

1 S.204

2 Introduced by Senators Gulick, Baruth, Clarkson, Hardy, Harrison, Hashim,
3 Perchlik, Starr, Vyhovsky and Wrenner

4 Referred to Committee on Education

5 Date: January 3, 2024

6 Subject: Education; literacy; reading instruction

7 Statement of purpose of bill as introduced: This bill proposes to require 1) the
8 Agency of Education to approve universal reading screeners for use by public
9 school districts and approved independent schools; 2) school districts and
10 approved independent schools to screen students in kindergarten through grade
11 three using the universal reading screeners; 3) school districts and approved
12 independent schools to provide reading interventions for students who exhibit
13 substantial deficiencies in reading; 4) school districts and approved
14 independent schools to provide families with notification of identified reading
15 deficiencies; and 5) school districts and approved independent schools to
16 report certain reading performance data to the Agency.

17 ~~An act relating to reading assessment and intervention~~

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

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

2 ~~Sec. 1, 16 V.S.A., § 2907 is added to read:~~

3 § 2907. READING ASSESSMENT AND INTERVENTION

4 (a) As used in this section:

5 (1) “Dysgraphia” means the difficulties with putting thoughts on paper,
6 including difficulties with spelling, grammar, punctuation, and handwriting.

7 (2) “Dyslexia” means deficits in reading and spelling words combined
8 with inadequate response to evidence-based instruction and secondary
9 consequences such as reading comprehension problems and reduced reading
10 experience that can impede growth of vocabulary and background knowledge.

11 (b)(1) The Agency of Education shall identify and publish a list of
12 approved universal reading screeners for local district use on or before June 1,
13 2025. The screeners shall be made available by the Agency at no cost to
14 school districts and approved independent schools.

15 (2) The universal screeners and screeners for dyslexia characteristics
16 shall measure skills based on grade-level predictive measures, including:

17 (A) letter sound and naming fluency;

18 (B) phonemic awareness;

19 (C) decoding accuracy of real and nonwords;

20 (D) decoding fluency of real and nonwords;

21 ~~(E) oral reading fluency,~~

1 (E) handwriting; and
2 (G) spelling inventory.
3 (3) The reading assessments shall:
4 (A) be brief;
5 (B) assist in identifying students at risk for or currently experiencing
6 reading deficiency; and
7 (C) produce data that:
8 (i) inform teachers' classroom instruction based on students'
9 performance and gaps in reading; and
10 (ii) inform the groupings of students based on instructional needs
11 for both in-class differentiated instruction and small-group and individual
12 intervention.
13 (4) The dyslexia screener shall measure:
14 (A) rapid automatized naming (RAN); and
15 (B) a battery of phonological awareness tasks, including phoneme
16 segmentation, blending, substitution, elision, and onset-time tasks and
17 syllabication.
18 (c) All public schools and approved independent schools shall screen all
19 students in kindergarten through grade three using a universal reading screener
20 made available by the Agency. The universal screener shall be given in the
21 first 30 days after the start of the school year and repeated at midyear and at

1 ~~the end of the school year to determine student progression in reading.~~

2 Screening for dyslexia characteristics shall be administered for students
3 attending kindergarten or first grade in public schools and approved
4 independent schools, and at appropriate times thereafter, specifically when
5 students show deficits in reading and spelling words despite receiving
6 evidence-based instruction.

7 (d) Each student who exhibits a substantial deficiency in reading at any
8 time, as demonstrated through performance on an approved reading screener,
9 through locally determined assessments and teacher observations conducted in
10 kindergarten and grades one through three, or through statewide end-of-year
11 assessments, shall be given intensive general education reading intervention
12 immediately following the identification of the reading deficiency. The
13 progress of such students will be monitored and evaluated more regularly to
14 ensure interventions are working and the student is progressing at an
15 accelerated rate. The intensive reading instruction and intervention shall be
16 documented for each student in an individual reading plan, which includes, at
17 a minimum, the following:

