

1 S.204

2 An act relating to supporting Vermont's young readers through evidence-
3 based literacy instruction

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

5 * * * Findings * * *

6 Sec. 1. FINDINGS

7 The General Assembly finds that:

8 (1) In its December 2023 report to the General Assembly, the Advisory
9 Council on Literacy found the following:

10 (A) Explicit and systematic instruction on code-based and
11 comprehension-based reading skills and needs-based support are the most
12 effective literacy practices for the early grades.

13 (B) A strong focus is needed on phonemic awareness, phonics,
14 fluency, vocabulary, and comprehension for all students, and needs-based tiers
15 and layers of support are critical for struggling learners.

16 (2) Reading instruction is interwoven into the principles of creating
17 culturally responsive and inclusive environments for all students. The
18 availability and use of texts that are culturally relevant and representative of
19 historically underrepresented voices is critical to ensure that all students can
20 connect their experiences to the text they are reading.

1 * * * Reading Assessment and Intervention * * *

2 Sec. 2. 16 V.S.A. § 2907 is added to read:

3 § 2907. KINDERGARTEN THROUGH GRADE-THREE READING

4 ASSESSMENT AND INTERVENTION

5 (a) The Agency of Education shall review and publish guidance on
6 universal reading screeners based on established criteria that are based on
7 technical adequacy, attention to linguistic diversity, administrative usability,
8 and valid measures of the developmental skills in early literacy, including
9 phonemic awareness, phonics, fluency, vocabulary, and comprehension. The
10 Agency shall include in its guidance instances in which schools can leverage
11 assessments that meet overlapping requirements and guidelines to maximize
12 the use of assessments that provide the necessary data to understand student
13 needs while minimizing the number of assessments used and the disruption of
14 instructional time.

15 (b) Each public and approved independent school that is eligible to receive
16 public tuition shall screen all students in kindergarten through grade three, at
17 least annually, using age and grade-level appropriate universal reading
18 screeners. The universal screeners shall be given in accordance with best
19 practices and the technical specifications of the specific screener used.

20 (c)(1) If such screenings determine that a student is significantly below
21 relevant benchmarks as determined by the screener's guidelines for age-level

1 or grade-level typical development in specific literacy skills, the school shall
2 determine which actions within the general education program will meet the
3 student's needs, including differentiated or supplementary evidence-based
4 reading instruction and ongoing monitoring of progress. Within 30 calendar
5 days following a screening result that is significantly below the relevant
6 benchmarks, the school shall inform the student's parent or guardian of the
7 screening results and the school's response.

8 (2) Additional diagnostic assessment and evidence-based curriculum
9 and instruction for students demonstrating a substantial deficit in reading or
10 dyslexia characteristics shall be determined by data-informed decision making
11 within existing processes in accordance with required federal and State law.

12 (d) Evidence-based reading instructional practices, programs, or
13 interventions provided pursuant to subsection (c) of this section shall be
14 effective, explicit, systematic, and consistent with federal and State guidance
15 and shall address the foundational concepts of literacy proficiency, including
16 phonemic awareness, phonics, fluency, vocabulary, and comprehension.

17 (e)(1) Each supervisory union and approved independent school that is
18 eligible to receive public tuition shall annually report to the Agency, in a
19 format prescribed by the Agency, the following information and prior year
20 performance, by school:

1 (A) the number and percentage of students in kindergarten through
2 grade three performing below proficiency on local and statewide reading
3 assessments, as applicable; and

4 (B) the universal reading screeners utilized.

5 (2) The Agency shall provide guidance to supervisory unions and
6 approved independent schools that are eligible to receive public tuition on
7 whether, and if so, how, the data provided pursuant to subdivision (1) of this
8 subsection may be disaggregated based on poverty, the provision of special
9 education services, or any other category the Agency deems relevant to
10 understanding the status of the State's progress to improve literacy learning.

11 (f) On or before January 15 of each year, the Agency shall issue a written
12 report to the Governor and the Senate and House Committees on Education on
13 the status of State progress to improve literacy learning. The report shall
14 include the information required pursuant to subdivision (e)(1) of this section.

