

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 257  
3 entitled “An act relating to miscellaneous changes to education law”  
4 respectfully reports that it has considered the same and recommends that the  
5 House propose to the Senate that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Out-of-State Independent Schools \* \* \*

8 Sec. 1. 16 V.S.A. § 822 is amended to read:

9 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR  
10 PAY TUITION

11 (a) Each school district shall maintain one or more approved high schools  
12 in which high school education is provided for its resident students unless:

13 (1) the electorate authorizes the school board to close an existing high  
14 school and to provide for the high school education of its students by paying  
15 tuition to a public high school, an approved independent high school, or an  
16 independent school meeting education quality standards, to be selected by the  
17 parents or guardians of the student, ~~within or outside the State~~; or

18 \* \* \*

19 Sec. 2. 16 V.S.A. § 828 is amended to read:

20 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

21 (a) A school district shall not pay the tuition of a student except to:

1           (1) a public school;

2           (2) an approved independent school; in Vermont;

3           (3) an independent school in Vermont meeting education quality  
4 standards;

5           (4) a tutorial program approved by the State Board;

6           (5) an approved education program; ~~or;~~

7           (6) an independent school in another state ~~or country~~ that is approved  
8 under the laws of that state or country, nor shall payment; provided, however,  
9 that the state is contiguous to Vermont;

10           (7) a public or independent school in the Province of Quebec approved  
11 under the laws of Canada; or

12           (8) a school to which a student on an individualized education plan has  
13 been referred or placed by the student's individualized education plan team or  
14 local education agency.

15           (b) Payment of tuition on behalf of a person shall not be denied on account  
16 of age.

17           (c) Unless otherwise provided, a person who is aggrieved by a decision of a  
18 school board relating to eligibility for tuition payments, the amount of tuition  
19 payable, or the school he or she may attend, may appeal to the State Board and  
20 its decision shall be final.



1 an election is held at an annual or special meeting, unless otherwise provided  
2 in accordance with the unified union school district's articles of agreement.

3 (c) Notwithstanding any provision of law to the contrary, the clerk,  
4 treasurer, and moderator of a unified union school district elected at an annual  
5 meeting shall enter upon their duties on July 1 following their election and  
6 shall serve a term of up to three years or until their successors are elected and  
7 qualified, except that if the voters at an annual meeting so vote, moderators  
8 elected at an annual meeting shall assume office upon election and shall serve  
9 for a term of up to three years or until their successors are elected and  
10 qualified.

11 (d) This section is repealed on July 1, 2020.

12 Sec. 5. 16 V.S.A. § 706k is amended to read:

13 § 706k. ELECTION OF DISTRICT OFFICERS

14 (a)(1) A school director representing a member district who is to serve on  
15 the union school district board after the expiration of the terms provided for  
16 school directors in the final report shall be elected by that member district at an  
17 annual or special meeting. ~~Such~~ The election shall be by Australian ballot in  
18 those member districts that so elect their town school district directors. School  
19 directors elected at an annual meeting shall assume office upon election and  
20 shall serve a term of three years or until their successors are elected and  
21 qualified.



1 radon concentrations in schools and contingency plans for the loss of related  
2 federal funding.

3 (b) Membership. The Committee shall be composed of the following **seven**  
4 members:

5 (1) the Secretary of Education or designee;

6 (2) the Commissioner of Health or designee;

7 (3) a member appointed by the State School Boards Association;

8 (4) a member appointed by the Vermont Superintendents Association;

9 (5) a member appointed by the Vermont Independent Schools

10 Association;

11 (6) a radon mitigation professional certified for testing and mitigation by  
12 the National Radon Proficiency Program, appointed by the Director of the  
13 Department of Labor’s Workers’ Compensation and Safety Division; **and**

14 **(7) a member appointed by the Vermont School Board Insurance Trust.**

15 (c) Assistance. The Committee shall have the administrative, technical, and  
16 legal assistance of the **Department of Health.**

17 (d) **Presentation.** On or before December 15, 2018, the Committee shall  
18 **present** to the House and Senate Committees on Education viable options for  
19 funding the mitigation of elevated radon concentrations in schools.

20 (e) Meetings.

1           (1) The Commissioner of Health or designee shall call the first meeting  
2           of the Committee to occur on or before October 1, 2018.

3           (2) The Committee shall select a chair from among its members at the  
4           first meeting.

5           (3) The Committee shall cease to exist on December 31, 2018.

6           (f) Compensation and reimbursement. Members of the Committee who are  
7           not employees of the State of Vermont and who are not otherwise compensated  
8           or reimbursed for their attendance shall be entitled to per diem compensation  
9           and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than  
10           four meetings. These payments shall be made from monies appropriated to the  
11           Department of Health.

12           (g) Appropriation. The sum of \$2,440.00 is appropriated from the General  
13           Fund to the Department of Health to provide funding for the purposes set forth  
14           in this section.

15           Sec. 7. 16 V.S.A. § 834a is added to read:

16           § 834a NEW SCHOOL CONSTRUCTION OR EXPANSION; RADON

17           All new school construction, including the expansion of existing schools,

18           shall endeavor to employ radon-resistant new construction. This section

19           applies to public schools and approved independent schools.

20                                   \* \* \* Technical Correction \* \* \*

21           Sec. 8. 16 V.S.A. § 4015 is amended to read:

1 § 4015. SMALL SCHOOL SUPPORT

2 (a) In this section:

3 \* \* \*

4 (2) “Enrollment” means the number of students who are enrolled in a  
5 school operated by the district on October 1. A student shall be counted as one  
6 whether the student is enrolled as a full-time or part-time student. Students  
7 enrolled in prekindergarten programs shall not be counted.

8 \* \* \*

9 \* \* \* Prekindergarten Education \* \* \*

10 Sec. 9. 16 V.S.A. § 829 is amended to read:

11 § 829. PREKINDERGARTEN EDUCATION

12 (a) Definitions. As used in this section:

13 (1) “Prekindergarten child” means a child who, as of the date  
14 established by the district of residence for kindergarten eligibility, is:

15 (A) three or four years of age or is five years of age but is not yet

16 eligible to be enrolled in kindergarten; or

17 (B) five years of age but is not yet enrolled in kindergarten if the

18 child is on an individualized education program or a plan under Section 504 of

19 the Rehabilitation Act of 1973 and the child’s individualized education

20 program team or evaluation and planning team recommends that the child

21 receive prekindergarten education services.



