

S.114

An act relating to improving prekindergarten through grade 12 literacy within the State

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

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

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

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

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

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

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

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

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

## Sec. 2. PURPOSE

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

Sec. 3. 16 V.S.A. § 2903 is amended to read:

§ 2903. PREVENTING EARLY SCHOOL FAILURE; ~~READING~~

LITERACY INSTRUCTION

(a) Statement of policy. ~~The ability to read~~ Literacy proficiency is critical to success in learning. Children who fail to ~~read~~ attain age-appropriate literacy proficiency by the end of the first grade will likely fall further behind in school. The personal and economic costs of ~~reading~~ literacy proficiency failure are enormous both while the student remains in school and long afterward. All students need to receive systematic ~~reading~~ literacy instruction in the early grades from a teacher who is skilled in teaching ~~reading~~ literacy through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students. Some students may require intensive supplemental instruction tailored to the unique difficulties encountered.

(b) Foundation for literacy. The State Board of Education, in collaboration with the Agency of Human Services, higher education, literacy organizations, and others, shall develop a plan for establishing a comprehensive system of services for early education in ~~the first three grades~~ prekindergarten through grade three to ensure that all students ~~learn to read~~ attain literacy proficiency by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.

(c) ~~Reading~~ Literacy instruction. A public school that offers instruction in ~~grades one, two, or three~~ any of prekindergarten through grade three shall

provide highly effective, ~~research-based reading~~ evidence-based literacy instruction to all students. In addition, a school shall provide:

(1) supplemental ~~reading~~ literacy instruction to any enrolled student in grade four whose ~~reading~~ literacy proficiency falls below third grade ~~reading~~ literacy expectations, as defined under subdivision 164(9) of this title;

(2) supplemental ~~reading~~ literacy instruction to any enrolled student in grades 5-12 whose ~~reading~~ literacy proficiency creates a barrier to the student's success in school; and

(3) support and information to parents and legal guardians.

(d) Evidence-based literacy instruction. As used in this section, "evidence-based literacy instruction" means reading, writing, and spelling instruction that is supported by high-quality research that meets rigorous standards and is proven to translate effectively to classroom practices.

Sec. 4. 16 V.S.A. § 2903a is added to read:

§ 2903a. ADVISORY COUNCIL ON LITERACY

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

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

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

(A) the Statewide Literacy Coordinator at the Agency of Education;

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

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

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

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

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

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

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

(2) 10 members who shall serve two-year terms:

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

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

(C) two family members, guardians, or education surrogates of students who struggle or have struggled with literacy proficiency, appointed by the Vermont Family Network;

(D) two high school students or recent high school graduates who struggle or have struggled with literacy proficiency, appointed by the Agency of Education; and

(E) one member appointed by the Vermont Legal Aid Disability Law Project.

(c) Members with two-year terms.

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

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

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

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

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

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

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

(A) literacy instructional practices;

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

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

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

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

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

(f) Meetings.

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

(2) The Statewide Literacy Coordinator at the Agency of Education shall chair the Council, provided that until that position is filled, the Council shall select a chair from among its members.

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

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

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

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

Sec. 5. APPROPRIATION; ADVISORY COUNCIL ON LITERACY

The sum of \$10,000.00 is appropriated from the General Fund in fiscal year 2022 to the Agency of Education for per diem and reimbursement of expenses for members of the Advisory Council on Literacy created under Sec. 4 of this act.

Sec. 6. IMPLEMENTATION OF THE ADVISORY COUNCIL ON  
LITERACY

(a) The Advisory Council on Literacy, created in Sec. 4 of this act, is established on August 1, 2021.

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

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

(A) two of the teachers appointed by the Vermont-National Education Association;

(B) one of the family members, guardians, or education surrogates of students who struggle or have struggled with literacy proficiency appointed by the Vermont Family Network;

(C) one of the high school students or recent high school graduates who struggle or have struggled with literacy proficiency appointed by the Agency of Education; and

(D) the member appointed by the Vermont Legal Aid Disability Law Project.

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

#### Sec. 7. STATE BOARD OF EDUCATION; LITERACY PLAN

On or before December 1, 2021, the State Board of Education shall, in collaboration with the Advisory Council on Literacy created by Sec. 4 of this act, update the statewide literacy plan required under 16 V.S.A. § 2903.

Sec. 8. TEACHER PREPARATION PROGRAMS; REVIEW

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

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

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

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

Sec. 9. AGENCY OF EDUCATION; REPORTS

(a) On or before December 15, 2021, the Agency of Education shall report its findings and recommendation under this act, and its progress in achieving the purpose of this act, to the General Assembly. The report shall contain an executive summary, which shall not exceed two pages.

(b) On or before each of December 15, 2022 and 2023, the Agency of Education shall report the statewide progress in achieving the purpose of this act to the General Assembly. Each report shall contain an executive summary, which shall not exceed two pages.

Sec 10. EFFECTIVE DATE

This act shall take effect on passage.