15 Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION

16 RECOMMENDATIONS

17 On or before November 1, 2024, the Agency of Education shall develop and
18 issue recommendations for the substance and form of the parental or guardian
19 notification required under 16 V.S.A. § 2907(c). The Agency's
20 recommendations shall be consistent with applicable State and federal law as
21 well as legislative intent.

1 Sec. 4. REVIEWED READING SCREENERS; AGENCY OF EDUCATION;
2 REPORT

3 On or before January 15, 2025, the Agency of Education shall submit a
4 written report to the Senate and House Committees on Education with a list of
5 the reviewed screening instruments it has published pursuant to 16 V.S.A.
6 § 2907. The Agency shall include any information it deems relevant to
7 provide an understanding of the list of reviewed screening instruments.

8 Sec. 5. 16 V.S.A. § 2903 is amended to read:

9 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING

10 INSTRUCTION

11 (a) Statement of policy. The ability to read is critical to success in learning.
12 Children who fail to read by the end of the first grade will likely fall further
13 behind in school. The personal and economic costs of reading failure are
14 enormous both while the student remains in school and long afterward. All
15 students need to receive systematic and explicit evidence-based reading
16 instruction in the early grades from a teacher who is skilled in teaching the
17 foundational components of reading through a variety of instructional
18 ~~strategies that take into account the different learning styles and language~~
19 ~~backgrounds of the students,~~ including phonemic awareness, phonics, fluency,
20 vocabulary, and comprehension. ~~Some students may~~ Students who require
21 intensive supplemental instruction tailored to the unique difficulties

1 encountered shall be provided those additional supports by an appropriately
2 trained education professional.

3 (b) Foundation for literacy.

4 (1) The ~~State Board~~ Agency of Education, in collaboration with the
5 State Board of Education, the Agency of Human Services, higher education,
6 literacy organizations, and others, shall develop a plan for establishing a
7 comprehensive system of services for early education in ~~the first three grades~~
8 public schools that offer instruction in grades kindergarten through grade three
9 to ensure that all students learn to read by the end of the third grade. The plan
10 shall be updated at least once every five years following its initial submission
11 in 1998.

12 (2) Approved independent schools that are eligible to receive public
13 tuition shall develop a grade-level appropriate school literacy plan that is
14 informed by student needs and assessment data. The plan may include
15 identification of a literacy vision, goals, and priorities and shall address the
16 following topics:

17 (A) measures and indicators;

18 (B) screening, assessment, instruction and intervention, and progress
19 monitoring, consistent with section 2907 of this title; and

20 (C) professional learning activities consistent with section 1710 of
21 this title.

1 (c) Reading instruction. A public school or approved independent school
2 that is eligible to receive public tuition that offers instruction in grades
3 kindergarten, one, two, or three shall provide ~~highly effective, research-based~~
4 systematic and explicit evidence-based reading instruction to all students. In
5 addition, ~~a school~~ such schools shall provide:

6 (1) supplemental reading instruction to any enrolled student ~~in grade~~
7 ~~four~~ whose reading proficiency falls below ~~third grade reading expectations, as~~
8 ~~defined under subdivision 164(9) of this title;~~ proficiency standards for the
9 student's grade level or whose reading proficiency prevents progress in school.

10 (2) ~~supplemental reading instruction to any enrolled student in grades 5-~~
11 ~~12 whose reading proficiency creates a barrier to the student's success in~~
12 ~~school; and~~

13 (3) Schools shall provide support and information to the parents and
14 legal guardians of such students regarding the student's current level of reading
15 proficiency, which shall be based on valid and reliable assessments.

16 Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED

17 INDEPENDENT SCHOOLS

18 All approved independent schools that are eligible to receive public tuition
19 shall develop a grade-level appropriate school literacy plan pursuant to 16
20 V.S.A. § 2903(b)(2) on or before January 1, 2025.