1           (2) “Prekindergarten education” means services designed to provide to  
2           prekindergarten children developmentally appropriate early development and  
3           learning experiences based on Vermont’s early learning standards.

4           (3) “~~Prequalified private~~ Private provider” means a private provider of  
5           prekindergarten education that is ~~qualified pursuant to subsection (c) of this~~  
6           ~~section~~ regulated as a center-based child care program or family child care  
7           home to provide child care by the Child Development Division of the  
8           Department for Children and Families.

9           (4)(A) “Public provider” means a provider of prekindergarten education  
10          that is a school district.

11                   (B) “Public provider” does not mean a school district that contracts  
12          with a private provider for the provision of prekindergarten education services.

13          (b) Access to publicly funded prekindergarten education.

14           (1) ~~No~~ Not fewer than ten hours per week of publicly funded  
15          prekindergarten education shall be available for 35 weeks annually to each  
16          prekindergarten child whom a parent or guardian wishes to enroll in an  
17          available, ~~prequalified~~ prekindergarten education program ~~operated by a public~~  
18          school or a private provider.

19           (2) If a parent or guardian chooses to enroll a prekindergarten child in an  
20          available, ~~prequalified~~ prekindergarten education program, then, pursuant to  
21          the parent or guardian’s choice, ~~the school district of residence shall:~~

1           (A) the child shall be enrolled in a prekindergarten education  
2 program operated by a private provider located in Vermont or a Vermont  
3 public school located outside the district in which the child resides and the  
4 Secretary shall pay tuition pursuant to ~~subsections (d) and (h)~~ subsection (d) of  
5 this section upon the request of the parent or guardian to:

6           (i) ~~a prequalified private provider; or~~

7           (ii) ~~a public school located outside the district that operates a~~  
8 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~  
9 ~~of this section~~ the provider; or

10           (B) ~~enroll~~ the child shall be enrolled in the prekindergarten education  
11 ~~program that it operates~~ operated by the public school district of residence, if  
12 such a program is offered, and the school district shall be eligible to count that  
13 child in its average daily membership pursuant to subsection (d) of this section.

14           (3) ~~If requested by the parent or guardian of a prekindergarten child, the~~  
15 ~~school district of residence shall pay tuition to a prequalified program operated~~  
16 ~~by a private provider or a public school in another district even if the district of~~  
17 ~~residence operates a prekindergarten education program.~~

18           (4) ~~If the supply of prequalified private and public providers is~~  
19 ~~insufficient to meet the demand for publicly funded prekindergarten education~~  
20 ~~in any region of the State, nothing~~ Nothing in this section shall be construed to  
21 require the State or a district to begin or expand a prekindergarten education

1 program to satisfy that demand; but rather, in collaboration with the Agencies  
2 of Education and of Human Services, the local Building Bright Futures  
3 Council shall meet with school districts and private providers in the region to  
4 develop a regional plan to expand capacity for prekindergarten education.

5 (c) ~~Prequalification. Pursuant to rules jointly developed and overseen by~~  
6 ~~the Secretaries of Education and of Human Services and adopted by the State~~  
7 ~~Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine~~  
8 ~~that a private or public provider of prekindergarten education is qualified for~~  
9 ~~purposes of this section and include the provider in a publicly accessible~~  
10 ~~database of prequalified providers. At a minimum, the rules shall define the~~  
11 ~~process by which a provider applies for and maintains prequalification status,~~  
12 ~~shall identify the minimum quality standards for prequalification, and shall~~  
13 ~~include the following requirements~~ Provider qualification. In order to be  
14 eligible for tuition payments:

15 (1) ~~A program of prekindergarten education, whether provided by a~~  
16 ~~school district or a private provider, shall have received~~ private provider shall  
17 meet minimum program quality by:

18 (A) having National Association for the Education of Young  
19 Children (NAEYC) accreditation; or

1           ~~(B)~~ at least four stars in the Department for Children and Families’  
2 STARS system ~~with a plan to get to at least two points in each of the five~~  
3 ~~arenas; or and~~

4           ~~(C)~~ ~~three stars in the STARS system if the provider has developed a~~  
5 ~~plan, approved by the Commissioner for Children and Families and the~~  
6 ~~Secretary of Education, to achieve four or more stars with at least two points in~~  
7 ~~each of the five arenas in no more than three years, and the provider has met~~  
8 ~~intermediate milestones.~~

9           (B)(i) for a private provider that is regulated as a center-based child  
10 care program, employing or contracting for the services of at least one licensed  
11 professional educator with an endorsement in early childhood education or in  
12 early childhood special education under chapter 51 of this title who is present  
13 at the private provider’s program site during the hours that are publicly  
14 funded; or

15           (ii) for a private provider that is regulated as a family child care  
16 home that is not licensed and endorsed in early childhood education or early  
17 childhood special education, employing or contracting for the services of at  
18 least one licensed professional educator with an endorsement in early  
19 childhood education or in early childhood special education under chapter 51  
20 of this title for at least three hours per week during each of the 35 weeks per  
21 year in which prekindergarten education is paid for with publicly funded

1 tuition to provide regular, active supervision and training of the private  
2 provider's staff.

3 (2) A ~~licensed~~ public provider shall ~~employ or contract~~ meet minimum  
4 program quality by:

5 (A) employing or contracting for the services of at least one teacher  
6 who is licensed and endorsed licensed professional educator with an  
7 endorsement in early childhood education or in early childhood special  
8 education under chapter 51 of this title to provide direct instruction during the  
9 hours that are publicly funded; and

10 (B) meeting safety and quality rules adopted by the State Board of  
11 Education.

12 ~~(3) A registered home provider that is not licensed and endorsed in early~~  
13 ~~childhood education or early childhood special education shall receive regular,~~  
14 ~~active supervision and training from a teacher who is licensed and endorsed in~~  
15 ~~early childhood education or in early childhood special education under~~  
16 ~~chapter 51 of this title.~~

17 (d) Tuition, ~~budgets~~ payments, and average daily membership.