18 (1) the student's specific, diagnosed reading skill deficiencies as
19 determined or identified by diagnostic assessment data;

20 ~~(2) the goals and benchmarks for growth,~~

1 (3) the type of additional instructional services and interventions the
2 student will receive;

3 (4) the evidence-based reading instructional programming the teacher
4 will use to provide reading instruction, addressing the areas of phonemic
5 awareness, phonics, fluency, vocabulary, and comprehension;

6 (5) the strategies the student's parent is encouraged to use in assisting
7 the student to achieve reading competency; and

8 (6) any additional services the teacher deems available and appropriate
9 to accelerate the student's reading skill development.

10 (e) The reading instructional and intervention programs identified
11 pursuant to subsection (d) of this section shall not include those that employ
12 the three-cueing system model of reading, visual memory as the primary basis
13 for teaching word recognition, or the three-cueing system model of reading
14 based on meaning, structure and syntax, and visual cues.

15 (f) The parent of any kindergarten through grade three student who exhibits
16 a deficiency in reading at any time during the school year must be notified in
17 writing not later than 15 days after the identification of the reading deficiency,
18 and the written notification must include the following:

19 (1) that the parent's child has been identified as having a deficiency in
20 reading, and a reading improvement plan will be developed by the teacher,
21 principal, other pertinent school personnel, and the parent or parents,

1 ~~(2) the importance of reading proficiency at the end of the third grade;~~

2 ~~(3) a description of the current services that are provided to the child;~~

3 ~~(4) a description of the proposed evidence-based reading interventions~~
4 ~~and supplemental instructional services and supports that will be provided to~~
5 ~~the child that are designed to remedy the identified areas of reading deficiency;~~

6 ~~(5) notification that the parent will be informed in writing of the child's~~
7 ~~progress towards grade level reading at least every 10 weeks; and~~

8 ~~(6) strategies and programs for parents to use at home to help their child~~
9 ~~succeed in reading.~~

10 ~~(g) Each local school district shall engage local stakeholders to discuss the~~
11 ~~importance of reading and solicit stakeholder suggestions for improving~~
12 ~~literacy and district plans to increase reading proficiency.~~

13 ~~(h) The Agency shall provide periodic workshops for educators and parents~~
14 ~~in evidence-based reading instructional programming addressing the areas of~~
15 ~~phonemic awareness, phonics, fluency, and vocabulary and comprehension.~~

16 ~~(i) Each school board and approved independent school shall annually~~
17 ~~report, in writing, to the Agency on or before September 1 of each year the~~
18 ~~following information on the prior school year, by grade, school, and town, or~~
19 ~~approved independent school:~~

20 ~~(1) the number and percentage of students in kindergarten through grade~~
21 ~~three performing below grade level on local or statewide reading assessments,~~

1 ~~(2) the number of universal reading screeners performed and the~~
2 ~~number of pupils screened; and~~

3 ~~(3) the number and percentage identified with a potential reading~~
4 ~~deficiency.~~

5 ~~(j) On or before December 1 of each year, the Agency shall issue a written~~
6 ~~report to the Governor and the Senate and House Committees on Education on~~
7 ~~the status of reading interventions and outcomes, including:~~

8 ~~(1) State progress on improving reading literacy;~~

9 ~~(2) third grade reading assessment results by district and approved~~
10 ~~independent school;~~

11 ~~(3) percentages of pupils identified with a potential reading deficiency~~
12 ~~by district and approved independent school; and~~

13 ~~(4) the Vermont educator preparation programs' implementation of~~
14 ~~reading instructional programs.~~

15 ~~(k) Students who do not make meaningful gains to lessen a reading~~
16 ~~deficiency after a general education intervention program shall be referred for~~
17 ~~special education evaluation, or sooner if an educational disability is~~
18 ~~suspected.~~

19 Sec. 2. 16 V.S.A. § 2903(a) is amended to read:

20 (a) Statement of policy. The ability to read is critical to success in
21 ~~learning. Children who fail to read by the end of the first grade will likely fail~~

