

1 S.204

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

4 The House proposes to the Senate to amend the bill by striking out all after
5 the enacting clause and inserting in lieu thereof the following:

6 * * * Findings * * *

7 Sec. 1. FINDINGS

8 The General Assembly finds that:

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

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

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

17 (2) Reading instruction is interwoven into the principles of creating
18 culturally responsive and inclusive environments for all students. The
19 availability and use of texts that are culturally relevant and representative of
20 historically underrepresented voices is critical to ensure that all students can
21 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, in collaboration with the Council on
6 Literacy, shall review, score, and publish guidance on universal reading
7 screeners based on established criteria that are based on technical adequacy,
8 attention to linguistic diversity, administrative usability, and valid measures of
9 the developmental skills in early literacy, including phonemic awareness,
10 phonics, fluency, vocabulary, and comprehension. The Agency shall include
11 in its guidance instances in which schools can leverage assessments that meet
12 overlapping requirements and guidelines to maximize the use of assessments
13 that provide the necessary data to understand student needs while minimizing
14 the number of assessments used and the disruption of 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) 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 of a screening result that is significantly below the relevant benchmarks,
6 the school shall inform the student's parent or guardian of the screening results
7 and the school's response.

8 (d) Evidence-based reading instructional practices, programs, or
9 interventions provided pursuant to subsection (c) of this section shall be
10 effective, explicit, systematic, and consistent with federal and State guidance
11 and shall address the foundational concepts of literacy proficiency, including
12 phonemic awareness, phonics, fluency, vocabulary, and comprehension.
13 Strategies such as the three-cueing system shall not be used in a manner that
14 precedes or supplants decoding instruction.

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

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

1 (B) the universal reading screeners utilized.

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

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

12 Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION

13 RECOMMENDATIONS

14 On or before November 1, 2024, the Agency of Education shall develop and
15 issue recommendations for the substance and form of the parental or guardian
16 notification required under 16 V.S.A. § 2907(c). The Agency's
17 recommendations shall be consistent with applicable State and federal law as
18 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 licensed and trained education professional.

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

12 (c) Reading instruction. A public school or approved independent school
13 that is eligible to receive public tuition that offers instruction in grades
14 kindergarten, one, two, or three shall provide highly effective, research-based
15 systemic and explicit evidence-based reading instruction to all students. In
16 addition, ~~a school~~ such schools shall provide:

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

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

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

7 Sec. 6. APPROVED INDEPENDENT SCHOOL COMPLIANCE WITH 16

8 V.S.A. § 2903

9 Approved independent schools that are eligible to receive public tuition
10 shall comply with the requirements of 16 V.S.A. § 2903 (preventing early
11 school failure; reading instruction) on or before July 1, 2025.

12 * * * Literacy Professional Development * * *

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

14 § 1710. LITERACY PROFESSIONAL DEVELOPMENT

15 (a) Each supervisory union and each approved independent school that is
16 eligible to receive public tuition shall provide professional development to
17 kindergarten through grade-three educators, to include all teachers and
18 administrators, on implementing a reading screening assessment, interpreting
19 the results, determining instructional practices for students, and
20 communicating with families regarding screening results in a supportive way.
21 The instructional practices included in the professional development provided

1 pursuant to this section shall be evidence-based and effective and shall
2 incorporate the foundational concepts of literacy proficiency, including
3 phonemic awareness, phonics, fluency, vocabulary, and comprehension.

4 (b) Each supervisory union and approved independent school that is
5 eligible to receive public tuition shall maintain a record of completion of
6 professional development consistent with this section.

7 Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL

8 (a) On or before July 1, 2025, the Agency of Education shall submit
9 recommendations to the Vermont Standards Board for Professional Educators
10 on how to strengthen educator preparation programs' teaching of evidence-
11 based literacy practices. The Agency shall also simultaneously communicate
12 its recommendations to Vermont's educator preparation programs and submit
13 its recommendations in writing to the Senate and House Committees on
14 Education.

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

20 (c) As part of its review under subsection (a) of this section, the Agency
21 shall make recommendations to the Vermont Standards Board for Professional

1 Educators regarding whether an additional mandatory examination is needed to
2 assess candidates for educator licensure skills in mathematics and English
3 language arts fundamentals, as well as candidates' understanding of the
4 importance of evidence-based approaches to literacy and numeracy, beyond
5 the requirements in Agency of Education, Licensing of Educators and the
6 Preparation of Educational Professionals (5000) (CVR 022-000-010) in effect
7 during the period of the Agency's review.

8 * * * Advisory Council on Literacy * * *

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

10 § 2903a. ADVISORY COUNCIL ON LITERACY

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

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

18 (1) ~~eight~~ 10 members who shall serve as ex officio members:

19 (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 (I) the State Librarian or designee; and

17 (J) the Executive Director of the Vermont Curriculum Leaders

18 Association or designee; and

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

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

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

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

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

11 (3) two faculty members of approved educator preparation programs
12 located in Vermont, one of whom shall be employed by a private college or
13 university, appointed by the Agency of Education in consultation with the
14 Association of Vermont Independent Colleges, and one of whom shall be
15 employed by a public college or university, appointed by the Agency of
16 Education in consultation with the University of Vermont and State
17 Agricultural College and the Vermont State Colleges Corporation.

18 * * *

19 (d) Powers and duties. The Council shall advise the ~~Agency~~ Secretary of
20 Education, ~~the State Board of Education, and the General Assembly~~ on how to

1 improve proficiency outcomes in literacy for students in prekindergarten

2 through grade 12 and how to sustain those outcomes and shall:

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

4 (A) update section 2903 of this title;

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

8 (C) maintain the statewide literacy plan;

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

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

14 (A) literacy instructional practices;

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

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

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

1 (4) recommend evidence-based best practices for Tier 1, Tier 2, and Tier
2 3 literacy instruction within the multitiered system of supports required under
3 section 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 * * *

8 (f) Meetings.

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

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

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

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

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

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

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

2 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

3 16 V.S.A. § 2903a (Advisory Council on Literacy) as added by this act is
4 repealed on June 30, ~~2024~~ 2027.

5 * * * Agency of Education Literacy Position * * *

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

7 In fiscal year 2025, the conversion of one limited service position created in
8 2021 Acts and Resolves No. 28, Sec. 4, to one classified permanent status
9 position within the Agency of Education is authorized. The position shall
10 provide support to the Agency in its evidence-based literacy work.

11 * * * Expanding Early Childhood Literacy Resources * * *

12 Sec. 12. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES;
13 REPORT

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

1

* * * Effective Dates * * *

2

Sec. 13. EFFECTIVE DATES

3

This act shall take effect on passage, except that Sec. 7 (16 V.S.A. § 1710;

4

literacy professional development) shall take effect on July 1, 2025.