18 (1) On behalf of a ~~resident~~ prekindergarten child, ~~a district~~ the Secretary  
19 shall pay tuition for prekindergarten education for ten hours per week for  
20 35 weeks annually to a ~~prequalified~~ private provider or to a public school  
21 ~~outside the district that is prequalified pursuant to subsection (c) of this~~

1 ~~section; provided, however, that the district shall pay tuition for weeks that are~~  
2 ~~within the district's academic year~~ provider that is not the child's district of  
3 residence. Tuition Notwithstanding subsection 4025(d) of this title, tuition  
4 paid under this section shall be paid from the Education Fund at a statewide  
5 rate, which may be adjusted regionally, that is established annually through a  
6 process ~~jointly~~ developed and implemented by the ~~Agencies~~ Agency of  
7 Education ~~and of Human Services~~. ~~A district shall pay tuition upon~~ The  
8 Secretary shall establish procedures for payment of tuition to a public provider  
9 that is not the child's district of residence and a private provider that require, at  
10 a minimum, receiving:

11 (A) ~~receiving~~ annual notice from the child's parent or guardian that  
12 the child ~~is or will be admitted to the~~ chooses to participate in a publicly  
13 funded prekindergarten education program operated by the ~~prequalified~~ public  
14 provider that is not the child's district of residence or private provider or the  
15 ~~other district; and~~

16 (B) concurrent enrollment of the prekindergarten child in the district  
17 ~~of residence for purposes of budgeting and determining average daily~~  
18 ~~membership~~ notice from the public provider that is not the child's district of  
19 residence or private provider that the child is enrolled in its program; and

20 (C) a request for reimbursement from the public provider that is not  
21 the child's district of residence or the private provider that reports enrollment

1 for the period covered by the request and certifies that the provider is eligible  
2 for public funding under subsection (c) of this section for the period covered  
3 by the request.

4 (2) In addition to any direct costs of operating a prekindergarten  
5 education program, a district of residence shall include ~~anticipated tuition~~  
6 ~~payments and~~ any administrative, quality assurance, quality improvement,  
7 transition planning, or other prekindergarten-related costs in its annual budget  
8 presented to the voters.

9 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of  
10 residence may include within its average daily membership any  
11 ~~prekindergarten~~ resident child ~~for whom it has provided~~ who is enrolled in a  
12 ~~prekindergarten education or on whose behalf it has paid tuition pursuant to~~  
13 ~~this section~~ program.

14 (4) A ~~prequalified~~ private provider, or a public provider that is not the  
15 child's district of residence, may receive additional payment directly from the  
16 parent or guardian only for prekindergarten education in excess of the publicly  
17 funded hours paid for ~~by the district~~ pursuant to this ~~section~~ subsection or for  
18 child care services, or both. The provider is not bound by the statewide rate  
19 established in this subsection when determining the rates it will charge the  
20 parent or guardian for these excess hours. A provider shall not impose  
21 additional fees for the publicly funded hours.

1 (e) Rules. The Secretary of Education ~~and the Commissioner for Children~~  
2 ~~and Families shall jointly develop and agree to rules and present them~~ shall  
3 propose rules to the State Board for adoption under 3 V.S.A. chapter 25 as  
4 follows:

5 (1) ~~To permit private providers that are not prequalified pursuant to~~  
6 ~~subsection (c) of this section to create new or continue existing partnerships~~  
7 ~~with school districts through which the school district provides supports that~~  
8 ~~enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and~~  
9 ~~through which the district may or may not make in-kind payments as a~~  
10 ~~component of the statewide tuition established under this section.~~

11 (2) ~~To authorize a district to begin or expand a school-based~~  
12 ~~prekindergarten education program only upon prior approval obtained through~~  
13 ~~a process jointly overseen by the Secretaries of Education and of Human~~  
14 ~~Services, which shall be based upon analysis of the number of prekindergarten~~  
15 ~~children residing in the district and the availability of enrollment opportunities~~  
16 ~~with prequalified private providers in the region. Where the data are not clear~~  
17 ~~or there are other complex considerations, the Secretaries may choose to~~  
18 ~~conduct a community needs assessment.~~

19 (3) ~~To require that the school district provides opportunities for effective~~  
20 ~~parental participation in the prekindergarten education program.~~

21 (4) ~~To establish a process by which:~~



1           ~~(A) a parent or guardian notifies the district that the prekindergarten~~  
2           ~~child is or will be admitted to a prekindergarten education program not~~  
3           ~~operated by the district and concurrently enrolls the child in the district~~  
4           ~~pursuant to subdivision (d)(1) of this section;~~

5           ~~(B) a district:~~

6           ~~(i) pays tuition pursuant to a schedule that does not inhibit the~~  
7           ~~ability of a parent or guardian to enroll a prekindergarten child in a~~  
8           ~~prekindergarten education program or the ability of a prequalified private~~  
9           ~~provider to maintain financial stability; and~~

10           ~~(ii) enters into an agreement with any provider to which it will pay~~  
11           ~~tuition regarding quality assurance, transition, and any other matters; and~~

12           ~~(C) a provider that has received tuition payments under this section~~  
13           ~~on behalf of a prekindergarten child notifies a district that the child is no longer~~  
14           ~~enrolled.~~

15           ~~(5) To establish a process to calculate an annual statewide tuition rate~~  
16           ~~that is based upon the actual cost of delivering ten hours per week of~~  
17           ~~prekindergarten education that meets all established quality standards and to~~  
18           ~~allow for regional adjustments to the rate.~~

19           ~~(6) [Repealed.]~~

1           ~~(7) To require a district to include identifiable costs for prekindergarten~~  
2           ~~programs and essential early education services in its annual budgets and~~  
3           ~~reports to the community.~~

4           ~~(8) To require a district to report to the Agency of Education annual~~  
5           ~~expenditures made in support of prekindergarten education, with distinct~~  
6           ~~figures provided for expenditures made from the General Fund, from the~~  
7           ~~Education Fund, and from all other sources, which shall be specified.~~

8           ~~(9) To provide an administrative process for:~~

9           ~~(A) a parent, guardian, or provider to challenge an action of a school~~  
10           ~~district or the State when the complainant believes that the district or State is in~~  
11           ~~violation of State statute or rules regarding prekindergarten education; and~~

12           ~~(B) a school district to challenge an action of a provider or the State~~  
13           ~~when the district believes that the provider or the State is in violation of State~~  
14           ~~statute or rules regarding prekindergarten education.~~

