education under Sec. 4 of this act is to carry out activities to address learning loss and improve literacy outcomes.

* * * Findings * * *

Sec. 2. FINDINGS

(a) Addressing literacy outcomes is a key strategy for the successful implementation of 2018 Acts and Resolves No. 173. The following findings from the report entitled "Expanding and Strengthening Best-Practice Supports

for Students who Struggle” issued by the District Management Group in November 2017, which informed the development of Act 173, support the urgency to improve Vermont’s literacy outcomes relative to special education reform:

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

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

(3) “While some special education teachers across the supervisory unions 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.”

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

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

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

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

(d) The General Assembly recognizes that improving literacy outcomes is a significant challenge for school systems and their constituencies, and that they will require time and assistance in making necessary changes.

* * * Assistance to Support Improved Literacy Outcomes * * *

Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY
OUTCOMES

(a) In recognition that literacy proficiency is a foundational learning skill, the technical support provided in this section is designed to assist supervisory unions improve literacy outcomes as part of their implementation of 2018 Acts and Resolves No. 173.

(b)(1) The Agency of Education shall use the funding under Sec. 4(b) of this act to:

(A) provide professional development learning modules for teachers in methods of teaching literacy in the five key areas of literacy instruction as identified by the National Reading Panel, which are phonics, phonemic awareness, vocabulary, fluency, and reading comprehension; and

(B) assist supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss due to the COVID-19 pandemic.

(2) The Agency of Education shall, in accordance with the assurances required to be given by the Secretary of Education to the U.S. Department of Education under the American Rescue Plan Act of 2021, direct this funding to:

(A) address learning loss through the implementation of evidence-based interventions that respond to students' academic, social, and emotional needs and address the disproportionate impact of COVID-19 on student groups most impacted by the pandemic and for whom the pandemic exacerbated pre-existing inequities; and

(B) school districts that need additional support as evidenced by their needs assessment priorities in their COVID-19 recovery plans.

(c) The Agency of Education shall use the funding under Sec. 4(a) of this act to retain one or more contractors to provide the following technical assistance to supervisory unions:

(1) recommend how federal funds can be used to implement 2018 Acts and Resolves No. 173 in the context of improving literacy outcomes;

(2) recommend evidence-based best practices in teaching literacy instruction to students in prekindergarten through grade 3;

(3) recommend how to provide professional development for teachers and school leaders in methods of teaching literacy; and

(4) recommend policies, procedures, and other methods to ensure that improvements in literacy outcomes are sustained.

*** Agency of Education; Literacy Staffing; Appropriations ***

Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

(a) 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 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.

(b) The sum of \$3,060,000.00 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 in fiscal year 2022 for providing professional development learning modules for teachers in methods of teaching literacy and assisting supervisory unions in implementing evidence-based systems-wide literacy approaches that address learning loss for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside not more than two percent of the funds appropriated under this subsection to cover the costs of retaining and overseeing the work of the contractor.

*** Advisory Council on Literacy ***

Sec. 5. 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 16 members:

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

(A) the Secretary of Education or designee;

(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) eight 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) three community members who have struggled with literacy proficiency or supported others who have struggled with literacy proficiency, one of whom shall be a high school student, 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 Agency of Education on how to:

(A) update section 2903 of this title;

(B) implement the statewide literacy plan required by section 2903 of this title and whether, based on its implementation, changes should be made to the plan; and

(C) maintain the statewide literacy 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 effort to improve literacy;

(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 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. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$24,000.00 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 created under Sec. 5 of this act for fiscal years 2022, 2023, and 2024.

Sec. 7. 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. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 5 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 Sec. 5 of this act; and

(B) two of the community members appointed under subdivision (b)(2)(C) of Sec. 5 of this act.

(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. 5 of this act.

* * * Review of Teacher Preparation Programs * * *

Sec. 9. TEACHER PREPARATION PROGRAMS; REVIEW

(a) On or before October 1, 2022, 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) As used in this section, “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.

* * * Agency of Education Reports * * *

Sec. 10. AGENCY OF EDUCATION; REPORTS

On or before December 15 of each of 2021, 2022, and 2023, the Agency of Education shall report to the General Assembly the statewide progress in achieving the purpose of this act, which is to improve literacy outcomes for all students in the State.

* * * Census-based Funding Advisory Group * * *

Sec. 11. 2018 Acts and Resolves No. 173, Sec. 9 (Census-based Funding Advisory Group), as amended by 2020 Acts and Resolves No. 112, Sec. 4 is further amended to read:

Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

* * *

(e) Meetings.

