

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 204
3 entitled “An act relating to reading assessment and intervention” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 * * * Findings * * *

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

10 (1) Literacy, particularly in early grades, is critical for success in future
11 education, work, and life.

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

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 Yet outdated practices linger in classrooms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

16 * * * Reading Assessment and Intervention * * *

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

18 § 2907. KINDERGARTEN THROUGH GRADE THREE READING

19 ASSESSMENT AND INTERVENTION

20 (a)(1) Annually, the Agency of Education shall update and publish a list of
21 reviewed universal reading screeners and assessments, to be used by

1 supervisory unions and approved independent schools, for determining reading
2 skills and identifying students in kindergarten through grade three
3 demonstrating reading struggles or showing characteristics associated with
4 dyslexia.

5 (2) The Agency’s review of universal reading screeners and assessments
6 shall include a review of the evidence base of the screeners and assessments.

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

10 (A) phonemic awareness;

11 (B) letter naming;

12 (C) letter sound correspondence;

13 (D) real- and nonword reading;

14 (E) oral text reading accuracy and rate;

15 (F) comprehension;

16 (G) handwriting; and

17 (H) spelling inventory.

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

20 (A) be brief;

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

3 (C) produce data that inform decisions related to the need for
4 additional, targeted assessments and necessary layered supports,
5 accommodations, interventions, or services for students, in accordance with
6 existing federal and State law.

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

17 (c) Additional diagnostic assessment, and evidence-based curriculum and
18 instruction for students demonstrating a substantial deficit in reading or
19 dyslexia characteristics, shall be determined by data-informed decision-making
20 within existing processes in accordance with required federal and State law.
21 Specific instructional content, programs, strategies, interventions, and other

1 identified supports for individual students shall be documented in the most
2 appropriate plan informed by assessment and other data and as determined
3 through team-based decision-making. These plans may include, as applicable,
4 an education support team (EST) plan, 504 plan, individualized education plan,
5 and a personalized learning plan. These plans shall include the following:

6 (1) the student’s specific reading deficit as determined or identified by
7 diagnostic assessment data;

8 (2) the goals and benchmarks for growth;

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

11 (4) the strategies and supports available to the student’s parent or legal
12 guardian to support the student to achieve reading proficiency.

13 (d) Public and approved independent schools shall not use instructional
14 strategies that do not have an evidence base, such as the three-cueing system.
15 Evidence-based reading instructional practices, programs, or interventions
16 provided pursuant to subsection (c) of this section shall be effective, explicit,
17 systematic, and consistent with federal and State guidance and shall address
18 the foundational concepts of literacy proficiency, including phonemic
19 awareness, phonics, fluency, vocabulary, and comprehension.

20 (e) The parent or guardian of any kindergarten through grade-three student
21 who exhibits a reading deficit at any time during the school year shall be

1 notified in writing not later than 30 days after the identification of the reading
2 deficit. Written notification shall contain information consistent with the
3 documentation requirements contained in subsection (d) of this section and
4 shall follow the Agency’s recommendations for such notification.

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

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

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

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

19 (2) the universal reading screeners utilized;

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

1 (4) growth measure assessment data.

2 (i) On or before January 15 of each year, the Agency shall issue a written
3 report to the Governor and the Senate and House Committees on Education on
4 the status of State progress to improve literacy learning. The report shall
5 include the information required pursuant to subsection (h) of this section.

6 Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION

7 RECOMMENDATIONS

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

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

14 REPORT

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

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

2 § 2903. PREVENTING EARLY SCHOOL FAILURE; READING
3 INSTRUCTION

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

17 (b) Foundation for literacy.

18 (1) ~~The State Board~~ Agency of Education, in collaboration with the
19 State Board of Education, the Agency of Human Services, higher education,
20 literacy organizations, and others, shall develop a plan for establishing a
21 comprehensive system of services for early education in ~~the first three grades~~

1 prekindergarten through third grade to ensure that all students learn to read by
2 the end of the third grade. The plan shall be updated at least once every five
3 years following its initial submission in 1998.

4 (2) Approved independent schools shall develop a grade-level
5 appropriate school literacy plan that is informed by student needs and
6 assessment data. The plan may include identification of a literacy vision,
7 goals, and priorities and shall address the following topics:

8 (A) measures and indicators;

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

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

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

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

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) support and information to parents and legal guardians.

5 **Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED**

6 **INDEPENDENT SCHOOLS**

7 All approved independent schools shall develop a grade-level appropriate
8 school literacy plan pursuant to 16 V.S.A. § 2903(b)(2) on or before January 1,
9 2025.