15           ~~(10) To establish a system by which the Agency of Education and~~  
16           ~~Department for Children and Families shall jointly monitor and evaluate~~  
17           ~~prekindergarten education programs to promote optimal results for children~~  
18           ~~that support the relevant population level outcomes set forth in 3 V.S.A.~~  
19           ~~§ 2311 and to collect data that will inform future decisions. The Agency and~~  
20           ~~Department shall be required to report annually to the General Assembly in~~  
21           ~~January. At a minimum, the system shall monitor and evaluate:~~

1           ~~(A) programmatic details, including the number of children served,~~  
2           ~~the number of private and public programs operated, and the public financial~~  
3           ~~investment made to ensure access to quality prekindergarten education;~~

4           ~~(B) the quality of public and private prekindergarten education~~  
5           ~~programs and efforts to ensure continuous quality improvements through~~  
6           ~~mentoring, training, technical assistance, and otherwise; and~~

7           ~~(C) the results for children, including school readiness and~~  
8           ~~proficiency in numeracy and literacy.~~

9           ~~(11) To establish a process for documenting the progress of children~~  
10           ~~enrolled in prekindergarten education programs and to require public and~~  
11           ~~private providers to use the process to:~~

12           ~~(A) help individualize instruction and improve program practice; and~~

13           ~~(B) collect and report child progress data to the Secretary of~~  
14           ~~Education on an annual basis.~~

15           (1) To require that the Secretary provide opportunities for effective  
16           parental participation in the prekindergarten education program.

17           (2) To establish a process by which tuition payments are requested and  
18           made that includes the conditions in subdivisions (d)(1)(A)–(C) of this section.

19           (3) To establish a process to calculate an annual statewide tuition rate  
20           that is based upon the actual cost of delivering ten hours per week of

1 prekindergarten education meeting all established quality standards and to  
2 allow for regional adjustments to the rate.

3 (4) To provide an administrative process for:

4 (A) a parent or guardian to challenge a provider's action or inaction  
5 with respect to enrollment or billing; and

6 (B) a provider to appeal a decision of the Secretary not to pay a  
7 request for reimbursement.

8 (5) To establish a system by which the Secretary shall evaluate  
9 implementation of publicly funded prekindergarten education programs to  
10 promote optimal results for children that support the relevant population-level  
11 outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future  
12 decisions. The Secretary shall report annually to the General Assembly in  
13 January on the prior year. At a minimum, the system shall evaluate:

14 (A) programmatic details, including the total number of children  
15 enrolled and the number of children enrolled in private programs and in public  
16 programs, the number of private and public programs operated, and the public  
17 financial investment made to ensure access to quality prekindergarten  
18 education;

19 (B) the quality criteria of public and private kindergarten education  
20 programs, training, and technical assistance; and

1           (C) the results for children, including school readiness, proficiency in  
2           numeracy and literacy, and social and emotional development.

3           (6) To establish a process for documenting the progress of children  
4           enrolled in publicly funded prekindergarten education programs and to require  
5           public and private providers to use the process to:

6           (A) help individualize instruction and improve program practice; and

7           (B) collect and report child progress data as required by the Secretary  
8           on an annual basis.

9           (7) To establish safety and quality requirements for public providers. In  
10           establishing these safety and quality requirements, the Secretary shall consult  
11           with the Agency of Human Services and recommend to the State Board safety  
12           and quality requirements that align with the requirements for private providers,  
13           except to the extent that the Secretary determines that there are compelling  
14           reasons that are unique to the public school environment that justify applying  
15           different requirements.

16           (8) To require a district to include identifiable costs for prekindergarten  
17           programs and essential early education services in its annual budgets and  
18           reports to the community.

19           ~~(f) Other provisions of law. Section 836 of this title shall not apply to this~~  
20           ~~section.~~

1       ~~(g)~~ Limitations. Nothing in this section shall be construed to permit or  
2       require payment of public funds to a private provider of prekindergarten  
3       education in violation of Chapter I, Article 3 of the Vermont Constitution or in  
4       violation of the Establishment Clause of the U.S. Constitution.

5       ~~(h) Geographic limitations.~~

6             ~~(1) Notwithstanding the requirement that a district pay tuition to any~~  
7       ~~prequalified public or private provider in the State, a school board may choose~~  
8       ~~to limit the geographic boundaries within which the district shall pay tuition by~~  
9       ~~paying tuition solely to those prequalified providers in which parents and~~  
10       ~~guardians choose to enroll resident prekindergarten children that are located~~  
11       ~~within the district's "prekindergarten region" as determined in subdivision (2)~~  
12       ~~of this subsection.~~

13             ~~(2) For purposes of this subsection, upon application from the school~~  
14       ~~board, a district's prekindergarten region shall be determined jointly by the~~  
15       ~~Agencies of Education and of Human Services in consultation with the school~~  
16       ~~board, private providers of prekindergarten education, parents and guardians of~~  
17       ~~prekindergarten children, and other interested parties pursuant to a process~~  
18       ~~adopted by rule under subsection (e) of this section. A prekindergarten region:~~

19             ~~(A) shall not be smaller than the geographic boundaries of the school~~  
20       ~~district;~~

1           ~~(B) shall be based in part upon the estimated number of~~  
2           ~~prekindergarten children residing in the district and in surrounding districts, the~~  
3           ~~availability of prequalified private and public providers of prekindergarten~~  
4           ~~education, commuting patterns, and other region-specific criteria; and~~

5           ~~(C) shall be designed to support existing partnerships between the~~  
6           ~~school district and private providers of prekindergarten education.~~

7           ~~(3) If a school board chooses to pay tuition to providers solely within its~~  
8           ~~prekindergarten region, and if a resident prekindergarten child is unable to~~  
9           ~~access publicly funded prekindergarten education within that region, then the~~  
10          ~~child's parent or guardian may request and in its discretion the district may pay~~  
11          ~~tuition at the statewide rate for a prekindergarten education program operated~~  
12          ~~by a prequalified provider located outside the prekindergarten region.~~

13          ~~(4) Except for the narrow exception permitting a school board to limit~~  
14          ~~geographic boundaries under subdivision (1) of this subsection, all other~~  
15          ~~provisions of this section and related rules shall continue to apply.~~

16          Sec. 10. 16 V.S.A. § 4010 is amended to read:

17          § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

18          (a) On or before the first day of December during each school year, the  
19          Secretary shall determine the average daily membership of each school district  
20          for the current school year. The determination shall list separately:





1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

Secondary 1.13

\* \* \*

Sec. 11. 33 V.S.A. § 3502 is amended to read:

§ 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC  
SCHOOLS; 21ST CENTURY FUND

(a) Unless exempted under subsection (b) of this section, a person shall not operate a child care facility without a license, or operate a family child care home without registration from the Department.

