

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 114
3 entitled “An act relating to improving prekindergarten through grade 12
4 literacy within the State” respectfully reports that it has considered the same
5 and recommends that the House propose to the Senate that the bill be amended
6 by striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Purpose * * *

9 Sec. 1. PURPOSE

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

14 (b) The State has been awarded Elementary and Secondary School
15 Emergency Relief (ESSER) funding under the American Rescue Plan Act of
16 2021 Section 2001(f) to carry out, directly or through grants or contracts,
17 activities to address learning loss by supporting the implementation of
18 evidence-based interventions, such as summer learning or summer enrichment
19 programs, extended day programs, comprehensive afterschool programs, or
20 extended school year programs, and ensure that such interventions respond to
21 students’ academic, social, and emotional needs and address the

1 disproportionate impact of the coronavirus on at-risk student populations,
2 students experiencing homelessness, and children and youths in foster care,
3 including by providing additional support to local educational agencies to fully
4 address such impacts.

5 (c) The purpose of the Literacy Grant Program under Sec. 3 of this act and
6 the staffing support for the Agency of Education under Secs. 4 and 4a of this
7 act is to carry out activities to address learning loss.

8 * * * Findings * * *

9 Sec. 2. FINDINGS

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

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

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

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

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

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

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

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

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

20 * * * Literacy Grant Program * * *

21 Sec. 3. LITERACY GRANT PROGRAM; APPROPRIATION

1 (a) Appropriation. The sum of \$3,060,000.00 is appropriated from the
2 American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No.
3 117-2 to the Agency of Education for fiscal year 2022 for the Literacy Grant
4 Program created under subsection (b) of this section for fiscal years 2022,
5 2023, and 2024. The Agency of Education may set aside not more than two
6 percent of the funds appropriated under this subsection to cover costs in
7 administering this grant program.

8 (b) Program creation and grant authorization. The Literacy Grant Program
9 is created to enable supervisory unions, which include supervisory districts, to
10 adopt **evidenced-based** best practices in teaching literacy instruction to students
11 in prekindergarten through grade three.

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

18 (2) Supervisory unions receiving grant funding are encouraged to work
19 together in a sustained and targeted manner to improve literacy outcomes.

20 (c) **Administration.**

21 (1) The Agency of Education shall, in consultation with the Census-

1 based Funding Advisory Group created under 2018 Acts and Resolves No.
2 173, administer the Literacy Grant Program, determine which supervisory
3 unions are eligible for the funding, determine required and permitted uses of
4 the funding, and determine the amount to be granted to each supervisory union
5 based on its assessment of the relative need for this funding. The Agency is
6 encouraged to take into account the following factors across supervisory
7 unions:

8 (A) literacy assessments of students;

9 (B) the number of literacy instructors per enrolled students;

10 (C) the percentage of students eligible for free or reduced-priced
11 meals;

12 (D) the percentage of students who are English language learners;

13 (E) discrepancies in outcome data on literacy for students from
14 historically underserved populations, including, to the extent that data is
15 available in compliance with privacy laws, students who are Black,
16 Indigenous, and Persons of Color and students on individualized education
17 programs; and

18 (F) the extent to which teacher professional development is
19 integrated with a multitiered system of supports.

20 (2) It is the goal of the General Assembly for supervisory unions to
21 employ the literacy indicators of phonemic awareness, phonics, reading

1 fluency, vocabulary, and comprehension in professional and leadership
2 development, student instruction, and benchmark literacy assessments and that
3 the Agency of Education work with supervisory unions to achieve this goal.

4 (d) Evaluation and reporting.

5 (1) Not later than 30 calendar days after the one-year anniversary of
6 receiving a grant award under this section, the supervisory union shall submit
7 to the Agency of Education a report that describes its progress in adopting best
8 practices in teaching literacy instruction to students in prekindergarten through
9 grade three.

10 (2) On or before January 15, 2025, the Agency of Education shall report
11 to the General Assembly and the Governor on the impact of the Literacy Grant
12 Program. The report shall be made publicly available on the Agency of
13 Education’s website.

14 * * * Agency of Education; Contractor; Staffing * * *

15 **Sec. 4. AGENCY OF EDUCATION; CONTRACTOR**

16 (a) The Agency shall contract with an education project manager to
17 administer the Literacy Grant Program established in Sec. 3 of this act.

18 (b) There is appropriated to the Agency of Education from the American
19 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in
20 fiscal year 2022 the amount of \$150,000.00 for the costs of the Education
21 Project Manager.

1 **Sec. 4a. AGENCY OF EDUCATION; STAFFING**

2 (a) The following position is created in the Agency of Education: one full-
3 time position to serve as the Statewide Literacy Coordinator. The Agency may
4 fill this permanent position with the contractor, if qualified, retained under
5 Sec. 4 of this act.

6 (b) There is appropriated to the Agency of Education from the American
7 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in
8 fiscal year 2022 the amount of \$300,000.00 for salary, benefits, and operating
9 expenses for fiscal years 2023 and 2024 for this position.