1 further behind in school. The personal and economic costs of reading failure
2 are enormous both while the student remains in school and long afterward. All
3 students need to receive systematic, explicit, direct, sequential, and cumulative
4 reading instruction in the early grades from a teacher who is skilled in teaching
5 the foundational components of reading through a variety of instructional
6 strategies that take into account the different learning styles and language
7 backgrounds of the students, phonemic awareness, phonics, fluency,
8 vocabulary, and comprehension. Some students may require intensive
9 supplemental instruction tailored to the unique difficulties encountered, which
10 a school reading specialist shall provide.

11 Sec. 3. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2024.~~

**** Findings ****

Sec. 1. FINDINGS

The General Assembly finds that:

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

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

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

**** Reading Assessment and Intervention ****

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

§ 2907. KINDERGARTEN THROUGH GRADE THREE READING ASSESSMENT AND INTERVENTION

~~*(a)(1) Annually, the Agency of Education shall update and publish a list of*~~

~~reviewed universal reading screeners and assessments to be used by supervisory unions and approved independent schools for determining reading skills and identifying students in kindergarten through grade three demonstrating reading struggles or showing characteristics associated with dyslexia.~~

~~(2) The Agency's review of universal reading screeners and assessments shall include a review of the evidence base of the screeners and assessments. In publishing the list required under subdivision (1) of this subsection, the Agency shall issue guidance on measuring skills based on grade-level predictive measures, including:~~

- ~~(A) phonemic awareness;~~
- ~~(B) letter naming;~~
- ~~(C) letter sound correspondence;~~
- ~~(D) real- and nonword reading;~~
- ~~(E) oral text reading accuracy and rate;~~
- ~~(F) comprehension;~~
- ~~(G) handwriting; and~~
- ~~(H) spelling inventory.~~

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

- ~~(A) be brief;~~
- ~~(B) assist in identifying students at risk for or currently experiencing reading deficits; and~~
- ~~(C) produce data that inform decisions related to the need for additional, targeted assessments and necessary layered supports, accommodations, interventions, or services for students, in accordance with existing federal and State law.~~

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

~~assessments used and the disruption to instructional time.~~

~~(c) Additional diagnostic assessment and evidence-based curriculum and instruction for students demonstrating a substantial deficit in reading or dyslexia characteristics shall be determined by data-informed decision-making within existing processes in accordance with required federal and State law. Specific instructional content, programs, strategies, interventions, and other identified supports for individual students shall be documented in the most appropriate plan informed by assessment and other data and as determined through team-based decision making. These plans may include, as applicable, an education support team (EST) plan, 504 plan, individualized education plan, and a personalized learning plan. These plans shall include the following:~~

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

~~(2) the goals and benchmarks for growth;~~

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

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

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

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

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

~~(g) The Agency shall provide professional learning opportunities for educators in evidence-based reading instructional practices that address the~~

~~areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension.~~

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

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

~~(2) the universal reading screeners utilized;~~

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

~~(4) growth measure assessment data.~~

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

~~Sec. 3. PARENTAL NOTIFICATION, AGENCY OF EDUCATION RECOMMENDATIONS~~

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

~~Sec. 4. REVIEWED READING SCREENERS; AGENCY OF EDUCATION; REPORT~~

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

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

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

~~(a) Statement of policy. The ability to read is critical to success in learning. Children who fail to read by the end of the first grade will likely fail~~

~~farther behind in school. The personal and economic costs of reading failure are enormous both while the student remains in school and long afterward. All students need to receive systematic and explicit evidence-based reading instruction in the early grades from a teacher who is skilled in teaching the foundational components of reading through a variety of instructional strategies that take into account the different learning styles and language backgrounds of the students, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. ~~Some students may~~ Students who require intensive supplemental instruction tailored to the unique difficulties encountered shall be provided those additional supports by an appropriately licensed and trained education professional.~~

(b) Foundation for literacy.