(b) The following persons are exempted from the provisions of subsection (a) of this section:

\* \* \*

(5) an after-school program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the Agency of Education, unless the after-school program asks to participate in the child care subsidy program; and

(6) a public provider of prekindergarten education, as defined under 16 V.S.A. § 829(a)(4), unless the public provider participates in the child care subsidy program.

\* \* \*

1 Sec. 12. 16 V.S.A. § 11 is amended to read:

2 § 11. CLASSIFICATIONS AND DEFINITIONS

3 (a) As used in this title, unless the context otherwise clearly requires:

4 \* \* \*

5 (31) “Early childhood education,” “early education,” or  
6 “prekindergarten education” means services designed to provide  
7 developmentally appropriate early development and learning experiences  
8 based on Vermont’s early learning standards to ~~children~~ a child who ~~are three~~  
9 ~~to four years of age and to five-year-old children who are not eligible for or~~  
10 ~~enrolled in kindergarten~~ is:

11 (A) three or four years of age or is five years of age but is not yet  
12 eligible to be enrolled in kindergarten; or

13 (B) five years of age but is not yet enrolled in kindergarten if the  
14 child is on an individualized education program or a plan under Section 504 of  
15 the Rehabilitation Act of 1973 and the child’s individualized education  
16 program team or evaluation and planning team recommends that the child  
17 receive prekindergarten education services.

18 \* \* \*

19 **Sec. 13. PREKINDERGARTEN ADVISORY COMMITTEE; REPORT**

1        (a) Creation. There is created the Prekindergarten Advisory Committee to  
2        make recommendations on how to improve the funding and delivery models  
3        for prekindergarten education in Vermont.

4        (b) Membership. The Committee shall be composed of the following five  
5        members:

6            (1) two current members of the House of Representatives, not from the  
7            same political party, who shall be appointed by the Speaker of the House;

8            (2) two current members of the Senate, not from the same political  
9            party, who shall be appointed by the Committee on Committees; and

10          (3) one member appointed by the Governor, which member shall serve  
11          as the Committee's Chair.

12          (c) Powers and duties. The Committee shall study the funding and delivery  
13          of prekindergarten education in Vermont, including the following issues:

14            (1) whether the current delivery and funding models are working  
15            effectively to provide prekindergarten educational services, and if not, the  
16            issues with the current models and proposals to enhance the quality and  
17            effectiveness of these models;

18            (2) whether the statutory changes in Secs. 9-12 of this act adequately  
19            address concerns with the current delivery and funding models for  
20            prekindergarten educational services;

1           (3) whether to extend the publicly funded entitlement to prekindergarten  
2           education beyond the 10 hours per week for 35 weeks a year that is currently  
3           required by requiring public elementary schools to offer prekindergarten  
4           education either directly or by contract;

5           (4) whether to extend kindergarten education to include children who  
6           are four years of age;

7           (5) how to simplify regulatory oversight and administration of  
8           prekindergarten education; and

9           (6) how to ensure that funding for prekindergarten education is equitable  
10           and does not create undesirable outcomes for prekindergarten students, their  
11           parents or guardians, or providers of prekindergarten educational services or  
12           child care services.

13           (d) Assistance. The Committee shall have the administrative, technical,  
14           and legal assistance of the Office of Legislative Council and the Joint Fiscal  
15           Office.

16           (e) Report. On or before December 15, 2018, the Committee shall submit a  
17           written report to the House and Senate Committees on Education, the House  
18           Committee on Human Services, and the Senate Committee on Health and  
19           Welfare with its findings and any recommendations for legislative action.

20           (f) Meetings.

1           (1) The Chair shall call the first meeting of the Committee to occur on or  
2 before July 15, 2018.

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

4           (3) The Committee shall cease to exist on December 16, 2018.

5           (g) Compensation, reimbursement, and appropriations.

6           (1) For attendance at meetings during adjournment of the General  
7 Assembly, a legislative member of the Committee shall be entitled to per diem  
8 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for  
9 not more than six meetings. The sum of \$5,256.00 is appropriated to the  
10 General Assembly for fiscal year 2019 for the per diem compensation and  
11 expense reimbursements authorized by this section to be paid to the members  
12 of the Committee who are members of the General Assembly.

13           (2) If the other member of the Committee is not an employee of the  
14 State of Vermont and is not otherwise compensated or reimbursed for his or  
15 her attendance, he or she shall be entitled to per diem compensation and  
16 reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than six  
17 meetings. The sum of \$732.00 is appropriated to the Governor's office from  
18 the General Fund in fiscal year 2019 for per diem compensation and  
19 reimbursement of expenses for the member of the Committee appointed by the  
20 Governor.



1 Asian, Pacific Island, Latin American, Middle Eastern, or European descent,  
2 and people who are members of any religious group that has, since the year  
3 1900, suffered systematic persecution due to their religious beliefs.

4 (3) “Ethnic studies” means the instruction of students in prekindergarten  
5 through grade 12 in the historical contributions and perspectives of ethnic  
6 groups and social groups.

7 (4) “Social group” refers to a group composed of individuals who:

8 (A) self-identify with a specific sex: male, female, or nonbinary;

9 (B) have a disability;

10 (C) are immigrants, refugees, or seeking asylum;

11 (D) are living in poverty; or

12 (E) are lesbian, gay, bisexual, transgender, queer, questioning,

13 intersex, or asexual.

14 (b) Creation and composition. The Ethnic and Social Equity Standards  
15 Advisory Working Group is established. The Working Group shall comprise  
16 the following 16 members:

17 (1) eight members who are members of, and represent the interests of,  
18 ethnic groups and social groups, appointed by the Agency of Education;

19 (2) a Vermont-based, college-level faculty expert in ethnic studies;

20 (3) the Secretary of Education or designee;

1           (4) the Executive Director of the Vermont-National Education

2           Association or designee;

3           (5) an Assistant Attorney General in the Office of the Vermont Attorney

4           General with experience working with the Agency of Education on racial and

5           social justice issues in schools;

6           (6) the Executive Director of the Vermont School Boards Association or

7           designee;

8           (7) a representative for the Vermont Principals' Association with

9           expertise in the development of school curriculum;

10           (8) a representative for the Vermont Curriculum Leaders

11           Association; and

12           (9) the Executive Director of the Vermont Superintendents' Association

13           or designee.