* * *

(4) The Advisory Group shall cease to exist on June 30, 2023.

(f) Reports. On or before January 15, 2019, the Advisory Group shall submit a written report to the House and Senate Committees on Education and the State Board of Education with its findings and recommendations on the development of proposed rules to implement this act and any recommendations for legislation. On or before January 15 of 2020, 2021, ~~and 2022,~~ and 2023, the Advisory Group shall submit a supplemental written report to the House and Senate Committees on Education and the State Board of Education with a status of implementation under this act and any recommendations for legislation.

(g) Reimbursement. Members of the Advisory Group who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance 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 per year in fiscal years 2019 and 2020 and not more than 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

(h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year 2018 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General Fund to the Agency of Education to provide funding for per diem compensation and reimbursement under subsection (g) of this section. ~~The Agency shall include in its budget request to the General Assembly for each of fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per diem compensation and reimbursement under subsection (g) of this section.~~

* * * Effective Date * * *

Sec. 12. EFFECTIVE DATE

This act shall take effect on passage.

(Committee Vote: 11-0-0)

Rep. Scheu of Middlebury, for the Committee on Appropriations, recommends the bill ought to pass when amended as recommended by the Committee on Education.

(Committee Vote: 11-0-0)

Consent Calendar

Concurrent Resolutions

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

H.C.R. 45

House concurrent resolution congratulating Christopher Hodsdon on being named the 2021 Robert F. Pierce Principal of the Year

H.C.R. 46

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks boys' Alpine State championship ski team

H.C.R. 47

House concurrent resolution congratulating the 2021 Champlain Valley Union High School Redhawks girls' Alpine State championship ski team

H.C.R. 48

House concurrent resolution recognizing the special importance of social workers during the COVID-19 pandemic

H.C.R. 49

House concurrent resolution honoring Neshobe School principal Judi Pulsifer

H.C.R. 50

House concurrent resolution recognizing April 2021 as Fair Housing Month in Vermont

H.C.R. 51

House concurrent resolution recognizing April 2021 as Organ Donation Month in Vermont

S.C.R. 4

Senate concurrent resolution recognizing the week of April 18–24 2021 as Medical Laboratory Professionals Week in Vermont and the essential role of Vermont's medical laboratories during the COVID-19 pandemic

Public Hearings

Joint public hearing to hear Vermont's unemployment insurance issues for employees and employers during the COVID pandemic

On Tuesday, May 4, 2021 from 5:00 p.m. to 7:00 p.m. the House Committee on Commerce and Economic Development and the House Committee on Government Operations will hold a joint public hearing to listen to employees and employers in Vermont about the issues faced with unemployment insurance during the COVID pandemic. The public is invited to register to speak at the hearing or submit written testimony.

To register as a speaker at the hearing, please sign up here:
<https://legislature.vermont.gov/links/public-hearing-unemployment>
Registrations will be accepted on a first-come, first-served basis, and testimony time will be limited to two minutes per person.

To submit written testimony, please email an MS Word or PDF file to testimony@leg.state.vt.us

The hearing will be live streamed on the Legislature's Joint Committees YouTube channel here:
<https://legislature.vermont.gov/committee/streaming/shared-joint-committees>

Information Notice

Grants and Positions that have been submitted to the Joint Fiscal Committee by the Administration, under 32 V.S.A. §5(b)(3)

JFO #3043 - \$4,284,369 from the US Dept of Education to the VT Agency of Education for assistance to VT's approved and recognized non-profit independent schools to address educational disruptions caused by COVID-19. Funds will be managed by the VT Agency of Education. *[NOTE: Funds will be used with the GEER EANS program: Governor's Emergency Education Relief (GEER) Emergency Assistance to Non-public Schools (EANS). This program is replacing Equitable Services in ESSER II and III. Please see [this overview](#) of how the funds will be used by the AOE to support independent schools.]* [JFO received 4/5/2021]

JFO #3044 – One (1) limited service position to the VT Dept. of Disabilities, Aging and Independent Living to develop a Northeast Network of mental health counselors familiar with farmer related stressors. Total first year amount

of \$146,766 from the U.S. Department of Agriculture. Position has been approved for 1 year and is expected to be approved for 2 additional years. *[JFO received 4/05/2021]*

JFO #3045 - 48 (forty-eight) limited-service positions to carry out the ongoing work for an effective public health response to COVID-19. *[NOTE: Positions to be funded through ongoing CDC grants #2254 (Immunization) and #2478 (Epidemiology and Laboratory Capacity) previously approved in 2006 and 2010, respectively.] [JFO received 4/13/2021]*