

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) Literacy, particularly in early grades, is critical for success in future  
9 education, work, and life.

10 (2) Roughly half of Vermont students are still at or below proficiency.

11 (3) Research in recent years is clear. We know how to teach reading in  
12 a proven, evidence-based manner. Yet outdated practices linger in classrooms  
13 and in educator preparation programs.

14 \* \* \* Reading Assessment and Intervention \* \* \*

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

16 § 2907. KINDERGARTEN THROUGH GRADE THREE READING

17 ASSESSMENT AND INTERVENTION

18 (a)(1) Annually, the Agency of Education shall update and publish a list of  
19 reviewed universal reading screeners and assessments to be used by  
20 supervisory unions and approved independent schools for determining reading  
21 skills and identifying students in kindergarten through grade three

1 demonstrating reading struggles or showing characteristics associated with  
2 dyslexia.

3 (2) The Agency's review of universal reading screeners and assessments  
4 shall include a review of the evidence base of the screeners and assessments.

5 In publishing the list required under subdivision (1) of this subsection, the  
6 Agency shall issue guidance on measuring skills based on grade-level  
7 predictive measures, including:

8 (A) phonemic awareness;

9 (B) letter naming;

10 (C) letter sound correspondence;

11 (D) real- and nonword reading;

12 (E) oral text reading accuracy and rate;

13 (F) comprehension;

14 (G) handwriting; and

15 (H) spelling inventory.

16 (3) The screeners shall align with assessment guidance from the  
17 Agency, including that they shall, at a minimum:

18 (A) be brief;

19 (B) assist in identifying students at risk for or currently experiencing  
20 reading deficits; and

21 (C) produce data that inform decisions related to the need for

1 additional, targeted assessments and necessary layered supports,  
2 accommodations, interventions, or services for students, in accordance with  
3 existing federal and State law.

4 (b) All public schools and approved independent schools shall screen all  
5 students in kindergarten through grade three using age and grade-level  
6 appropriate universal reading screeners. The universal screeners shall be given  
7 in accordance with best practices and the technical specifications of the  
8 specific screener used. The Agency shall include in its guidance issued  
9 pursuant to subdivision (a)(2) of this section instances in which public and  
10 approved independent schools can leverage assessments that meet overlapping  
11 requirements and guidelines to maximize the use of assessments that provide  
12 the necessary data to understand student needs while minimizing the number of  
13 assessments used and the disruption to instructional time.

14 (c) Additional diagnostic assessment and evidence-based curriculum and  
15 instruction for students demonstrating a substantial deficit in reading or  
16 dyslexia characteristics shall be determined by data-informed decision-making  
17 within existing processes in accordance with required federal and State law.  
18 Specific instructional content, programs, strategies, interventions, and other  
19 identified supports for individual students shall be documented in the most  
20 appropriate plan informed by assessment and other data and as determined  
21 through team-based decision making. These plans may include, as applicable,

1 an education support team (EST) plan, 504 plan, individualized education plan,  
2 and a personalized learning plan. These plans shall include the following:

3 (1) the student's specific reading deficit as determined or identified by  
4 diagnostic assessment data;

5 (2) the goals and benchmarks for growth;

6 (3) the type of evidence-based instruction and supports the student will  
7 receive; and

8 (4) the strategies and supports available to the student's parent or legal  
9 guardian to support the student to achieve reading proficiency.

10 (d) Public and approved independent schools shall not use instructional  
11 strategies that do not have an evidence base, such as the three-cueing system.

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

17 (e) The parent or guardian of any kindergarten through grade three student  
18 who exhibits a reading deficit at any time during the school year shall be  
19 notified in writing not later than 30 days after the identification of the reading  
20 deficit. Written notification shall contain information consistent with the  
21 documentation requirements contained in subsection (d) of this section and

1 shall follow the Agency's recommendations for such notification.

2 (f) Each local school district and approved independent school shall engage  
3 local stakeholders, as defined by the school district or approved independent  
4 school, to discuss the importance of reading and solicit suggestions for  
5 improving literacy and plans to increase reading proficiency.

6 (g) The Agency shall provide professional learning opportunities for  
7 educators in evidence-based reading instructional practices that address the  
8 areas of phonemic awareness, phonics, fluency, vocabulary, and  
9 comprehension.

10 (h) Each supervisory union and approved independent school shall  
11 annually report, in writing, to the Agency the following information and prior  
12 year performance, by school:

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

16 (2) the universal reading screeners utilized;

17 (3) the number and percentage of students identified with a potential  
18 reading deficit; and

19 (4) growth measure assessment data.