~~(1) The State Board Agency of Education, in collaboration with the State Board of Education, 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 third grade to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.~~

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

~~(A) measures and indicators;~~

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

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

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

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

~~(2) supplemental reading instruction to any enrolled student in grades~~

~~5.12 whose reading proficiency creates a barrier to the student's success in school; and~~

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

~~Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED
INDEPENDENT SCHOOLS~~

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

~~* * * Literacy Professional Learning * * *~~

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

~~§ 1710. LITERACY PROFESSIONAL LEARNING~~

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

~~(b) Professionally licensed educators.~~

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

~~(2) After July 1, 2026, all newly professionally licensed Vermont teachers employed in a Vermont public or approved independent school shall complete a program of professional learning on evidenced-based literacy instruction developed and offered or approved by the Agency before the end of the teacher's second year of teaching.~~

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

~~(c) Unlicensed teachers employed by an approved independent school. On or before July 1, 2027, all unlicensed teachers employed by an approved independent school shall complete an explicit, evidence-based literacy instruction professional development program. The professional development program shall be approved by the approved independent school and may be differentiated by grade level, role, and experience and may account for prior training. Unlicensed teachers hired by an approved independent school on or after July 1, 2026 shall complete a professional development program~~

~~pursuant to this subsection within one year after hire. An approved independent school shall maintain a record of completion of professional development consistent with this provision.~~

~~Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL~~

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

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

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

~~*** Advisory Council on Literacy ***~~

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

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

~~(A) the Secretary of Education or designee;~~

~~(B) a member 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; and~~

~~(I) the State Librarian or designee;~~

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

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

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

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

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

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

~~***~~

~~(d) Powers and duties. The Council shall advise the Agency Secretary 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 Agency of Education Secretary on how to:~~

~~(A) update section 2903 of this title;~~

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

~~(C) maintain the statewide literacy plan;~~

~~(2) advise the Agency of Education Secretary 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 effort to improve literacy;~~

~~(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;~~

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

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

~~***~~

~~(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 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 ~~four~~ 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 ~~four~~ meetings of the Council per year.~~

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

~~Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY~~

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

~~*** Agency of Education Literacy Position ***~~

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

~~(a) There is appropriated to the Agency of Education from the American Rescue Plan Act of 2021 pursuant to Section 2001(f)(4), Pub. L. No. 117-2 in fiscal year 2022 the amount of \$450,000.00 for the costs of the contractor or contractors under Sec. 3 of this act for fiscal years 2022, 2023, and 2024. The Agency may shift the use of this funding from the contractor or contractors to a limited service position that would expire at the end of fiscal year 2024 within the Agency focused on coordinating the Statewide literacy efforts.~~

~~Sec. 12. AGENCY OF EDUCATION, LITERACY POSITION,
APPROPRIATION~~

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

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

~~Sec. 12. [Deleted.]~~

~~*** Expanding Early Childhood Literacy Resources ***~~

~~Sec. 13. EXPANDING EARLY CHILDHOOD LITERACY RESOURCES,
REPORT~~

~~On or before January 15, 2025, the Department of Libraries shall submit a written report to the Senate and House Committees on Education with~~

~~Recommendations for expanding access to early childhood literacy resources with a focus on options that target low-income or underserved areas of the State. Options considered by the Advisory Council shall include State or local partnership with or financial support for book gifting programs, book distribution programs, and any other compelling avenue for supporting early childhood literacy in Vermont.~~

~~*** Effective Date ***~~

~~Sec. 14. EFFECTIVE DATE~~

~~This act shall take effect on passage.~~

~~*** Findings ***~~

~~Sec. 1. FINDINGS~~

~~The General Assembly finds that:~~

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

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

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

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

~~*** Reading Assessment and Intervention ***~~

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

~~§ 2907. KINDERGARTEN THROUGH GRADE-THREE READING ASSESSMENT AND INTERVENTION~~

~~(a) The Agency of Education shall review and publish guidance on universal reading screeners based on established criteria that are based on technical adequacy, attention to linguistic diversity, administrative usability, and valid measures of the developmental skills in early literacy, including phonemic awareness, phonics, fluency, vocabulary, and comprehension. The Agency shall include in its guidance instances in which schools can leverage assessments that meet overlapping requirements and guidelines to maximize~~

the use of assessments that provide the necessary data to understand student needs while minimizing the number of assessments used and the disruption of instructional time.