14           (c) Appointment and operation.

15           (1) The Agency of Education shall appoint the **eight members who**

16           **represent ethnic groups and social groups and the member identified under**

17           **subdivision (b)(2) of this section after consulting** with the Vermont Coalition

18           for Ethnic and Social Equity in Schools (Coalition). Appointments of

19           members to fill vacancies to these positions shall be made by the Agency of

20           Education **after consulting** with the Coalition.



1           (2) As a group, the Working Group shall represent the breadth of  
2           geographic areas within the State and shall have experience in the areas of  
3           ethnic standards or studies, social justice, and inclusivity.

4           (3)(A) The Secretary of Education or designee shall call the first  
5           meeting of the Working Group to occur on or before October 1, 2018.

6           (B) The Working Group shall select a chair from among its members  
7           at the first meeting.

8           (C) A majority of the membership shall constitute a quorum.

9           (D) The Working Group shall cease to exist on July 1, 2021.

10          (d) Compensation and reimbursement. Members of the Committee who are  
11          not employees of the State of Vermont and who are not otherwise compensated  
12          or reimbursed for their attendance shall be entitled to per diem compensation  
13          and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than  
14          ten meetings per year. These payments shall be made from monies  
15          appropriated to the Agency of Education.

16          (e) Appropriation. The sum of \$13,420.00 is appropriated to the Agency of  
17          Education from the General Fund for fiscal year 2019 for the per diem  
18          compensation and expense reimbursements authorized by this section to be  
19          paid to the members of the Ethnic and Social Equity Standards Advisory  
20          Working Group. The Agency shall include in its budget request to the General  
21          Assembly for fiscal years 2020 and 2021 the amount of \$13,420.00 for the per

1 diem compensation and expense reimbursements authorized by this section to  
2 be paid to members of the Working Group.

3 (f) Duties of the Working Group.

4 (1) The Working Group shall review statewide curriculum standards  
5 adopted by the State Board of Education and, on or before June 30, 2020,  
6 recommend to the State Board additional standards to recognize fully the  
7 history, contribution, and perspectives of ethnic groups and social groups.

8 These recommended additional standards shall be designed to increase:

9 (A) cultural competency of students in prekindergarten through  
10 grade 12; and

11 (B) attention to the history, contribution, and perspectives of ethnic  
12 groups and social groups.

13 (2) The Working Group shall review all existing State statutes regarding  
14 school policies and recommend to the General Assembly proposed statutory  
15 changes with the following goals:

16 (A) Ensuring that the school curriculum:

17 (i) promotes critical thinking regarding the history, contribution,  
18 and perspectives of ethnic groups and social groups;

19 (ii) includes content and related instructional materials and  
20 methods that enable students to explore safely questions of identity and  
21 membership in ethnic groups and social groups, race equality, and racism; and

1                    (iii) facilitates a welcoming environment for all students while  
2                    taking into account parental concerns about bias or exclusion of ethnic groups  
3                    or social groups.

4                    (B) Ensuring engagement opportunities that provide families a  
5                    welcoming means of raising any concern about their child’s experience as it  
6                    bears on race or ethnic or social group identity at school.

7                    (3) The Working Group may include in its report to the General  
8                    Assembly under subdivision (f)(3) of this section any statute, State Board rule,  
9                    or school district policy that it has identified as needing review or amendment  
10                  in order to:

11                  (A) specify prohibited conduct as it relates to racism, sexism,  
12                  ableism, and other social biases, and refers to the process through which  
13                  alleged misconduct will be addressed, including disciplinary action as  
14                  appropriate;

15                  (B) establish disciplinary responses to racial or ethnic and social  
16                  group incidents that include the utilization of restorative practices where  
17                  appropriate; and

18                  (C) ensure that the school provides all its personnel training in how  
19                  best to address bias incidents.

20                  (g) Reports.

1           (1) The Working Group shall, on or before March 1, 2019, submit a  
2           report to the General Assembly that includes:

3                   (A) the membership of the Working Group and its meeting schedule;

4                   (B) its plan to accomplish the work described in subdivision (f)(1) of  
5           this section, including the timeline for reviewing all statewide curriculum  
6           standards and for its recommendation to the State Board of additional  
7           standards to recognize fully the history, contribution, and perspectives of  
8           ethnic groups and social groups; and

9                   (C) its plan to accomplish the work described in subdivision (f)(2) of  
10           this section, including the timeline for reviewing all existing State statutes  
11           regarding school policies and drafting proposed legislation.

12           (2) The Working Group shall, on or before December 15, 2019, submit a  
13           report to the General Assembly including:

14                   (A) the membership of the Working Group and its meeting schedule;

15                   (B) recommended statutory changes under subdivision (f)(2) of this  
16           section; and

17                   (C) recommendations for training and appropriations to support  
18           implementation of the recommended statutory changes.

19           (3) The Working Group shall, on or before July 1, 2021, submit a report  
20           to the General Assembly including:

1                    (A) any further recommended statutory changes under subdivision

2                    (f)(2) of this section; and

3                    (B) recommendations for training and appropriations to support

4                    implementation of the recommended changes.

5                    (h) Duties of the State Board of Education. The Board of Education shall,  
6                    on or before June 30, 2021, consider adopting ethnic and social equity studies  
7                    standards into existing statewide curriculum standards for public school  
8                    students and approved independent school students in prekindergarten through  
9                    grade 12. The State Board shall consider the report submitted by the Working  
10                   Group under subdivision (f)(1) of this section when determining the standards  
11                   to adopt.

