

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

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

4 (c) The purpose of the literacy grant program under Sec. 3 of this act and
5 the retention of an **Education Project Manager** by the Agency of Education
6 under Sec. 4 of this act is to carry out activities to address learning loss.

7 * * * Findings * * *

8 Sec. 2. FINDINGS

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

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

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

20 (3) “While some special education teachers across the supervisory
21 unions had a strong background in the teaching of reading, others indicated

1 that they did not have the training or background to be effective supporting
2 students struggling in reading.”

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

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

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

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

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

18 ***** Literacy Grant Program *****

19 **Sec. 3. LITERACY GRANT PROGRAM; APPROPRIATION**

20 (a) Appropriation. The sum of \$3,060,000.00 is appropriated from the
21 American Rescue Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No.
22 117-2 to the Agency of Education for fiscal year 2022 for the Literacy Grant

1 Program under subsection (b) of this section for fiscal years 2022, 2023, and
2 2024. The Agency of Education may set aside not more than two percent of
3 the funds appropriated under this subsection (a) to cover costs in administering
4 this grant program.

5 (b) Program creation and grant authorization. The Literacy Grant Program
6 is created to enable supervisory unions, which include supervisory districts, to
7 adopt best practices in teaching literacy instruction to students in
8 prekindergarten through grade 3.

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

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

17 (c) The Agency of Education shall, in consultation with the Census-based
18 Funding Advisory Group created under 2018 Acts and Resolves No. 173 and
19 the Advisory Council on Literacy created under Sec. 5 of this act, shall
20 administer the Literacy Grant Program, determine which supervisory unions
21 are eligible for the funding, determine required and permitted uses of the

1 funding, and the amount to be granted to each supervisory union based on its
2 assessment of the relative need for this funding. The Agency is encouraged to
3 take into account the following factors across supervisory unions:

4 (1) literacy assessments of students;

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

6 (3) the percentage of students eligible for free or reduced-priced meals;

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

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

9 historically underserved populations, including, to the extent that data is

10 available in compliance with privacy laws, students who are Black,

11 Indigenous, and Persons of Color and students on individualized education

12 programs; and

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

14 with a multitiered system of supports.

15 (d) Evaluation and reporting.

16 (1) Not later than 30 calendar days after the one-year anniversary of

17 receiving a grant award under this section, the supervisory union shall submit

18 to the Agency of Education a report that describes its progress in adopting best

19 practices in teaching literacy instruction to students in prekindergarten through

20 grade 3.

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

5 * * * Agency of Education Staffing * * *

6 **Sec. 4. AGENCY OF EDUCATION; STAFFING**

7 **From HEC recommendation on S.114 (based on AOE recommendation)**

8 (a) The Agency shall contract with an Education Project Manager to
9 administer the literacy grant program established in Sec. 4 of this act.

10 (b) There is appropriated to the Agency of Education from the American
11 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 for
12 fiscal year 2022 the amount of \$450,000.00 for the costs of the Education
13 Project Manager for fiscal years 2022, 2023, and 2024.

14 **From H.101**

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

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

5 * * * Advisory Council on Literacy * * *

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

7 § 2903a. ADVISORY COUNCIL ON LITERACY

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

13 (b) Membership. The Council shall be composed of the following
14 15 members:

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

16 (A) the Secretary of Education or designee;

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

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

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

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

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

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

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

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

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

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

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

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

3 (c) Members with two-year terms.

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

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

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

16 (d) Powers and duties. The Council shall advise the Agency of Education,
17 the State Board of Education, and the General Assembly on how to improve
18 proficiency outcomes in literacy for students in prekindergarten through grade
19 12 and how to sustain those outcomes and shall:

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

4 (2) advise the Agency of Education on what services the Agency should
5 provide to school districts to support implementation of the plan and on
6 staffing levels and resources needed at the Agency to support the statewide
7 effort to improve literacy;

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

9 (A) literacy instructional practices;

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

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

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

17 (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy
18 instruction within the multitiered system of supports required under section
19 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 Council shall select a chair from among its members.

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

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

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

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

21 Sec. 6. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

1 The sum of \$21,000.00 is appropriated from the American Rescue Plan Act
2 of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022
3 to the Agency of Education for per diem and reimbursement of expenses for
4 members of the Advisory Council on Literacy for fiscal years 2022, 2023 and
5 2024 created under Sec. 5 of this act.

6 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

7 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
8 repealed on June 30, 2024.

9 Sec. 8. IMPLEMENTATION OF THE ADVISORY COUNCIL ON

10 LITERACY

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

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

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

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

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

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

6 * * * Update to Literacy Plan * * *

7 Sec. 9. AGENCY OF EDUCATION; LITERACY PLAN

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

12 * * * Review of Teacher Preparation Programs * * *

13 Sec. 10. TEACHER PREPARATION PROGRAMS; REVIEW

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

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

19 (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 * * * Agency of Education Reports * * *

5 Sec. 11. AGENCY OF EDUCATION; REPORTS

6 On or before July 1, 2021 and on or before the first day of the beginning of
7 the each fiscal quarter thereafter through July 1, 2022, the Agency of
8 Education shall provide a report to the House and Senate Committees on
9 Education and on Appropriations regarding the status of implementation under
10 this act and on any other COVID-19-related topics relevant to the policy
11 jurisdiction of these Committees.

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

13 Sec. 12. Sec. 9 of 2018 Acts and Resolves No. 173 (Census-based Funding
14 Advisory Group), as amended by Sec. 4 of 2020 Acts and Resolves No. 112, is
15 further amended to read:

16 Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

17 * * *

18 (c) Powers and duties. The Advisory Group shall:

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

1 (2) advise the Agency of Education and supervisory unions on the
2 implementation of this act; ~~and~~
3 (3) recommend to the General Assembly any statutory changes it
4 determines are necessary or advisable to meet the goals of this act, including
5 any statutory changes necessary to align special education funding for
6 approved independent schools with the census grant funding model for public
7 schools as envisioned in the amendments to 16 V.S.A. chapter 101 in Sec. 5 of
8 this act; and

9 (4) assist the Agency of Education in awarding grant funding to
10 supervisory unions, which include supervisory districts, to adopt best practices
11 in teaching literacy instruction to students in prekindergarten through grade 3.

12 * * *

13 (e) Meetings.

14 * * *

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

16 (f) Reports. On or before January 15, 2019, the Advisory Group shall
17 submit a written report to the House and Senate Committees on Education and
18 the State Board of Education with its findings and recommendations on the
19 development of proposed rules to implement this act and any recommendations
20 for legislation. On or before January 15 of 2020, 2021, ~~and~~ 2022, 2023, 2024,
21 and 2025, the Advisory Group shall submit a supplemental written report to the

1 House and Senate Committees on Education and the State Board of Education
2 with a status of implementation under this act and any recommendations for
3 legislation.

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

10 (h) Appropriation. The sum of \$5,376.00 is appropriated for fiscal year
11 2018 from the General Fund to the Agency of Education to provide funding for
12 per diem compensation and reimbursement under subsection (g) of this section.
13 The sum of \$9,018.00 is appropriated for fiscal year 2021 from the General
14 Fund to the Agency of Education to provide funding for per diem
15 compensation and reimbursement under subsection (g) of this section. ~~The~~
16 ~~Agency shall include in its budget request to the General Assembly for each of~~
17 ~~fiscal years 2022 and 2023 the amount of \$9,018.00 to provide funding for per~~
18 ~~diem compensation and reimbursement under subsection (g) of this section.~~

19 * * * Effective Date * * *

20 Sec. 13. EFFECTIVE DATE

21 This act shall take effect on passage.

1

2 (Committee vote: _____)

3

4

Representative _____

5

FOR THE COMMITTEE