10 * * * Literacy Professional Learning* * *

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

12 § 1710. LITERACY PROFESSIONAL LEARNING

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

17 (b) Professionally licensed educators.

18 (1) On or before July 1, 2027, all professionally licensed
19 prekindergarten through grade five Vermont teachers employed in a Vermont
20 public or approved independent school shall complete a program of

1 professional learning on evidence-based literacy instruction developed and
2 offered or approved by the Vermont Agency of Education.

3 (2) After July 1, 2026, all newly professionally licensed prekindergarten
4 through grade five Vermont teachers employed in a Vermont public or
5 approved independent school shall complete a program of professional
6 learning on evidenced-based literacy instruction developed and offered or
7 approved by the Agency before the end of the teacher’s second year of
8 teaching.

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

12 (c) Unlicensed teachers employed by an approved independent school. On
13 or before July 1, 2027, all unlicensed teachers employed by an approved
14 independent school shall complete an explicit, evidence-based literacy
15 instruction professional development program. The professional development
16 program shall be approved by the approved independent school and may be
17 differentiated by role and experience and may account for prior training.
18 Unlicensed teachers hired by an approved independent school on or after July
19 1, 2026 shall complete a professional development program pursuant to this
20 subsection within one year after hire. An approved independent school shall

1 maintain a record of competition of professional development consistent with
2 this provision.

3 Sec. 8. RESULTS ORIENTED PROGRAM APPROVAL

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

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

16 (c) As part of its review under subsection (a) of this section, the Agency
17 shall make recommendations to the Vermont Standards Board for Professional
18 Educators regarding whether an additional mandatory examination is needed to
19 assess candidates for educator licensure skills in mathematics and English
20 language arts fundamentals, as well as candidates' understanding of the
21 importance of evidence-based approaches to literacy and numeracy, beyond

1 the requirements in Agency of Education, Licensing of Educators and the
2 Preparation of Educational Professionals (5000) (CVR 022-000-010) in effect
3 during the period of the Agency’s review.

4 * * * Advisory Council on Literacy * * *

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

6 § 2903a. ADVISORY COUNCIL ON LITERACY

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

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

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

15 (A) the Secretary of Education or designee;

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

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

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

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

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

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

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

11 (I) the State Librarian or designee;

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

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

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

19 (C) three community members who have struggled with literacy
20 proficiency or supported others who have struggled with literacy proficiency,

1 one of whom shall be a high school student, appointed by the Agency of
2 Education in consultation with the Vermont Family Network; and

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

5 (3) two faculty members of approved educator preparation programs
6 located in Vermont, one of whom shall be employed by a private college or
7 university, appointed by the Agency of Education in consultation with the
8 Association of Vermont Independent Colleges, and one of whom shall be
9 employed by a public college or university, appointed by the Agency of
10 Education in consultation with the University of Vermont and State
11 Agricultural College and the Vermont State Colleges Corporation.

12 * * *

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

17 (1) ~~advise the Agency of Education~~ Secretary 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~~ Secretary on what services the
3 Agency should provide to school districts to support implementation of the
4 plan and on staffing levels and resources needed at the Agency to support the
5 statewide 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.

21 * * *

1 (f) Meetings.

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

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

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

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

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

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

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

14 Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

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

17 * * * Agency of Education Literacy Position * * *

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

19 (a) There is appropriated to the Agency of Education from the American
20 Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in
21 fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or

1 contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The
2 Agency may shift the use of this funding from the contractor or contractors to a
3 limited service position ~~that would expire at the end of fiscal year 2024~~ within
4 the Agency focused on coordinating the Statewide literacy efforts.

5 Sec. 12. AGENCY OF EDUCATION; LITERACY POSITION;

6 APPROPRIATION

7 (a) The conversion of the limited service position within the Agency of
8 Education authorized pursuant to 2021 Acts and Resolves No. 28, Sec. 4(a) to
9 a classified permanent status is authorized in fiscal year 2025.

10 (b) The sum of \$150,000.00 is appropriated from the General Fund to the
11 Agency of Education in fiscal year 2025 for personal services and operating
12 expenses for the position converted pursuant to subsection (a) of this section.

13 * * * Expanding Early Childhood Literacy Resources * * *

14 Sec. 13. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES;

15 REPORT

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

1 distribution programs, and any other compelling avenue for supporting early
2 childhood literacy in Vermont.

3 * * * Effective Date * * *

4 Sec. 14. EFFECTIVE DATE

5 This act shall take effect on passage.

6 and that after passage the title of the bill be amended to read: “An act
7 relating to supporting Vermont’s young readers through evidence-based
8 literacy instruction”

9

10

11

12

13

14 (Committee vote: _____)

15

16

Senator _____

17

FOR THE COMMITTEE