12                   Sec. 16. 16 V.S.A. § 164 is amended to read:

13                   § 164. STATE BOARD; GENERAL POWERS AND DUTIES

14                   The State Board shall evaluate education policy proposals, including timely  
15                   evaluation of policies presented by the Governor and Secretary; engage local  
16                   school board members and the broader education community; and establish  
17                   and advance education policy for the State of Vermont. In addition to other  
18                   specified duties, the Board shall:

19                   \* \* \*

20                   (17) Report annually on the condition of education statewide and on a  
21                   ~~school by school~~ supervisory union and school district basis. The report shall

1 include information on attainment of standards for student performance  
2 adopted under subdivision (9) of this section, number and types of complaints  
3 of harassment, hazing, or bullying made pursuant to chapter 9, subchapter 5 of  
4 this title and responses to the complaints, financial resources and expenditures,  
5 and community social indicators. The report shall be organized and presented  
6 in a way that is easily understandable by the general public and that enables  
7 each school, school district, and supervisory union to determine its strengths  
8 and weaknesses. To the extent consistent with State and federal privacy laws  
9 and regulations, data on student performance and hazing, harassment, or  
10 bullying incidents shall be disaggregated by student groups, including ethnic  
11 and racial groups, poverty status, disability status, English language learner  
12 status, and gender. The Secretary shall use the information in the report to  
13 determine whether students in each school, school district, and supervisory  
14 union are provided educational opportunities substantially equal to those  
15 provided in other schools, school districts, and supervisory unions pursuant to  
16 subsection 165(b) of this title.

17 \* \* \*

18 \* \* \* Expanded Learning Opportunities \* \* \*

19 Sec. 17. 16 V.S.A. chapter 100 is added to read:

20 CHAPTER 100. EXPANDED LEARNING OPPORTUNITIES

21 § 2911. DEFINITIONS

1 As used in this title:

2 (1) “Expanded Learning Opportunity (ELO)” means a structured  
3 program designed to serve prekindergarten through secondary school-aged  
4 children and youths outside the school day and year on a regular basis,  
5 including before and after school and during the summer, by providing  
6 opportunities for personal, emotional, and academic growth for children and  
7 youths.

8 (2) “ELO Committee” means the Expanded Learning Opportunities  
9 Review Committee created by section 2912 of this chapter.

10 (3) “ELO Special Fund” means the Vermont Expanded Learning  
11 Opportunities Special Fund, under section 2913 of this chapter.

12 § 2912. EXPANDED LEARNING OPPORTUNITIES REVIEW

13 COMMITTEE; REPORT

14 (a) Creation; membership. There is created an Expanded Learning  
15 Opportunities Review Committee, to be composed of the following 12  
16 members:

17 (1) the Secretary of Education or designee;

18 (2) the Commissioner for Children and Families or designee;

19 (3) the Commissioner of Labor or designee;

20 (4) the Director of Vermont Afterschool, Inc. or designee;

1           (5) one current member of the House of Representatives, who shall be  
2 appointed by the Speaker of the House;

3           (6) one current member of the Senate, who shall be appointed by the  
4 Committee on Committees;

5           (7) one member representing private foundations or Vermont's  
6 philanthropic community, one member representing the business community,  
7 and one member representing the education community, appointed by the  
8 Prekindergarten-16 Council; and

9           (8) three members representing ELO programs that have been in  
10 operation since at least July 1, 2017, with one member to be appointed each by  
11 the Governor, the Speaker of the House, and the Committee on Committees.

12           (b) Duties. The Committee shall:

13           (1) recommend to the Agency of Education grants to be awarded from  
14 the ELO Special Fund; and

15           (2) work with the philanthropic and business communities in Vermont  
16 to pursue and accept grants or other funding from any public or private source  
17 for the ELO Special Fund.

18           (c) Terms. ELO Committee members shall serve, commencing on  
19 January 1, three-year terms or until the member's earlier resignation or  
20 removal, except for legislative members, who shall be appointed to two-year  
21 terms that mirror their legislative terms. A nonlegislative ELO Committee



1 member may be appointed prior to January 1, 2019, in which case the initial  
2 term of that member shall extend to January 1, 2022. A legislative ELO  
3 Committee member may be appointed after the beginning of the legislator's  
4 legislative term and prior to January 1, 2019, in which case the initial term of  
5 that member shall extend to the end of the legislator's next two-year legislative  
6 term. The respective appointing authority shall fill a vacancy for the remainder  
7 of any unexpired term. An appointed member shall not serve more than three  
8 full consecutive terms. A legislator's service on the ELO Committee shall  
9 terminate on the date that the legislator no longer serves as a member of the  
10 General Assembly.

11 (d) Officers; subcommittees; rules. The ELO Committee shall elect a chair  
12 from among its members. It may elect other officers, establish subcommittees,  
13 and adopt procedural rules as it determines necessary and appropriate to  
14 perform its work.

15 (e) Quorum; voting; meetings.

16 (1) A majority of all members shall constitute a quorum.

17 (2) Action is taken by the ELO Committee if authorized by a majority of  
18 the members present and voting at any regular or special meeting at which a  
19 quorum is present.

20 (3) The ELO Committee may permit any or all members to participate  
21 in a regular or special meeting by, or conduct the meeting through the use of,

1 any means of electronic communication by which all members participating  
2 may simultaneously or sequentially communicate with each other during the  
3 meeting. A member participating in a meeting by this means is deemed to be  
4 present in person at the meeting.

5 (4) On or before September 1, 2018, the Secretary of Education shall  
6 convene the first meeting of the ELO Committee.

7 (f) Administrative support. The Agency of Education shall provide  
8 administrative support to the ELO Committee, pending available capacity.

9 The Agency may approve administrative support services to be provided at no  
10 cost by one or more of the members of the ELO Committee.

11 (g) Compensation, reimbursement, and appropriations.

12 (1) For attendance at meetings during adjournment of the General  
13 Assembly, legislative members of the ELO Committee shall be entitled to  
14 compensation and reimbursement for expenses pursuant to 2 V.S.A. § 406 for  
15 not more than 12 meetings per year. The sum of \$2,628.00 is appropriated to  
16 the General Assembly for fiscal year 2019 for the per diem compensation and  
17 expense reimbursements authorized by this section to be paid to the members  
18 of the Committee who are members of the General Assembly.

19 (2) Other members of the Committee who are not employees of the State of  
20 Vermont and who are not otherwise compensated or reimbursed for their  
21 attendance shall be entitled to per diem compensation and reimbursement of

1 expenses pursuant to 32 V.S.A. § 1010 for not more than 12 meetings per year.  
2 The sum of \$8,784.00 is appropriated to the Agency of Education from the  
3 General Fund for fiscal year 2019 for the per diem compensation and expense  
4 reimbursements authorized by this section to be paid to these members of the  
5 Committee. The Agency shall include in its budget request to the General  
6 Assembly for each subsequent fiscal year the amount of \$8,784.00 for the per  
7 diem compensation and expense reimbursements authorized by this section to  
8 be paid to these members of the Committee.