20 (i) On or before January 15 of each year, the Agency shall issue a written  
21 report to the Governor and the Senate and House Committees on Education on

1 the status of State progress to improve literacy learning. The report shall  
2 include the information required pursuant to subsection (h) of this section.

3 Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION

4 RECOMMENDATIONS

5 On or before November 1, 2024, the Agency of Education shall develop and  
6 issue recommendations for the substance and form of the parental or guardian  
7 notification required under 16 V.S.A. § 2907(e). The Agency's  
8 recommendations shall be consistent with applicable State and federal law as  
9 well as legislative intent.

10 Sec. 4. REVIEWED READING SCREENERS; AGENCY OF EDUCATION;

11 REPORT

12 On or before January 15, 2025, the Agency of Education shall submit a  
13 written report to the Senate and House Committees on Education with a list of  
14 the reviewed universal reading screeners and assessments it has published  
15 pursuant to 16 V.S.A. § 2907. The Agency shall include any information it  
16 deems relevant to provide an understanding of the list of reviewed screeners  
17 and assessments.

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

19 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING

20 INSTRUCTION

21 (a) Statement of policy. The ability to read is critical to success in learning.

1 Children who fail to read by the end of the first grade will likely fall further  
2 behind in school. The personal and economic costs of reading failure are  
3 enormous both while the student remains in school and long afterward. All  
4 students need to receive systematic and explicit evidence-based reading  
5 instruction in the early grades from a teacher who is skilled in teaching the  
6 foundational components of reading through a variety of instructional  
7 strategies that take into account the different learning styles and language  
8 backgrounds of the students, including phonemic awareness, phonics, fluency,  
9 vocabulary, and comprehension. ~~Some students may~~ Students who require  
10 ~~intensive~~ supplemental instruction tailored to the unique difficulties  
11 encountered shall be provided those additional supports by an appropriately  
12 licensed and trained education professional.

13 (b) Foundation for literacy.

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

21 (2) Approved independent schools shall develop a grade-level

1 appropriate school literacy plan that is informed by student needs and  
2 assessment data. The plan may include identification of a literacy vision,  
3 goals, and priorities and shall address the following topics:

4 (A) measures and indicators;

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

7 (C) professional development for all unlicensed teachers consistent  
8 with subsection 1710(b) of this title.

9 (c) Reading instruction. A public school that offers instruction in grades  
10 prekindergarten, kindergarten, one, two, or three shall provide highly effective,  
11 research-based systemic and explicit evidence-based reading instruction to all  
12 students. In addition, a school shall provide:

13 (1) supplemental reading instruction to any enrolled student ~~in grade~~  
14 ~~four~~ whose reading proficiency falls below ~~third grade reading expectations~~  
15 proficiency standards for the student's grade level or whose reading  
16 proficiency prevents success in school, as identified using the tiered system of  
17 supports, as defined under ~~subdivision 164(9)~~ section 2902 of this title;

18 (2) supplemental reading instruction to any enrolled student ~~in grades 5-~~  
19 ~~12~~ whose reading proficiency creates a barrier to the student's success in  
20 school; and

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



1       Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED

2                   INDEPENDENT SCHOOLS

3           All approved independent schools shall develop a grade-level appropriate  
4 school literacy plan pursuant to 16 V.S.A. § 2903(b)(2) on or before January 1,  
5 2025.

6                           \* \* \* Literacy Professional Learning\* \* \*

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

8       § 1710. LITERACY PROFESSIONAL LEARNING

9           (a) Definition. As used in this section, “professionally licensed” means a  
10 nonconditional, current license comparable to a level I or level II Vermont  
11 educator license and does not include provisional, emergency, teaching intern,  
12 or apprenticeship licenses or their equivalent in other states.

13           (b) Professionally licensed educators.

14           (1) On or before July 1, 2027, all professionally licensed Vermont  
15 teachers employed in a Vermont public or approved independent school shall  
16 complete a program of professional learning on evidence-based literacy  
17 instruction developed and offered or approved by the Vermont Agency of  
18 Education.

19           (2) After July 1, 2026, all newly professionally licensed Vermont  
20 teachers employed in a Vermont public or approved independent school shall  
21 complete a program of professional learning on evidenced-based literacy

1 instruction developed and offered or approved by the Agency before the end of  
2 the teacher's second year of teaching.

3 (3) Professional learning programs approved by the Agency pursuant to  
4 this section shall be substantially similar in content to professional learning  
5 programs developed and offered by the Agency pursuant to this section.

