

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 technical support for supervisory unions under
6 Sec. 3 of this act and the contractor support for the Agency of Education under
7 Sec. 4 of this act is to carry out activities to address learning loss and improve
8 literacy outcomes.

9 * * * Findings * * *

10 Sec. 2. FINDINGS

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

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

20 (2) “Students with mild-to-moderate disabilities who struggle with
21 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.

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

2 Sec. 3. ASSISTANCE TO SUPPORT IMPROVED LITERACY
3 OUTCOMES

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

8 (b) The Agency of Education shall retain a contractor to provide the
9 following technical assistance to supervisory unions:

10 (1) recommend how federal funds can be used to implement Act 173 in
11 the context of improving literacy outcomes;

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

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

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

18 (c) State educational leaders shall advise the Agency of Education on the
19 request for proposal to retain the contractor and on the selection of the
20 contractor.

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

2 Sec. 4. AGENCY OF EDUCATION; CONTRACTOR; APPROPRIATIONS

3 (a) There is appropriated to the Agency of Education from the American
4 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in
5 fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor
6 under Sec. 3 of this act for fiscal years 2022, 2023, and 2024.

7 (b) The sum of \$3,060,000.00 is appropriated from the American Rescue
8 Plan Act of 2021 pursuant to Section 2001(f)(1), Pub. L. No. 117-2 to the
9 Agency of Education in fiscal year 2022 for assisting supervisory unions in
10 implementing the recommendations of the contractor under Sec. 3 of this act
11 for fiscal years 2022, 2023, and 2024. The Agency of Education may set aside
12 not more than two percent of the funds appropriated under this subsection to
13 cover the costs of retaining and overseeing the work of the contractor.

14 Sec. 5. AGENCY OF EDUCATION; STAFFING

15 As of July 1, 2022, the following position is created in the Agency of
16 Education: one full-time position to serve as the Statewide Literacy
17 Coordinator. The Agency may fill this permanent position with the contractor,
18 if qualified, retained under Sec. 4 of this act. The General Assembly intends
19 that the salary and benefits for this position be funded from a fiscal year 2023
20 appropriation.

1 * * * Advisory Council on Literacy * * *

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

3 § 2903a. ADVISORY COUNCIL ON LITERACY

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

9 (b) Membership. The Council shall be composed of the following
10 16 members:

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

12 (A) the Secretary of Education or designee;

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

16 (C) the Executive Director of the Vermont Superintendents
17 Association or designee;

18 (D) the Executive Director of the Vermont School Boards
19 Association or designee;

20 (E) the Executive Director of the Vermont Council of Special
21 Education Administrators or designee;

1 (F) the Executive Director of the Vermont Principals’ Association or
2 designee;

3 (G) the Executive Director of the Vermont Independent Schools
4 Association or designee; and

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

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

8 (A) a representative appointed by the Vermont Curriculum Leaders
9 Association;

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

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

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

20 (c) Members with two-year terms.

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

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

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

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

17 (1) advise the Agency of Education on how to:

18 (A) update section 2903 of this title;

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

1 (C) maintain the statewide literacy plan;

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

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

7 (A) literacy instructional practices;

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

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

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

15 (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy
16 instruction within the multitiered system of supports required under section
17 2902 of this title to best improve and sustain literacy proficiency; and

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

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

6 (f) Meetings.

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

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

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

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

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

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

18 Sec. 7. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

19 The sum of \$24,000.00 is appropriated from the American Rescue Plan Act
20 of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022
21 to the Agency of Education for per diem and reimbursement of expenses for

1 members of the Advisory Council on Literacy created under Sec. 6 of this act
2 for fiscal years 2022, 2023, and 2024.

3 Sec. 8. REPEAL; ADVISORY COUNCIL ON LITERACY

4 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
5 repealed on June 30, 2024.

6 Sec. 9. IMPLEMENTATION OF THE ADVISORY COUNCIL ON
7 LITERACY

8 (a) The Advisory Council on Literacy, created in Sec. 6 of this act, is
9 established on August 1, 2021.

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

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

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

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

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

4 * * * Review of Teacher Preparation Programs * * *

5 Sec. 10. TEACHER PREPARATION PROGRAMS; REVIEW

6 (a) On or before October 1, 2022, the Agency of Education, in
7 collaboration with the Standards Board for Professional Educators, shall
8 review:

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

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

12 (b) As used in this section, “evidence-based literacy instruction” means
13 reading, writing, and spelling instruction that is supported by high-quality
14 research that meets rigorous standards and is proven to translate effectively to
15 classroom practices.

16 * * * Agency of Education Reports * * *

17 Sec. 11. AGENCY OF EDUCATION; REPORTS

18 On or before December 15 of each of 2021, 2022, and 2023, the Agency of
19 Education shall report the statewide progress in achieving the purpose of this
20 act to the General Assembly. The report shall contain an executive summary,
21 which shall not exceed two pages.

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

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

5 Sec. 9. CENSUS-BASED FUNDING ADVISORY GROUP

6 * * *

7 (e) Meetings.

8 * * *

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

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

19 (g) Reimbursement. Members of the Advisory Group who are not
20 employees of the State of Vermont and who are not otherwise compensated or
21 reimbursed for their attendance shall be entitled to per diem compensation and

1 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
2 than eight meetings per year in fiscal years 2019 and 2020 and not more than
3 12 meetings per year in each of fiscal years 2021, 2022, and 2023.

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

13 * * * Effective Date * * *

14 Sec. 13. EFFECTIVE DATE

15 This act shall take effect on passage.

16
17
18 (Committee vote: _____)

19 _____
20 Representative _____

21 FOR THE COMMITTEE