9 (h) Report. Notwithstanding 2 V.S.A. § 20(d), the ELO Committee shall  
10 report to the House and Senate Committees on Education and on  
11 Appropriations on or before January 15 annually regarding the ELO  
12 Committee's activities, including its recommendations to the Agency of  
13 Education regarding the awarding of grants from the ELO Special Fund.

14 (i) Sunset. This section is repealed on July 1, 2023.

15 § 2913 VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
16 FUND

17 There is established the Vermont Expanded Learning Opportunities Special  
18 Fund comprising grants, donations, and contributions from any private or  
19 public source. Monies in the ELO Special Fund shall be available to the  
20 Agency of Education for the purpose of increasing access to ELOs throughout  
21 Vermont. The Commissioner of Finance and Management may draw warrants

1 for disbursements from the Fund in anticipation of receipts. The Fund shall be  
2 administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest  
3 earned and any remaining balance at the end of the fiscal year shall be retained  
4 and carried forward in the Fund.

5 Sec.18. 16 V.S.A. § 2906 is amended to read:

6 § 2906. VERMONT EXPANDED LEARNING OPPORTUNITIES SPECIAL  
7 FUND ESTABLISHED

8 (a) As used in this section, “Expanded Learning Opportunity” means a  
9 structured program designed to serve prekindergarten through secondary  
10 school-age children and youth outside the school day and year on a regular  
11 basis, including before and after school and during the summer, by providing  
12 opportunities for personal, emotional, and academic growth for children and  
13 youth.

14 (b) There is established a Vermont Expanded Learning Opportunities  
15 Special Fund comprising grants, donations, and contributions from any private  
16 or public source. Monies in the Fund shall be available to the Agency for the  
17 purpose of increasing access to expanded learning opportunities throughout  
18 Vermont. The Commissioner of Finance and Management may draw warrants  
19 for disbursements from this Fund in anticipation of receipts. The Fund shall be  
20 administered pursuant to 32 V.S.A. chapter 7, subchapter 5, except that interest

1 ~~earned and any remaining balance at the end of the fiscal year shall be retained~~  
2 ~~and carried forward in the Fund. [Repealed.]~~

3 \* \* \* Effective Dates \* \* \*

4 Sec. 19. EFFECTIVE DATES

5 (a) Secs. 8 -12 shall take effect July 1, 2019.

6 (b) This section and the remaining sections shall take effect on passage,  
7 and Sec. 4(c) and Sec. 5 shall apply to the subsequent election of district  
8 officers of a unified union school district or a union school district.

9  
10  
11 (Committee vote: \_\_\_\_\_)

12 \_\_\_\_\_

13 Representative \_\_\_\_\_

14 FOR THE COMMITTEE

15  
16  
17 PRELIMINARY COMMITTEE DISCUSSION TO DELETE THESE

18 SECTIONS:

19 \* \* \* Child Abuse and Neglect Hotline \* \* \*

20 Sec. 5. 16 V.S.A. § 914 is added to read:

21 § 914. CHILD ABUSE AND NEGLECT HOTLINE

1        Each public school and each independent school shall post, in a place  
2        clearly visible to students and on its website, the toll-free telephone number  
3        operated by the Department for Children and Families to receive reports of  
4        child abuse and neglect and directions for accessing the office of the  
5        Department for Children and Families. The postings shall be in English,  
6        Spanish, and French.

7                    \* \* \* Postsecondary Educational Institutions; Closing \* \* \*

8        Sec. 6. 16 V.S.A. § 175 is amended to read:

9        § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

10        (a) When an institution of higher education, whether or not chartered in this  
11        State, proposes to discontinue the regular course of instruction, either  
12        permanently or for a temporary period other than a customary vacation period,  
13        the institution shall:

14                (1) promptly inform the State Board;

15                (2) prepare the academic record of each current and former student in a  
16        form satisfactory to the State Board and including interpretive information  
17        required by the Board; and

18                (3) deliver the records to a person designated by the State Board to act  
19        as permanent repository for the institution's records, together with the  
20        reasonable cost of entering and maintaining the records.

21                    \* \* \*

1 (d) When an institution of higher education is unable or unwilling to  
2 comply substantially with the record preparation and delivery requirements of  
3 subsection (a) of this section, the State Board shall bring an action in Superior  
4 Court to compel compliance with this section, and may in a proper case obtain  
5 temporary custody of the records.

6 (e) When an institution of higher education is unable or unwilling to  
7 comply with the requirements of subsection (a) of this section, the State Board  
8 may expend State funds necessary to ensure the proper storage and availability  
9 of the institution's records. The Attorney General shall then seek recovery  
10 under this subsection, in the name of the State, of all of the State's incurred  
11 costs and expenses, including attorney's fees, arising from the failure to  
12 comply. Claims under this subsection shall be a lien on all the property of a  
13 defaulting institution, until all claims under this subsection are satisfied. The  
14 lien shall take effect from the date of filing notice thereof in the records of the  
15 town or towns where property of the defaulting institution is located.

16 \* \* \*

17 ~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall~~  
18 ~~maintain a memorandum of understanding with each of its member colleges~~  
19 ~~under which each member college agrees to:~~

1           ~~(1) upon the request of AVIC, properly administer the student records of~~  
2           ~~a member college that fails to comply with the requirements of subsection (a)~~  
3           ~~of this section; and~~

4           ~~(2) contribute on an equitable basis and in a manner determined in the~~  
5           ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~  
6           ~~selected by AVIC maintaining the records of a member college that fails to~~  
7           ~~comply with the requirements of subsection (a) of this section. If an institution~~  
8           ~~of higher education is placed on probation for financial reasons by its~~  
9           ~~accrediting agency, the institution shall, not later than two days after learning~~  
10           ~~that it has been placed on probation, inform the State Board of Education of its~~  
11           ~~status, and not later than 90 days after being place on probation, shall submit a~~  
12           ~~student record plan to the State Board for approval.~~

13           (2) The student record plan shall include an agreement with an  
14           institution of higher education or other entity to act as a repository for the  
15           institution's records with funds set aside, if necessary, for the permanent  
16           maintenance of the student records.

17           (3) If the State Board does not approve the plan, the State may take  
18           action under subsections (d) and (e) of this section.