

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred House Bill No. 101
3 entitled “An act relating to the implementation of 2018 Acts and Resolves
4 No. 173 by providing grant funding to build systems-driven, sustainable
5 literacy support for all students” respectfully reports that it has considered the
6 same and recommends that the bill be amended by striking out all after the
7 enacting clause and inserting in lieu thereof the following:

8 Sec. 1. PURPOSE

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

13 Sec. 2. FINDINGS

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

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

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

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

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

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

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

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

19 (d) In Act 173, the General Assembly provided additional staff and
20 resources to the Agency of Education to support its work with supervisory

1 unions and schools that are transitioning to the best practices recommended in
2 the Report.

3 (e) Further support for supervisory unions and schools that are transitioning
4 to the best practices recommended in the Report are necessary, particularly in
5 the area of teaching literacy to students in prekindergarten through grade 3,
6 given that proficiency in reading is an essential foundational skill for
7 educational success.

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

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

17 Sec. 3. LITERACY GRANT PROGRAM

18 (a) Definitions. As used in this section:

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

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

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

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

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

10 (b) Program creation and grant authorization.

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

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

20 (B) Supervisory unions are encouraged to work together in a
21 sustained and targeted manner to improve literacy outcomes by applying

1 together for the grant funding or otherwise working collaboratively in a
2 manner that uses resources in an effective and efficient manner.

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

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

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

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

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

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

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

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

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

5 (2) The application for the grant shall include:

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

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

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

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

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

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

2 and

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

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

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

9 (H) how the eligible applicant will improve its Tier 1 education under
10 16 V.S.A. § 2902 through this process; and

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

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

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

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

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

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

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

4 (d) Use of grant funds.

5 (1) Grant funds shall be used to:

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

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

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

12 (2) Grant funds may be used to:

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

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

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

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

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

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

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

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

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

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

20 (e) Evaluation and reporting.

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

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

10 Sec. 4. APPROPRIATION OF FUNDS

11 (a) Notwithstanding any provision of law to the contrary, \$2,000,000.00 is
12 appropriated from federal funds to the Agency of Education for fiscal year
13 2022 for the literacy grants to be funded on or before September 1 of each of
14 2021, 2022, and 2023 under Sec. 3 of this act.

15 (b) The Agency of Education may set aside:

16 (1) not more than \$16,000.00 for informational and technical assistance
17 for eligible applicants as defined under Sec. 3(a)(2) of this act; and

18 (2) not more than \$16,000.00 for the evaluations required under Sec.
19 3(e)(1) of this act.

20 Sec. 5. AGENCY OF EDUCATION; STAFFING

1 The following position is created in the Agency of Education: one full-
2 time, director level, classified position to serve as the Statewide Literacy
3 Coordinator in the Office of the Secretary. The person hired as the Statewide
4 Literacy Coordinator shall hold a masters' level degree, or have equivalent
5 expertise based on work experience, in the field of evidenced-based literacy
6 instruction. There is appropriated to the Agency of Education from the
7 General Fund for fiscal year 2022 the amount of \$150,000.00 for salary,
8 benefits, and operating expenses for this position.

9 Sec. 6. 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 14
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) six 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; and

3 (C) two community members who have struggled with literacy
4 proficiency or supported others who have struggled with literacy proficiency,
5 appointed by the Agency of Education in consultation with the Vermont
6 Family Network.

7 (c) Members with two-year terms.

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

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

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

20 (d) Powers and duties. The Council shall advise the Agency of Education,
21 the State Board of Education, and the General Assembly on how to improve

1 proficiency outcomes in literacy for students in prekindergarten through grade
2 12 and how to sustain those outcomes and shall:

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

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

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

11 (A) literacy instructional practices;

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

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

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

19 (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy
20 instruction within the multitiered system of supports required under section
21 2902 of this title to best improve and sustain literacy proficiency; and

1 (5) 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 shall
13 chair the Council, provided that until that position is filled, the Council shall
14 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. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

4 The sum of \$6,000.00 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 of this
7 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 \$6,000.00 for per diem and reimbursement of
11 expenses for members of the Advisory Council on Literacy created under Sec.
12 6 of this act.

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

15 (a) The Advisory Council on Literacy, created in Sec. 6 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 under subdivision (b)(2)(B) of this
4 section; and

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

7 (2) After the expiration of the initial term set forth in subdivision (1) of
8 this subsection, Council member terms shall be as set forth in 16 V.S.A.
9 § 2903a(c) in Sec. 6 of this act.

10 Sec. 10. AGENCY OF EDUCATION; LITERACY PLAN

11 Notwithstanding 16 V.S.A. § 2903(b), on or before December 1, 2021, the
12 Agency of Education shall, in collaboration with the Advisory Council on
13 Literacy created by Sec. 6 of this act, update the statewide literacy plan
14 required under 16 V.S.A. § 2903(b).

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

4 Sec. 12. EFFECTIVE DATE

5 This act shall take effect on passage.

6

7

8 (Committee vote: _____)

9

10

Representative _____

11

FOR THE COMMITTEE