10 * * * Advisory Council on Literacy * * *

11 Sec. 5. 16 V.S.A. § 2903a is added to read:

12 § 2903a. ADVISORY COUNCIL ON LITERACY

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

18 (b) Membership. The Council shall be composed of the following
19 16 members:

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

21 (A) the Secretary of Education or designee;

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

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

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

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

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

3 (C) **three** community members who have struggled with literacy
4 proficiency or supported others who have struggled with literacy proficiency,
5 **one of whom shall be a high school student,** appointed by the Agency of
6 Education in consultation with the Vermont Family Network; and

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

9 (c) Members with two-year terms.

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

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

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

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

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

8 (2) advise the Agency of Education on what services the Agency should
9 provide to school districts to support implementation of the plan and on
10 staffing levels and resources needed at the Agency to support the statewide
11 effort to improve literacy;

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

13 (A) literacy instructional practices;

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

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

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

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

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

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

12 (f) Meetings.

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

15 (2) The Council shall select a chair from among its members.

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

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

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

20 (h) Compensation and reimbursement. Members of the Council shall be
21 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. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

4 The sum of \$24,000.00 is appropriated from the American Rescue Plan Act
5 of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022
6 to the Agency of Education for per diem and reimbursement of expenses for
7 members of the Advisory Council on Literacy created under Sec. 5 of this act
8 for fiscal years 2022, 2023, and 2024.

9 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

10 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
11 repealed on June 30, 2024.

12 Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
13 LITERACY

14 (a) The Advisory Council on Literacy, created in Sec. 5 of this act, is
15 established on August 1, 2021.

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

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

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

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

5 (2) After the expiration of the initial term set forth in subdivision (1) of
6 this subsection, Council member terms shall be as set forth in 16 V.S.A.
7 § 2903a(c) in Sec. 6 of this act.

8 * * * Update to Literacy Plan * * *

9 Sec. 9. AGENCY OF EDUCATION; LITERACY PLAN

10 Notwithstanding 16 V.S.A. § 2903(b), on or before December 1, 2021, the
11 Agency of Education shall, in collaboration with the Advisory Council on
12 Literacy created by Sec. 5 of this act, update the statewide literacy plan
13 required under 16 V.S.A. § 2903(b).

14 * * * Review of Teacher Preparation Programs * * *

15 Sec. 10. TEACHER PREPARATION PROGRAMS; REVIEW

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

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

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

1 (1) advise the State Board of Education on the development of proposed
2 rules to implement this act prior to the submission of the proposed rules to the
3 Interagency Committee on Administrative Rules;

4 (2) advise the Agency of Education and supervisory unions on the
5 implementation of this act; ~~and~~

6 (3) recommend to the General Assembly any statutory changes it
7 determines are necessary or advisable to meet the goals of this act, including
8 any statutory changes necessary to align special education funding for
9 approved independent schools with the census grant funding model for public
10 schools as envisioned in the amendments to 16 V.S.A. chapter 101 in Sec. 5 of
11 this act; and

12 (4) assist the Agency of Education in awarding grant funding to
13 supervisory unions, which include supervisory districts, to adopt best practices
14 in teaching literacy instruction to students in prekindergarten through grade
15 three.

16 * * *

17 (e) Meetings.

18 * * *

19 (4) The Advisory Group shall cease to exist on June 30, ~~2023~~ 2025.

20 (f) Reports. On or before January 15, 2019, the Advisory Group shall
21 submit a written report to the House and Senate Committees on Education and

1 the State Board of Education with its findings and recommendations on the
2 development of proposed rules to implement this act and any recommendations
3 for legislation. On or before January 15 of 2020, 2021, ~~and 2022, 2023, 2024,~~
4 and 2025, the Advisory Group shall submit a supplemental written report to the
5 House and Senate Committees on Education and the State Board of Education
6 with a status of implementation under this act and any recommendations for
7 legislation.

8 (g) Reimbursement. Members of the Advisory Group who are not
9 employees of the State of Vermont and who are not otherwise compensated or
10 reimbursed for their attendance shall be entitled to per diem compensation and
11 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
12 than eight meetings per year in fiscal years 2019 and 2020 and not more than
13 12 meetings per year in each of fiscal years ~~2021, 2022, and 2023~~ 2021–2024.

14 (h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year
15 2018 from the General Fund to the Agency of Education to provide funding for
16 per diem compensation and reimbursement under subsection (g) of this section.
17 The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General
18 Fund to the Agency of Education to provide funding for per diem
19 compensation and reimbursement under subsection (g) of this section. ~~The~~
20 ~~Agency shall include in its budget request to the General Assembly for each of~~

1 ~~fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per~~
2 ~~diem compensation and reimbursement under subsection (g) of this section.~~

3 * * * Effective Dates * * *

4 Sec. 13. EFFECTIVE DATES

5 This act shall take effect on passage except for Sec. 4a (Statewide Literacy
6 Coordinator), which shall take effect on July 1, 2022.

7

8

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE