

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 14  
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 Sec. 1. PURPOSE

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

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

1 and youths in foster care, including by providing additional support to local  
2 educational agencies to fully address such impacts.

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

6 Sec. 2. FINDINGS

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

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

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

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

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

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

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

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

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

16       Sec. 3. LITERACY GRANT PROGRAM

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

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

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

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

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

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

9           (b) Program creation and grant authorization.

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

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

19           (B) Supervisory unions are encouraged to work together in a  
20           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) the extent to which the eligible applicant’s plan aligns with its  
6                   Agency of Education-approved COVID-19 Recovery Plans;

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

10                  (H) how literacy results and outcomes will be measured and reported;

11                  (I) how the eligible applicant will improve its Tier 1 education under  
12                  16 V.S.A. § 2902 through this process; and

13                  (J) how systems and processes developed through the grant funding  
14                  will be sustained.

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

1           (4) Eligible applicants shall submit applications for grant funding to the  
2           Agency of Education, which shall review those applications. Following the  
3           application review process, the Agency shall recommend applications to the  
4           Secretary for funding based on the review scores, funding dollars available,  
5           and the Agency’s view of the applicant’s need for literacy instructional support  
6           as compared with other applicants. The Secretary shall make the final grant  
7           funding determination.

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

16           (6) The Agency of Education shall, on or before each of September 1, 2022  
17           and 2023, award the second year and third year of grant funding, respectively,  
18           of up to \$100,000.00 per eligible applicant per year. The amount of this  
19           funding shall be based on the applicant’s proposed budget, total availability of  
20           funds, and the Secretary’s assessment of the eligible applicant’s progress  
21           towards implementing its action plan to improve literacy teaching and

1 outcomes under subdivision (2)(F) of this subsection. The Secretary may deny  
2 or reduce second- or third-year grant funding if the Secretary finds that the  
3 applicant has made insufficient progress towards implementing its action plan.  
4 If the amount appropriated for this purpose is insufficient to fully fund the  
5 grants under that section, then the grant amounts that are awarded shall be  
6 prorated.

7 (d) Use of grant funds.

8 (1) Grant funds shall be used to:

9 (A) establish the participating supervisory union leadership team and  
10 its governance structure;

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

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

15 (2) Grant funds may be used to:

16 (A) build literacy instructional leadership capacity to lead the  
17 improvement of the quality of literacy teaching and for the improvement of  
18 student learning;

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

1           (C) implement a systems’ coaching model, as described in the

2           Coaching Guidelines;

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

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

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

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

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

16          (3) Required activities shall not be duplicative of existing programs and  
17          activities.

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

1        (e) Evaluation and reporting.

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

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

11        Sec. 4. APPROPRIATION OF FUNDS

12           (a) The sum of \$3,090,000.00 is appropriated from the American Rescue  
13        Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the  
14        Agency of Education for fiscal year 2022 for the literacy grants to be funded  
15        on or before September 1 of each of 2021, 2022, and 2023 under Sec. 3 of this  
16        act.

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

18           (1) not more than one percent of the funds appropriated under  
19        subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for  
20        informational and technical assistance for eligible applicants as defined under  
21        Sec. 3(a)(2) of this act; and

1           (2) not more than two percent of the funds appropriated under  
2           subsection (a) of this section for each of fiscal years 2022, 2023, and 2024 for  
3           the evaluations required under Sec. 3(e)(1) of this act.

4           Sec. 5. AGENCY OF EDUCATION; STAFFING

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

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

11           Sec. 6. 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           15 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) seven 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) 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; and

7 (D) one member appointed by the Agency of Education who has expertise  
8 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 State Board of Education on how to update section 2903  
6        of 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. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

4 The sum of \$21,000.00 is appropriated from the American Rescue Plan Act of  
5 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 to  
6 the Agency of Education for per diem and reimbursement of expenses for  
7 members of the Advisory Council on Literacy for fiscal years 2022, 2023 and  
8 2024 created under Sec. 6 of this act.

9 Sec. 8. 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. 9. IMPLEMENTATION OF THE ADVISORY COUNCIL ON  
13 LITERACY

14 (a) The Advisory Council on Literacy, created in Sec. 6 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) the two 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       Sec. 10. AGENCY OF EDUCATION; LITERACY PLAN

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

13       Sec. 11. 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        Sec. 12. AGENCY OF EDUCATION; REPORTS

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

11       Sec. 13. EFFECTIVE DATE

12       This act shall take effect on passage.

13

14       (Committee vote: \_\_\_\_\_)

15

\_\_\_\_\_

16

Representative \_\_\_\_\_

17

FOR THE COMMITTEE