6 (c) Unlicensed teachers employed by an approved independent school. On  
7 or before July 1, 2027, all unlicensed teachers employed by an approved  
8 independent school shall complete an explicit, evidence-based literacy  
9 instruction professional development program. The professional development  
10 program shall be approved by the approved independent school and may be  
11 differentiated by grade level, role, and experience and may account for prior  
12 training. Unlicensed teachers hired by an approved independent school on or  
13 after July 1, 2026 shall complete a professional development program pursuant  
14 to this subsection within one year after hire. An approved independent school  
15 shall maintain a record of completion of professional development consistent  
16 with this provision.

17 Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL

18 (a) On or before July 1, 2025, the Agency of Education shall submit  
19 recommendations to the Vermont Standards Board for Professional Educators  
20 on how to strengthen educator preparation programs' teaching of evidence-  
21 based literacy practices. The Agency shall also simultaneously communicate

1 its recommendations to Vermont's educator preparation programs and submit  
2 its recommendations in writing to the Senate and House Committees on  
3 Education.

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

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

18 \* \* \* Advisory Council on Literacy \* \* \*

19 Sec. 9. 16 V.S.A. § 2903a is amended to read:

20 § 2903a. ADVISORY COUNCIL ON LITERACY

21 (a) Creation. There is created the Advisory Council on Literacy. The

1 Council shall advise the Agency of Education, the State Board of Education,  
2 and the General Assembly on how to improve proficiency outcomes in literacy  
3 for students in prekindergarten through grade 12 and how to sustain those  
4 outcomes.

5 (b) Membership. The Council shall be composed of the following ~~16~~ 19  
6 members:

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

8 (A) the Secretary of Education or designee;

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

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

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

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

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

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

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

3 (I) the State Librarian or designee;

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

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

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

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

15 (D) one member appointed by the Agency of Education who has  
16 expertise in working with students with dyslexia; and

17 (3) two faculty members of approved educator preparation programs  
18 located in Vermont, one of whom shall be employed by a private college or  
19 university, appointed by the Agency of Education in consultation with the  
20 Association of Vermont Independent Colleges, and one of whom shall be  
21 employed by a public college or university, appointed by the Agency of

1 Education in consultation with the University of Vermont and State  
2 Agricultural College and the Vermont State Colleges Corporation.

3 \* \* \*

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

8 (1) advise the ~~Agency of Education~~ Secretary on how to:

9 (A) update section 2903 of this title;

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

13 (C) maintain the statewide literacy plan;

14 (2) advise the ~~Agency of Education~~ Secretary on what services the  
15 Agency should provide to school districts to support implementation of the  
16 plan and on staffing levels and resources needed at the Agency to support the  
17 statewide effort to improve literacy;

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

19 (A) literacy instructional practices;

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

21 (C) what proficiencies and other skills should be measured through

1 literacy assessments and how those literacy assessments are incorporated into  
2 local assessment plans; and

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

6 (4) recommend best practices for Tier 1, Tier 2, and Tier 3 literacy  
7 instruction within the multitiered system of supports required under section  
8 2902 of this title to best improve and sustain literacy proficiency; and

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

12 \* \* \*

13 (f) Meetings.

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

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

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

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

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

21 (h) Compensation and reimbursement. Members of the Council shall be

1 entitled to per diem compensation and reimbursement of expenses as permitted  
2 under 32 V.S.A. § 1010 for not more than ~~eight~~ four meetings of the Council  
3 per year.

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

5 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

6 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is  
7 repealed on June 30, ~~2024~~ 2027.

8 \* \* \* Agency of Education Literacy Position \* \* \*

9 Sec. 11. 2021 Acts and Resolves No. 28, Sec. 4(a) is amended to read:

10 (a) 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 in  
12 fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or  
13 contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The  
14 Agency may shift the use of this funding from the contractor or contractors to a  
15 limited service position ~~that would expire at the end of fiscal year 2024~~ within  
16 the Agency focused on coordinating the Statewide literacy efforts.

17 Sec. 12. [Deleted.]

18 \* \* \* Expanding Early Childhood Literacy Resources \* \* \*

19 Sec. 13. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES;

20 REPORT

21 On or before January 15, 2025, the Department of Libraries shall submit a



1 written report to the Senate and House Committees on Education with  
2 recommendations for expanding access to early childhood literacy resources  
3 with a focus on options that target low-income or underserved areas of the  
4 State. Options considered by the Advisory Council shall include State or local  
5 partnership with or financial support for book gifting programs, book  
6 distribution programs, and any other compelling avenue for supporting early  
7 childhood literacy in Vermont.

8 \* \* \* Effective Date \* \* \*

9 Sec. 14. EFFECTIVE DATE

10 This act shall take effect on passage.