

**Act 139 Report to the Vermont Standards Board
Advisory Council on Literacy Summary
20 November 2024**

Item 1:

At the September Advisory Council on Literacy meeting, a comment was made about the need for legislation for older students to have literacy instruction. The implication was that Act 139 did not address the needs of older students.

Reviewing Act 139, a member found that [Act 139](#) does include older students.

"In addition, such schools shall provide: supplemental reading instruction to any enrolled student whose reading proficiency falls below proficiency standards for the student's grade level or whose reading proficiency prevents progress in school."

Another member provided some clarification, pending Legislative Council interpretation: In the full section, Section 4 (c) from Act 139, "such schools" seems to refer to the K-3 schools stated in the previous sentence, "A public school or approved independent school that is eligible to receive public tuition that offers instruction in grades kindergarten, one, two, or three."

*(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 systematic and explicit evidence-based reading instruction to all students. In addition, such schools shall provide: supplemental reading instruction to any enrolled student whose reading proficiency falls below; proficiency standards for the student's grade level or whose reading proficiency prevents progress in school.
(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.*

Other Vermont requirements support struggling learners in any grade:

Statutes 2902, VTmtss and Act 1373 outline a requirement for a continuum of support that is based on need, which applies to a struggling learner in any grade.

Statute 2903 was recently updated, based on input from the Council, to reflect learners beyond grade 3:

(c) Reading instruction. A public school that offers instruction in grades one, two, or three shall provide highly effective, research-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, as defined under subdivision 164(9) 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;

Gwen Carmolli, chair of the Council on Literacy, will reach out to the Legislative Council for their interpretation of this section of Act 139. In the meantime, we can point to statutes 2902 and 2903, and VTmtss as requirements for support for struggling readers in any grade.

Item 2:

Does the VSBPE have input for the Advisory Council on Literacy on the highest need to support implementation of Act 139. Gwen Carmolli will compile information over the November break in preparation for the Council's meeting in early December. Gwen would like to include VSBPE input.