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

(c)(1) If such screenings determine that a student is significantly below relevant benchmarks as determined by the screener's guidelines for age-level or grade-level typical development in specific literacy skills, the school shall determine which actions within the general education program will meet the student's needs, including differentiated or supplementary evidence-based reading instruction and ongoing monitoring of progress. Within 30 calendar days following a screening result that is significantly below the relevant benchmarks, the school shall inform the student's parent or guardian of the screening results and the school's response.

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

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

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

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

(B) the universal reading screeners utilized.

(2) The Agency shall provide guidance to supervisory unions and approved independent schools that are eligible to receive public tuition on whether, and if so, how, the data provided pursuant to subdivision (1) of this subsection may be disaggregated based on poverty, the provision of special

education services, or any other category the Agency deems relevant to understanding the status of the State's progress to improve literacy learning.

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

**Sec. 3. PARENTAL NOTIFICATION; AGENCY OF EDUCATION
RECOMMENDATIONS**

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

**Sec. 4. REVIEWED READING SCREENERS; AGENCY OF EDUCATION;
REPORT**

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

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

**§ 2903. PREVENTING EARLY SCHOOL FAILURE; READING
INSTRUCTION**

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

(b) Foundation for literacy.

(1) The State Board Agency of Education, in collaboration with the State Board of Education, 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 public schools that offer instruction in grades kindergarten through grade three to ensure that all students learn to read by the end of the third grade. The plan shall be updated at least once every five years following its initial submission in 1998.

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

(A) measures and indicators;

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

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

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

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

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

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

*Sec. 6. LITERACY PLAN IMPLEMENTATION; APPROVED
INDEPENDENT SCHOOLS*

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

* * * Literacy Professional Development * * *

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

§ 1710. LITERACY PROFESSIONAL LEARNING

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

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

Sec. 8. RESULTS-ORIENTED PROGRAM APPROVAL

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

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

(c) As part of its review under subsection (a) of this section, the Agency shall make recommendations to the Vermont Standards Board for Professional Educators regarding whether an additional mandatory examination is needed to assess candidates for educator licensure skills in mathematics and English

language arts fundamentals, as well as candidates' understanding of the importance of evidence-based approaches to literacy and numeracy, beyond the requirements in Agency of Education, Licensing of Educators and the Preparation of Educational Professionals (5000) (CVR 022-000-010) in effect during the period of the Agency's review.

* * * Advisory Council on Literacy * * *

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

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

(A) *the Secretary of Education or designee;*

(B) *a member 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; and*

(I) the State Librarian or designee; and

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

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

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

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

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

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

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

* * *

~~(d) Powers and duties. The Council shall advise the Agency Secretary 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 Agency of Education Secretary on how to:~~

~~(A) update section 2903 of this title;~~

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

~~(C) maintain the statewide literacy plan;~~

~~(2) advise the Agency of Education Secretary 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 effort to improve literacy;~~

~~(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;*
- (4) *recommend evidence-based best practices for Tier 1, Tier 2, and Tier 3 literacy instruction within the multitiered system of supports required under section 2902 of this title to best improve and sustain literacy proficiency; and*
- (5) *review literacy assessments and outcomes and provide ongoing advice as to how to continuously improve those outcomes and sustain that improvement.*

* * *

(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 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~~ four 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~~ four meetings of the Council per year.

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

Sec. 7. REPEAL; ADVISORY COUNCIL ON LITERACY

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

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

Sec. 11. POSITION; AGENCY OF EDUCATION; LITERACY

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

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

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

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

** * * Effective Dates * * **

Sec. 13. EFFECTIVE DATES

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