1 * * * Literacy Professional Development * * *

2 Sec. 7. 16 V.S.A. § 1710 is added to read:

3 § 1710. LITERACY PROFESSIONAL LEARNING

4 (a) Each supervisory union and each approved independent school that is
5 eligible to receive public tuition shall provide professional learning activities to
6 kindergarten through grade-three educators, to include all teachers and
7 administrators, on implementing a reading screening assessment, interpreting
8 the results, determining instructional practices for students, and
9 communicating with families regarding screening results in a supportive way.
10 The instructional practices, programs, or interventions included in the
11 professional learning activities provided pursuant to this section shall be
12 evidence-based, effective, explicit, systematic, and consistent with federal and
13 State guidance and shall incorporate the foundational concepts of literacy
14 proficiency, including phonemic awareness, phonics, fluency, vocabulary, and
15 comprehension.

16 (b) Each supervisory union and approved independent school that is
17 eligible to receive public tuition shall maintain a record of completion of
18 professional learning consistent with this section.

19 Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL

20 (a) On or before July 1, 2025, the Agency of Education shall submit
21 recommendations to the Vermont Standards Board for Professional Educators

1 on how to strengthen educator preparation programs' teaching of evidence-
2 based literacy practices. The Agency shall also simultaneously communicate
3 its recommendations to Vermont's educator preparation programs and submit
4 its recommendations in writing to the Senate and House Committees on
5 Education.

6 (b) On or before July 1, 2026, the Vermont Standards Board for
7 Professional Educators shall consider the Agency's recommendations pursuant
8 to subsection (a) of this section and, as appropriate, update the educator
9 preparation requirements in Agency of Education, Licensing of Educators and
10 the Preparation of Educational Professionals (5000) (CVR 022-000-010).

11 (c) As part of its review under subsection (a) of this section, the Agency
12 shall make recommendations to the Vermont Standards Board for Professional
13 Educators regarding whether an additional mandatory examination is needed to
14 assess candidates for educator licensure skills in mathematics and English
15 language arts fundamentals, as well as candidates' understanding of the
16 importance of evidence-based approaches to literacy and numeracy, beyond
17 the requirements in Agency of Education, Licensing of Educators and the
18 Preparation of Educational Professionals (5000) (CVR 022-000-010) in effect
19 during the period of the Agency's review.

1 * * * Advisory Council on Literacy * * *

2 Sec. 9. 16 V.S.A. § 2903a is amended 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 ~~16~~ 19
10 members:

11 (1) ~~eight~~ 10 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 (I) the State Librarian or designee; and

8 (J) the Executive Director of the Vermont Curriculum Leaders
9 Association or designee; and

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

11 (A) ~~a representative appointed by the Vermont Curriculum Leaders~~
12 ~~Association; [Repealed.]~~

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

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

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

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

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

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

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

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

12 Sec. 10. 2021 Acts and Resolves No. 28, Sec. 7 is amended to read:

13 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

14 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
15 repealed on June 30, ~~2024~~ 2027.

16 * * * Agency of Education Literacy Position * * *

17 Sec. 11. POSITION; AGENCY OF EDUCATION; LITERACY

18 In fiscal year 2025, the conversion of one limited service position created in
19 2021 Acts and Resolves No. 28, Sec. 4, to one classified permanent status
20 position within the Agency of Education is authorized. The position shall
21 provide support to the Agency in its evidence-based literacy work.

1 * * * Expanding Early Childhood Literacy Resources * * *

2 Sec. 12. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES;
3 REPORT

4 On or before January 15, 2025, the Department of Libraries shall submit a
5 written report to the Senate and House Committees on Education with
6 recommendations for expanding access to early childhood literacy resources
7 with a focus on options that target low-income or underserved areas of the
8 State. Options considered shall include State or local partnership with or
9 financial support for book gifting programs, book distribution programs, and
10 any other compelling avenue for supporting early childhood literacy in
11 Vermont.

12 * * * Effective Dates * * *

13 Sec. 13. EFFECTIVE DATES

14 This act shall take effect on passage, except that Sec. 7 (16 V.S.A. § 1710;
15 literacy professional development) shall take effect on July 1, 2025.